

SENATE BILL No. 723

August 5, 2009, Introduced by Senators HUNTER, JANSEN, BIRKHOLZ, GILBERT, HARDIMAN and JACOBS and referred to the Committee on Families and Human Services.

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 11 (MCL 722.121), as amended by 1980 PA 232, and by adding section 3g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3G. (1) THE OPERATOR OF A CHILD CARE CENTER, GROUP CHILD
2 CARE HOME, OR FAMILY CHILD CARE HOME SHALL MAINTAIN A LICENSING
3 NOTEBOOK ON ITS PREMISES. THE LICENSING NOTEBOOK SHALL BE MADE
4 AVAILABLE FOR REVIEW TO PARENTS OR GUARDIANS OF CHILDREN UNDER THE
5 CARE OF, AND PARENTS OR GUARDIANS CONSIDERING PLACING THEIR
6 CHILDREN IN THE CARE OF, THE CHILD CARE CENTER, GROUP CHILD CARE

1 HOME, OR FAMILY CHILD CARE HOME.

2 (2) THE LICENSING NOTEBOOK DESCRIBED IN SUBSECTION (1) SHALL
3 INCLUDE THE REPORTS FROM ALL LICENSING OR REGISTRATION INSPECTIONS,
4 RENEWAL INSPECTIONS, SPECIAL INVESTIGATIONS, AND CORRECTIVE ACTION
5 PLANS. THE LICENSING NOTEBOOK SHALL ALSO INCLUDE A LIST OF ALL
6 INCIDENTS OCCURRING AT THE CHILD CARE CENTER, GROUP CHILD CARE
7 HOME, OR FAMILY CHILD CARE HOME INVOLVING AN INJURY THAT REQUIRED
8 HOSPITALIZATION OR RESULTED IN DEATH FOR THE 10-YEAR PERIOD
9 PRECEDING THE DATE OF LICENSING OR REGISTRATION OR THE DATE OF THE
10 MOST RECENT RENEWAL. THE INFORMATION IN THE LICENSING NOTEBOOK
11 SHALL BE UPDATED REGULARLY AND MUST BE MADE AVAILABLE TO PARENTS,
12 GUARDIANS, AND PROSPECTIVE PARENTS OR GUARDIANS AT ALL TIMES DURING
13 THE CHILD CARE CENTER'S, GROUP CHILD CARE HOME'S, OR FAMILY CHILD
14 CARE HOME'S NORMAL HOURS OF OPERATION.

15 (3) THE DEPARTMENT SHALL INCLUDE ON ITS "CHILD IN
16 CARE/RECEIPT" FORM OR ANY SUCCESSOR FORM USED INSTEAD OF THAT FORM
17 A CHECK BOX ALLOWING THE PARENT OR GUARDIAN TO ACKNOWLEDGE THAT HE
18 OR SHE IS AWARE OF THE INFORMATION AVAILABLE IN THE LICENSING
19 NOTEBOOK AVAILABLE FOR HIS OR HER REVIEW ON THE PREMISES OF THE
20 CHILD CARE CENTER, GROUP CHILD CARE HOME, OR FAMILY CHILD CARE HOME
21 AND THAT THE INFORMATION IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.
22 THE "CHILD IN CARE/RECEIPT" FORM OR SUCCESSOR FORM SHALL CONTAIN IN
23 BOLD PRINT THE DEPARTMENT'S WEBSITE ADDRESS WHERE THE INFORMATION
24 MAY BE LOCATED.

25 (4) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
26 ADDED THIS SECTION, THE CHILD CARE CENTER, GROUP CHILD CARE HOME,
27 OR FAMILY CHILD CARE HOME SHALL MAINTAIN A FORM THAT LISTS IN

1 SUMMARY ALL INCIDENTS THAT OCCURRED DURING THE 10-YEAR PERIOD
2 PRECEDING THE DATE OF LICENSING OR REGISTRATION OR THE DATE OF THE
3 MOST RECENT LICENSE OR REGISTRATION RENEWAL THAT RESULTED IN AN
4 INJURY THAT REQUIRED HOSPITALIZATION, RESULTED IN THE DEATH OF A
5 CHILD IN CARE, OR RESULTED IN A SPECIAL INVESTIGATION. THIS FORM
6 SHALL BE SIGNED BY THE PARENT OR GUARDIAN OF EACH CHILD PLACED IN
7 THE CHILD CARE CENTER, GROUP CHILD CARE HOME, OR FAMILY CHILD CARE
8 HOME AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
9 SECTION. PARENTS OR GUARDIANS OF CHILDREN UNDER THE CARE OF THE
10 CHILD CARE CENTER, GROUP CHILD CARE HOME, OR FAMILY CHILD CARE HOME
11 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION
12 SHALL SIGN THE FORM NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE
13 OF THE AMENDATORY ACT THAT ADDED THIS SECTION. THE FORM SHALL BE
14 KEPT IN THE FILES OF THE CHILD CARE CENTER, GROUP CHILD CARE HOME,
15 OR FAMILY CHILD CARE HOME AND MADE AVAILABLE TO THE DEPARTMENT FOR
16 REVIEW DURING DEPARTMENT INSPECTIONS.

17 Sec. 11. (1) An original license shall not be granted under
18 this act if the issuance of the license would substantially
19 contribute to an excessive concentration of community residential
20 facilities within a city, village, township, or county of this
21 state.

22 (2) The department may deny, revoke, or refuse to renew a
23 license or certificate of registration of a child care organization
24 when the licensee, registrant, or applicant falsifies information
25 on the application or ~~wilfully~~**WILLFULLY** and substantially violates
26 this act, the rules promulgated under this act, or the terms of the
27 license or certificate of registration. The department may modify

1 to a provisional status a license of a child care organization when
2 the licensee ~~wilfully~~**WILLFULLY** and substantially violates this
3 act, the rules promulgated under this act, or the terms of the
4 license. A license or a certificate of registration shall not be
5 revoked, a renewal of a license or certificate of registration
6 shall not be refused, an application for a license or a certificate
7 of registration shall not be denied, or a regular license shall not
8 be modified to a provisional status unless the licensee,
9 registrant, or applicant is given notice in writing of the grounds
10 of the proposed revocation, denial, modification, or refusal. If
11 revocation, denial, modification, or refusal is appealed within 30
12 days after receipt of the notice by writing addressed to the
13 **DEPARTMENT** director, ~~of the department,~~ the director or a
14 designated representative of the director shall conduct a hearing
15 at which the licensee, registrant, or applicant may present
16 testimony and confront witnesses. Notice of the hearing shall be
17 given to the licensee, registrant, or applicant by personal service
18 or delivery to the proper address by certified mail not less than 2
19 weeks before the date of the hearing. The decision of the director
20 shall be made not more than 30 days after the hearing, and
21 forwarded to the protesting party by certified mail not more than
22 10 days ~~thereafter~~**AFTER THAT**. If the proposed revocation, denial,
23 modification, or refusal is not protested, the license or
24 certificate of registration may be revoked or the application or
25 the renewal of the license or certificate of registration refused.

26 (3) The department shall deny a license to a child caring
27 institution or foster family group home ~~which~~**THAT** does not comply

1 with section 16a of Act No. 183 of the Public Acts of 1943, as
2 amended, being section 125.216a of the Michigan Compiled Laws,
3 section 16a of Act No. 184 of the Public Acts of 1943, as amended,
4 being section 125.286a of the Michigan Compiled Laws, and section
5 3b of Act No. 207 of the Public Acts of 1921, as amended, being
6 section 125.583b of the Michigan Compiled Laws **206 OF THE MICHIGAN**
7 **ZONING ENABLING ACT, 2006 PA 110, MCL 125.3206.**

8 (4) The legislative body of a city, village, or township in
9 which a child caring institution or foster family group home is
10 located may file a complaint with the department to have the
11 organization's license suspended, denied, or revoked pursuant
12 **ACCORDING** to the procedures outlined in this act and the rules
13 promulgated under this act. The **DEPARTMENT** director of the
14 ~~department~~ shall resolve the issues of the complaint within 45 days
15 after the receipt of the complaint. Notice of the resolution of the
16 issues shall be mailed by certified mail to the complainant and the
17 licensee. Failure of the **DEPARTMENT** director of the ~~department~~ to
18 resolve the issues of the complaint within 45 days after receipt of
19 the complaint shall serve as a decision by the director to suspend,
20 deny, or revoke the organization's license. If the decision to
21 suspend, deny, or revoke the license or the resolution of the
22 issues is protested by written objection of the complainant or
23 licensee to the **DEPARTMENT** director of the ~~department~~ within 30
24 days after the suspension, denial, or revocation of the license or
25 the receipt of the notice of resolution, the **DEPARTMENT** director of
26 the ~~department~~ or a designated representative of the director shall
27 conduct a hearing pursuant to ~~Act No. 306 of the Public Acts of~~

1 ~~1969, as amended, being sections 24.201 to 24.315 of the Michigan~~
2 ~~Compiled Laws~~ **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**
3 **306, MCL 24.201 TO 24.328**, at which the complainant and licensee
4 may present testimony and cross-examine witnesses. The **DEPARTMENT**
5 **DIRECTOR'S** decision ~~of the director of the department~~ shall be
6 mailed by certified mail to the complainant and the licensee. If
7 the resolution of the issues by the **DEPARTMENT** director ~~of the~~
8 ~~department~~ is not protested within 30 days after receipt of the
9 notice of the resolution, the resolution by the **DEPARTMENT** director
10 ~~of the department~~ is final.

11 (5) **THE DEPARTMENT SHALL NOT ISSUE OR RENEW A LICENSE OR**
12 **CERTIFICATE OF REGISTRATION OF A CHILD CARE CENTER, GROUP CHILD**
13 **CARE HOME, OR FAMILY CHILD CARE HOME IF THE LICENSEE, REGISTRANT,**
14 **OR APPLICANT HAS HAD A PREVIOUS LICENSE OR CERTIFICATE OF**
15 **REGISTRATION REVOKED DUE TO A VIOLATION THIS ACT, THE RULES**
16 **PROMULGATED UNDER THIS ACT, OR THE TERMS OF THE LICENSE OR**
17 **CERTIFICATE OF REGISTRATION THAT RESULTED IN THE SERIOUS INJURY OR**
18 **DEATH OF A CHILD WHILE UNDER ITS CARE.**