

# HOUSE BILL NO. 5534

November 04, 2021, Introduced by Reps. Steven Johnson and LaGrand and referred to the Committee on Families, Children, and Seniors.

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

1 organization if he or she has been convicted of either of the  
2 following:

3 (a) Child abuse under section 136b of the Michigan penal code,  
4 1931 PA 328, MCL 750.136b, or neglect under section 145 of the  
5 Michigan penal code, 1931 PA 328, MCL 750.145.

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

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

13 (a) Child abuse under section 136b of the Michigan penal code,  
14 1931 PA 328, MCL 750.136b, or neglect under section 145 of the  
15 Michigan penal code, 1931 PA 328, MCL 750.145.

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

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

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

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

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

21 **(6) A former applicant or former licensee may request an**  
22 **administrative review by the department responsible for licensure**  
23 **under this act if the license for a child care organization was**  
24 **denied, revoked, or refused renewal due in whole or in part to the**  
25 **person's placement on the statewide electronic central registry**  
26 **maintained under section 7(1) of the child protection law, 1975 PA**  
27 **238, MCL 722.627, prior to the effective date of the amendatory act**  
28 **that created the statewide electronic case management system under**  
29 **section 7j of the child protection law, 1975 PA 238, MCL 722.627j,**

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

29 (7) A child care staff member, adult member of the household,

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

11 Enacting section 1. This amendatory act does not take effect  
12 unless House Bill No. 5275 of the 101st Legislature is enacted into  
13 law.