

**SUBSTITUTE FOR
HOUSE BILL NO. 5534**

A bill 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:

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

1 (a) Child abuse under section 136b of the Michigan penal code,
2 1931 PA 328, MCL 750.136b, or neglect under section 145 of the
3 Michigan penal code, 1931 PA 328, MCL 750.145.

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

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

11 (a) Child abuse under section 136b of the Michigan penal code,
12 1931 PA 328, MCL 750.136b, or neglect under section 145 of the
13 Michigan penal code, 1931 PA 328, MCL 750.145.

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

17 (3) Except as provided in subsection (5), a licensee, adult
18 member of the household, licensee designee, chief administrator,
19 staff member, or unsupervised volunteer may not have contact with a
20 child who is in the care of a child care organization, until the
21 licensee, adult member of the household, licensee designee, chief
22 administrator, staff member, or volunteer provides the child care
23 organization with documentation from the department that he or she
24 has not been named in a central registry case as the perpetrator of
25 child abuse or child neglect. Upon request by the department, the
26 licensee, adult member of the household, licensee designee, chief
27 administrator, staff member, or unsupervised volunteer shall
28 provide the department with an updated authorization for central
29 registry clearance. If an updated central registry clearance

1 documents that a licensee, adult member of the household, licensee
2 designee, chief administrator, staff member, or unsupervised
3 volunteer is named as a perpetrator in a central registry case, he
4 or she may not be present in the child care organization. As used
5 in this subsection and subsection (5), "child abuse" and "child
6 neglect" mean those terms as defined in section 2 of the child
7 protection law, 1975 PA 238, MCL 722.622.

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

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

19 (6) **A former applicant or former licensee may request an**
20 **administrative review by the department responsible for licensure**
21 **under this act if the license for a child care organization was**
22 **denied, revoked, or refused renewal due in whole or in part to the**
23 **person's placement on the statewide electronic central registry**
24 **originally maintained under section 7 of the child protection law,**
25 **1975 PA 238, MCL 722.627, prior to the effective date of the**
26 **amendatory act that created the statewide electronic case**
27 **management system under section 7j of the child protection law,**
28 **1975 PA 238, MCL 722.627j, and if the person's placement on the**
29 **original central registry was subsequently expunged from the case**

1 management system as a central registry case after the effective
2 date of the amendatory act that created the statewide electronic
3 case management system under section 7j of the child protection
4 law, 1975 PA 238, MCL 722.627j. The request for administrative
5 review under this subsection must be submitted in writing addressed
6 to the director of the department responsible for licensure or the
7 director's designee within 60 days of receipt of the written
8 notification under section 7j of the child protection law, 1975 PA
9 238, MCL 722.627j, and the local office file under section 7l from
10 the department of health and human services that the person is no
11 longer listed on central registry or named in a central registry
12 case. The administrative review under this subsection is limited to
13 determining if the department will enforce the 5-year prohibition
14 in section 15(4). Within 90 days of receipt of the request for an
15 administrative review under this subsection or receipt of the
16 written notification under section 7j of the child protection law,
17 1975 PA 238, MCL 722.627j, and the local office file under section
18 7l from the department of health and human services of the removal
19 of the person listed on the central registry, whichever is later,
20 the director of the department responsible for licensure or the
21 director's designee shall complete the review and notify the person
22 in writing of the final decision. If the department's final
23 decision is to enforce the 5-year prohibition in section 15(4), the
24 person may appeal as provided in chapter 6 of the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. If the
26 department's decision is to waive the 5-year prohibition in section
27 15(4), the former applicant or former licensee may apply for a new
28 license with the department responsible for licensure under this
29 act. As used in this subsection, "local office file" means that

1 term as defined in section 2 of the child protection law, 1975 PA
2 238, MCL 722.622.

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

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

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

19 (a) House Bill No. 5275.

20 (b) House Bill No. 5594.