

# HOUSE BILL No. 6107

May 21, 2002, Introduced by Rep. Callahan and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding sections 57m and 57n.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 57M. (1) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF  
2 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL  
3 NOT ISSUE A PAYMENT TO A CHILD CARE PROVIDER UNLESS THE DEPART-  
4 MENT HAS PERFORMED A CENTRAL REGISTRY CLEARANCE AND REQUESTED AND  
5 RECEIVED FROM THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
6 STATE POLICE A CRIMINAL HISTORY CHECK ON THAT CHILD CARE  
7 PROVIDER.

8        (2) WHEN THE DEPARTMENT RECEIVES A CRIMINAL HISTORY CHECK  
9 FROM THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE  
10 POLICE ON AN ENROLLED CHILD CARE PROVIDER, THE DEPARTMENT SHALL  
11 IMMEDIATELY DELETE THE ENROLLMENT OF THE CHILD CARE PROVIDER IF

1 THAT CHILD CARE PROVIDER IS FOUND TO HAVE 1 OR MORE OF THE  
2 FOLLOWING RECORDS:

3 (A) A CENTRAL REGISTRY CASE.

4 (B) A CONVICTION RECORD ON THE LEIN SYSTEM.

5 (C) A RECORD OF HAVING HIS OR HER CHILD CARE PROVIDER  
6 LICENSE OR REGISTRATION REVOKED ON THE CHILD CARE LICENSING DATA-  
7 BASE OF THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

8 (3) A CHILD CARE PROVIDER SHALL GIVE WRITTEN CONSENT FOR THE  
9 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO  
10 CONDUCT THE CRIMINAL HISTORY CHECK REQUIRED UNDER THIS SECTION AT  
11 THE TIME OF APPLYING FOR CHILD CARE AUTHORIZATION FROM THE  
12 DEPARTMENT.

13 (4) THE DEPARTMENT SHALL MAKE A REQUEST TO THE CRIMINAL  
14 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE FOR A CRIMINAL  
15 HISTORY CHECK REQUIRED UNDER THIS SECTION IN A MANNER PRESCRIBED  
16 BY THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE  
17 POLICE.

18 (5) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST BY THE  
19 DEPARTMENT FOR A CRIMINAL HISTORY CHECK ON AN INDIVIDUAL UNDER  
20 THIS SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
21 STATE POLICE SHALL CONDUCT THE CRIMINAL HISTORY CHECK AND, AFTER  
22 CONDUCTING THE CRIMINAL HISTORY CHECK AND WITHIN THAT TIME  
23 PERIOD, PROVIDE A REPORT OF THE RESULTS OF THE CRIMINAL HISTORY  
24 CHECK TO THE DEPARTMENT. THE REPORT SHALL CONTAIN ANY CRIMINAL  
25 HISTORY RECORD INFORMATION ON THE INDIVIDUAL MAINTAINED BY THE  
26 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE.

1           (6) CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM THE  
2 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE UNDER  
3 SUBSECTION (5) SHALL BE USED BY THE DEPARTMENT ONLY FOR THE PUR-  
4 POSE OF EVALUATING AN INDIVIDUAL'S QUALIFICATIONS AS A CHILD CARE  
5 PROVIDER. THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR ITS  
6 CONTENTS TO AN INDIVIDUAL WHO IS DIRECTLY INVOLVED IN EVALUATING  
7 THE APPLICANT'S QUALIFICATIONS. AN INDIVIDUAL WHO VIOLATES THIS  
8 SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT  
9 MORE THAN \$10,000.00.

10           (7) THE DEPARTMENT SHALL PERFORM A CENTRAL REGISTRY CLEAR-  
11 ANCE 6 MONTHS FROM THE DATE OF INITIAL AUTHORIZATION BY THE  
12 DEPARTMENT AS A CHILD CARE PROVIDER. THE DEPARTMENT SHALL PER-  
13 FORM A CRIMINAL HISTORY CHECK 12 MONTHS FROM THE DATE OF INITIAL  
14 AUTHORIZATION BY THE DEPARTMENT AS A CHILD CARE PROVIDER AND  
15 ANNUALLY AFTER THE INITIAL AUTHORIZATION.

16           (8) THE DEPARTMENT SHALL PROVIDE TRAINING AT LEAST EVERY 12  
17 MONTHS TO THE FAMILY INDEPENDENCE SPECIALISTS WHO ARE ASSIGNED TO  
18 CARRY OUT THE PROVISIONS OF THIS SECTION.

19           (9) AS USED IN THIS SECTION AND SECTION 57N:

20           (A) "CENTRAL REGISTRY CASE" MEANS THAT TERM AS DEFINED IN  
21 SECTION 2 OF THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.

22           (B) "CHILD CARE PROVIDER" INCLUDES ALL OF THE FOLLOWING:

23           (i) A FAMILY INDEPENDENCE AGENCY ENROLLED DAY CARE AIDE.

24           (ii) A FAMILY INDEPENDENCE AGENCY ENROLLED RELATIVE CARE  
25 PROVIDER.

26           (iii) A CHILD CARE PROVIDER OR EMPLOYEE IN ANY OF THE  
27 FOLLOWING FACILITIES:

1 (A) A REGISTERED FAMILY DAY CARE HOME.

2 (B) A LICENSED GROUP DAY CARE HOME.

3 (C) A LICENSED DAY CARE CENTER.

4 (C) "CRIMINAL HISTORY RECORD INFORMATION" MEANS THAT TERM AS  
5 DEFINED IN SECTION 1A OF 1925 PA 289, MCL 28.241A.

6 (D) "DAY CARE CENTER", "FAMILY DAY CARE HOME", AND "GROUP  
7 DAY CARE HOME" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF 1973  
8 PA 116, MCL 722.111.

9 (E) "LEIN" MEANS THE LAW ENFORCEMENT INFORMATION NETWORK  
10 REGULATED UNDER THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974  
11 PA 163, MCL 28.211 TO 28.216.

12 SEC. 57N. (1) IN ADDITION TO THE CENTRAL REGISTRY CLEARANCE  
13 AND CRIMINAL HISTORY CHECK REQUIRED UNDER SECTION 57M, THE  
14 DEPARTMENT SHALL REQUEST THE DEPARTMENT OF STATE POLICE TO CON-  
15 DUCT A CRIMINAL RECORDS CHECK THROUGH THE FEDERAL BUREAU OF  
16 INVESTIGATION ON A CHILD CARE PROVIDER APPLICANT. THE DEPARTMENT  
17 SHALL REQUIRE THE INDIVIDUAL TO SUBMIT HIS OR HER FINGERPRINTS TO  
18 THE DEPARTMENT OF STATE POLICE FOR THE PURPOSE OF REQUESTING A  
19 CRIMINAL RECORDS CHECK. THE DEPARTMENT SHALL REQUIRE AN INDIVID-  
20 UAL TO SUBMIT HIS OR HER FINGERPRINTS FOR THE PURPOSES OF THIS  
21 SECTION ONLY AT THE TIME THE INDIVIDUAL INITIALLY APPLIES FOR  
22 AUTHORIZATION FOR PAYMENT AS A CHILD CARE PROVIDER.

23 (2) AN INDIVIDUAL AS DESCRIBED IN SUBSECTION (1) SHALL GIVE  
24 WRITTEN CONSENT AT THE TIME OF APPLICATION FOR THE CRIMINAL  
25 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE TO CONDUCT THE  
26 CRIMINAL RECORDS CHECK REQUIRED UNDER THIS SECTION.

1           (3) THE DEPARTMENT SHALL MAKE A REQUEST TO THE DEPARTMENT OF  
2 STATE POLICE FOR A CRIMINAL RECORDS CHECK UNDER THIS SECTION IN A  
3 MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE.

4           (4) THE RESULTS OF A CRIMINAL RECORDS CHECK UNDER THIS SEC-  
5 TION SHALL BE USED BY THE DEPARTMENT ONLY FOR THE PURPOSE OF  
6 EVALUATING AN INDIVIDUAL'S QUALIFICATIONS AS A CHILD CARE  
7 PROVIDER. THE DEPARTMENT SHALL ONLY DISCLOSE THOSE RESULTS TO AN  
8 INDIVIDUAL WHO IS DIRECTLY INVOLVED IN EVALUATING THE  
9 INDIVIDUAL'S QUALIFICATIONS AS A CHILD CARE PROVIDER. AN INDI-  
10 VIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR  
11 PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00.

12           (5) WITHIN 30 DAYS AFTER RECEIVING A PROPER REQUEST BY THE  
13 DEPARTMENT FOR A CRIMINAL RECORDS CHECK ON AN INDIVIDUAL UNDER  
14 THIS SECTION, THE CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF  
15 STATE POLICE SHALL INITIATE THE CRIMINAL RECORDS CHECK. AFTER  
16 CONDUCTING THE CRIMINAL RECORDS CHECK FOR THE DEPARTMENT, THE  
17 CRIMINAL RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE SHALL  
18 PROVIDE THE RESULTS OF THE CRIMINAL RECORDS CHECK TO THE  
19 DEPARTMENT.