

Act No. 71
Public Acts of 2022
Approved by the Governor
May 5, 2022
Filed with the Secretary of State
May 5, 2022
EFFECTIVE DATE: November 1, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Steven Johnson and LaGrand

ENROLLED HOUSE BILL No. 5534

AN ACT to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 9 (MCL 722.119), as amended by 2017 PA 257.

The People of the State of Michigan enact:

Sec. 9. (1) A licensee, adult member of the household, licensee designee, chief administrator, or program director of a child care organization shall not be present in a child care organization if he or she has been convicted of either of the following:

(a) Child abuse under section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b, or neglect under section 145 of the Michigan penal code, 1931 PA 328, MCL 750.145.

(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire or appointment or of becoming a member of the household.

(2) A staff member or unsupervised volunteer shall not have contact with children who are in the care of a child care organization if he or she has been convicted of either of the following:

(a) Child abuse under section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b, or neglect under section 145 of the Michigan penal code, 1931 PA 328, MCL 750.145.

(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire or appointment.

(3) Except as provided in subsection (5), a licensee, adult member of the household, licensee designee, chief administrator, staff member, or unsupervised volunteer may not have contact with a child who is in the care of a child care organization, until the licensee, adult member of the household, licensee designee, chief administrator, staff member, or volunteer provides the child care organization with documentation from the department that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect. Upon request by the department, the licensee, adult member of the household, licensee designee, chief administrator, staff member, or unsupervised volunteer shall provide the department with an updated authorization for central registry clearance. If an updated central registry clearance documents that a licensee, adult member of the household, licensee designee, chief administrator, staff member, or unsupervised volunteer is named as a perpetrator in a central registry case, he or she may not be present in the child care organization. As used in this subsection and subsection (5), “child abuse” and “child neglect” mean those terms as defined in section 2 of the child protection law, 1975 PA 238, MCL 722.622.

(4) Each child care organization shall establish and maintain a policy regarding supervision of volunteers including volunteers who are parents of a child receiving care at the child care organization.

(5) Staff members or unsupervised volunteers in children’s camps or children’s campsites who are 21 years of age or older may not have contact with a child who is in the care of a children’s camp until the staff member or volunteer provides the children’s camp with documentation from the department of health and human services that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect.

(6) A former applicant or former licensee may request an administrative review by the department responsible for licensure under this act if the license for a child care organization was denied, revoked, or refused renewal due in whole or in part to the person’s placement on the statewide electronic central registry originally maintained under section 7 of the child protection law, 1975 PA 238, MCL 722.627, prior to the effective date of the amendatory act that created the statewide electronic case management system under section 7j of the child protection law, 1975 PA 238, MCL 722.627j, and if the person’s placement on the original central registry was subsequently expunged from the case management system as a central registry case after the effective date of the amendatory act that created the statewide electronic case management system under section 7j of the child protection law, 1975 PA 238, MCL 722.627j. The request for administrative review under this subsection must be submitted in writing addressed to the director of the department responsible for licensure or the director’s designee within 60 days of receipt of the written notification under section 7j of the child protection law, 1975 PA 238, MCL 722.627j, and the local office file under section 7l from the department of health and human services that the person is no longer listed on central registry or named in a central registry case. The administrative review under this subsection is limited to determining if the department will enforce the 5-year prohibition in section 15(4). Within 90 days of receipt of the request for an administrative review under this subsection or receipt of the written notification under section 7j of the child protection law, 1975 PA 238, MCL 722.627j, and the local office file under section 7l from the department of health and human services of the removal of the person listed on the central registry, whichever is later, the director of the department responsible for licensure or the director’s designee shall complete the review and notify the person in writing of the final decision. If the department’s final decision is to enforce the 5-year prohibition in section 15(4), the person may appeal as provided in chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. If the department’s decision is to waive the 5-year prohibition in section 15(4), the former applicant or former licensee may apply for a new license with the department responsible for licensure under this act. As used in this subsection, “local office file” means that term as defined in section 2 of the child protection law, 1975 PA 238, MCL 722.622.

(7) A child care staff member, adult member of the household, or a person who had been determined to be ineligible by the department as provided under section 5q, and who is no longer listed on the central registry nor named in a central registry case, may be eligible to be a child care staff member or adult member of the household as an employee or volunteer if that person complies with the criminal history check required under section 5n and submits documentation to the department from the department of health and human services demonstrating that the person is no longer listed on the central registry or named in a central registry case.

Enacting section 1. This amendatory act takes effect 180 days after the date it is enacted into law.

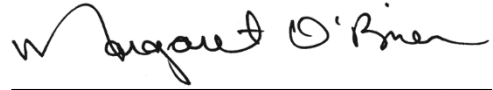
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

- (a) House Bill No. 5275.
- (b) House Bill No. 5594.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5275, referred to in enacting section 2, was filed with the Secretary of State May 5, 2022, and became 2022 PA 64, Eff. Nov. 1, 2022.

House Bill No. 5594, also referred to in enacting section 2, was filed with the Secretary of State May 5, 2022, and became 2022 PA 72, Eff. Nov. 1, 2022.