

CHILD CARE ORGANIZATIONS (EXCERPT)
Act 116 of 1973

722.115d Conditional offer of employment to person at child care organization; criminal history background check; cost; exception for renewal.

Sec. 5d.

(1) Before a child care organization makes a conditional offer of employment to a person, the child care organization shall perform a criminal history background check on that person using the department of state police's internet criminal history access tool (ICHAT) or equivalent check on that person from the state or province of residence.

(2) If a search of the department of state police's ICHAT or equivalent check on the person from the state or province of residence reveals that the person described in subsection (1) has been convicted of a listed offense, the child care organization shall not make an offer of employment to that person. If a search of the department of state police's ICHAT reveals that a current employee has been convicted of a listed offense, the child care organization shall not continue to employ that person. If a search of the department of state police's ICHAT or equivalent check on that person from the state or province of residence reveals that a person who regularly and continuously works under contract at the child care organization has been convicted of a listed offense, the child care organization shall not allow that person to regularly or continuously work under contract at the child care organization.

(3) A child care organization may pass along the actual cost of a search of the department of state police's ICHAT or equivalent check on that person from the state or province of residence to the employee or applicant on whom the search is being performed.

(4) A child caring institution subject to section 671 of title IV-E of the social security act, 42 USC 671, shall not permit a child caring institution staff member to begin working unless all of the following have been completed:

(a) The department receives written consent from the child caring institution staff member to conduct a criminal history check. The department shall require the person to submit his or her fingerprints to the department of state police and the Federal Bureau of Investigation for the criminal history check.

(b) The child caring institution receives the results of the criminal history check from the department.

(c) If the employee has a criminal conviction, the child caring institution shall complete a written evaluation that addresses the nature of the conviction, the length of time since the conviction was entered, and the relationship between the conviction and regulated activity in the child caring institution for the purpose of determining suitability for employment in the child caring institution.

(5) If a child caring institution is applying to renew its license, a staff member, who has previously undergone a criminal history check required under subsection (4)(a) and has remained continuously employed with the child caring institution that is seeking renewal, is not required to submit to another criminal history check upon renewal of the child caring institution's license.

History: Add. 2005, Act 133, Eff. Jan. 1, 2006 ;-- Am. 2010, Act 379, Imd. Eff. Dec. 22, 2010 ;-- Am. 2017, Act 256, Eff. Mar. 28, 2018 ;-- Am. 2020, Act 10, Imd. Eff. Jan. 27, 2020

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011. For transfer of powers and duties pertaining to children's camp, child care center, day care center, family day care home, and group day care home licensing and regulation from department of human services to department of licensing and regulatory affairs, see E.R.O. No. 2015-1, compiled at MCL 400.227. For transfer of powers and duties relative to the licensing and regulation of child caring institutions, child placing agencies, foster family homes, foster family group homes, and court-operated facilities from department of licensing and regulatory affairs to the department of health and human services, see E.R.O. No. 2018-6, compiled at MCL 722.110. For the transfer of all powers and duties related to the licensing and regulation of children's camps, child care centers, day care centers, family day care homes, and group day care homes from the department of licensing and regulatory affairs to MiLEAP, see E.R.O. No. 2023-2, compiled at MCL 388.1283.

Popular Name: Act 116

Popular Name: Child Care Licensing Act