

# HOUSE BILL No. 4549

May 2, 2019, Introduced by Reps. Crawford and Brenda Carter 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 10 (MCL 722.120), as amended by 2017 PA 257.

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

1           Sec. 10. (1) The department may investigate, inspect, and  
2 examine conditions of a child care organization and may investigate  
3 and examine the books and records of the licensee. The licensee  
4 shall cooperate with the department's investigation, inspection,  
5 and examination by doing all of the following:

6           (a) Admitting members of the department into the child care

1 organization and furnishing all reasonable facilities for thorough  
2 examination of its books, records, and reports.

3 (b) Allowing the department to perform routine investigative  
4 functions during the course of an investigation, inspection, or  
5 examination. Routine investigative functions include, but are not  
6 limited to, interviewing potential witnesses, such as staff and  
7 household members, and taking photographs to assess and document  
8 the conditions of the child care organization and its compliance  
9 with this act and the rules promulgated under this act.

10 (c) Providing accurate and truthful information to the  
11 department, and encouraging witnesses, such as staff and household  
12 members, to provide accurate and truthful information to the  
13 department.

14 (2) The licensee shall allow the department, the bureau of  
15 fire services, or local authorities access to the child care  
16 organization to carry out the provisions of this act and rules  
17 promulgated under this act related to the health or fire protection  
18 of children.

19 (3) A licensee shall keep the records the department  
20 prescribes regarding each child in its control and care and shall  
21 report to the department, ~~when~~**IF** requested, the facts the  
22 department requires with reference to the children upon forms  
23 furnished by the department. Except as otherwise provided in this  
24 subsection and subsection (4), records regarding children and facts  
25 compiled about children and their parents and relatives are  
26 confidential and disclosure of this information shall be properly  
27 safeguarded by the child care organization, the department, and any

1 other entity in possession of the information. Records that are  
2 confidential under this section are available to ~~both~~ **1 OR MORE** of  
3 the following:

4 (a) A standing or select committee or appropriations  
5 subcommittee of either house of the legislature having jurisdiction  
6 over protective services matters for children, according to section  
7 7 of the child protection law, 1975 PA 238, MCL 722.627.

8 (b) The children's ombudsman established in section 3 of the  
9 children's ombudsman act, 1994 PA 204, MCL 722.923.

10 **(C) AN AGENCY, BUREAU, DIVISION, OR OTHER ENTITY WITHIN THE**  
11 **DEPARTMENT, OR A CHILD CARING INSTITUTION OR CHILD PLACING AGENCY**  
12 **CONTRACTED WITH THE DEPARTMENT. ACCESS MUST BE AUTHORIZED BY THE**  
13 **DIRECTOR OF THE DEPARTMENT'S AGENCY RESPONSIBLE FOR CHILD WELFARE**  
14 **SERVICES OR HIS OR HER DESIGNEE TO INDIVIDUALS WHOSE PURPOSE IS**  
15 **DIRECTLY CONNECTED WITH THE ADMINISTRATION OF CHILD WELFARE**  
16 **SERVICES.**

17 **(D) A NATIONAL ACCREDITATION PROGRAM, ONLY WHILE ON-SITE, FOR**  
18 **THE PURPOSE OF REVIEW AND ACCREDITATION OF A CHILD WELFARE PROGRAM,**  
19 **AGENCY, OR ORGANIZATION.**

20 (4) Notwithstanding subsection (3) and sections 5 and 7(2) of  
21 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,  
22 information or records in the possession of the department or the  
23 department of licensing and regulatory affairs may be shared to the  
24 extent necessary for the proper functioning of the department or  
25 the department of licensing and regulatory affairs in administering  
26 child welfare or child care licensing under this act or in an  
27 investigation conducted under section 43b of the social welfare

1 act, 1939 PA 280, MCL 400.43b. Information or records shared under  
2 this subsection shall not be released by the department or the  
3 department of licensing and regulatory affairs unless otherwise  
4 permitted under this act or other state or federal law. Neither the  
5 department nor the department of licensing and regulatory affairs  
6 shall release or open for inspection any document, report, or  
7 record authored by or obtained from another agency or organization  
8 unless 1 of the conditions of section 7(10) of the child protection  
9 law, 1975 PA 238, MCL 722.627, applies.

10 (5) A child care center, group child care home, or family  
11 child care home licensee shall provide the department with child  
12 information cards for all children presently enrolled for care, as  
13 requested by the department, whenever the department initiates or  
14 conducts an investigation, inspection, or assessment. If the  
15 investigation, inspection, or assessment results in the department  
16 pursuing disciplinary action as provided by section 11, the child  
17 care center, group child care home, or family child care home  
18 licensee must provide the department with child information cards  
19 for newly enrolled children for the pendency of the proposed  
20 disciplinary action.

21 (6) The department may suspend, deny, revoke, or refuse to  
22 renew a license of the child care organization if the licensee does  
23 not cooperate with an investigation, inspection, or examination  
24 under this section.

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.