

Summary of House Substitutes for SBs 180-182

SB 180

Sec. 5c(5), page 3 and Sec. 5n(6), page 20, clarified that DHHS/LARA can also pass along the FBI and fingerprint vendor fee, in addition to the MSP fee for fingerprinting. *Without this language, DHHS/LARA would have to pay the FBI and fingerprint vendor fee.*

Struck the word adult in sec. 5e(4), line 16, page 7. *This change requires home providers to report to LARA when any household member, including a minor, has been arraigned or convicted of an exclusionary crime.*

Section 5l(2), line 3, page 17, started with: (2) Except as provided in section 10(3), ... *Section 10(3) was added in January 2017 to allow LARA and DHHS to share information in joint investigations. This allows LARA to also share the complaint source with DHHS.*

Sec. 5r(3)(B)(iii), line 11, page 28, changed children to minor child. *Minor child is defined in MCL 722.111(1)(o) and makes clear the statute refers to anyone under the age of 18.*

SB 181

Page 2, after line 12, added: "(iv) An individual that acts in the role of licensee designee or program director." Throughout all three bills, wherever "child care staff member" appeared in the same list as "licensee designee" or "program director", those were stricken. *This makes clear that licensee designees and program directors need to obtain the comprehensive background check.*

Page 51, section 6, removed the strikethrough in lines 18 through 23 and modified the text to say: (1) DHHS and its local county DHHS offices, similar to those child care organizations required to be licensed pursuant to this act, shall be evaluated and approved at least once every 2 years, using this act and rules promulgated thereunder for similar child care organizations licensed under this act. Line 20 would start (2). *Page 39, lines 8 and 9, section 5(2), DHHS and its local county DHHS offices are exempt from needing a license to operate. The language in section 6 allows them to be issued an approval and to be evaluated every two years.*

Page 64, Section 13(1) revised the injunctive relief language. *This was recommended to ensure clarity.*

SB 182

Struck the word adult in sec. 5m(2), [lines 22 and 27 on page 2] and 5m(3) [line 6, page 3]. *This allows LARA to do an assessment of minor household members in the home if they pose a threat to children in care.*

Page 1, section 4a, removed references to Michigan law and changed to say government issued ID, not state of Michigan ID. *Some licensees reside out of state so this allows them to use the ID issued from their state of residence.*

The federal Child Care and Development Block Grant provides approximately \$164 million in funding to the State of Michigan, with approximately \$16.3 million allocated for LARA's Child Care Division. Senate Bills 180, 181, and 183 will update Michigan's Public Act 116 of 1973 with federal requirements to ensure funding from the Block Grant continues.

SB 180 – Senator Schuitmaker

- Establishes fingerprinting deadline of September 30, 2017 for all licensees, staff, and household members. It allows the department to extend the deadline to September 30, 2018 if the federal government grants MDE an extension.
- Clarifies the specific criminal convictions that would prohibit licensure, employment in a facility, or residing in a licensed home. Licensees/staff/household members must self-report if arraigned on ineligibility crimes.
- Incorporates new federal rap back/automatic notification system for criminal charges/convictions.
- Periods of 5, 7, 10 years or lifetime prohibitions for obtaining a license, based on criminal convictions, before an applicant may reapply for a license, work in a child care or reside in a child care home.

SB 181 – Senator Hildenbrand

- Increases safety provisions – defines “criminal history check”, “criminal history record information”, and what constitutes “conviction” to be consistent with the Michigan State Police and FBI. Also adds the Child Protection Law definition of “Severe Physical Injury”.
- Establishes a minimum 5 year ban from operating a center if the license was revoked, or working in facility if an individual's license was revoked.
- Prohibits an applicant from a license if the individual had direct care and supervision of a child when a severe physical injury, sexual abuse, or death to/of that child occurred, even if accidental.
- Adds subpoena power for both the Director of LARA, as well as the Director of DHHS, for investigations.
- Requires annual inspections of all licensees; allows inspections to be unannounced.
- Prohibits Child Care homes and Child Care Group homes from being licensed concurrently as an Adult Foster Care home or Adult Foster Care group home;
- Updates information required to be posted in facility – smoking ban and criminal background checks.
- Provides process for the temporary operation of a child care facility in an unlicensed location, with stipulations, when a disaster occurs;
- Clarifies therapeutic service is not considered child care for purposes of licensing – (provides clarity between autistic centers for children and traditional day care centers).
- Adds language that the department may take pictures during an investigation.
- Moves language from the rules to the act about the licensee's requirement to cooperate with an investigation.

SB 182 – Senator Hopgood

- Eliminates registrations for family homes and establishes licensure requirements. Orientation will be provided prior to licensure for all new licensees.
- Adds current fee amounts and that fees collected will go to run the child care licensing program.
- Penalizes LARA if timelines in Act are not met. Must return the applicant's fee, plus give 15% off the next renewal.
- Requires applicants have valid State of Michigan ID to ensure effective background checks
- Allows a 6-month provisional license for applicants who are temporarily unable to conform to the licensing rules. Allows three extensions of provisional license.
- Adds information regarding childcare options available to parents on the State of Michigan website.