SUBSTITUTE FOR

SENATE BILL NO. 1253

(As amended December 14, 2006)

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,"

(MCL 722.111 to 722.128) by adding sections 3f and 5h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 3F. (1) EXCEPT AS PROVIDED IN SUBSECTION [(6)], WITHIN 24
- 2 HOURS AFTER A CHILD CARE ORGANIZATION RECEIVES NOTICE THAT A
- 3 SPECIAL INVESTIGATION THAT THE DEPARTMENT CLASSIFIES AS HIGH RISK
- 4 IS BEING CONDUCTED, THE CHILD CARE ORGANIZATION SHALL MAKE A GOOD
- 5 FAITH EFFORT TO MAKE ORAL NOTIFICATION TO EACH PARENT OR LEGAL
- 6 GUARDIAN OF [1 OR MORE OF THE FOLLOWING:

- Senate Bill No. 1253 (S-2) as amended December 14, 2006
- 1 (A) CHILDREN WHO WERE UNDER THE CHILD CARE ORGANIZATION'S CARE AT
- 2 THE SITE AND THE TIME THE INCIDENT BEING INVESTIGATED OCCURRED.
- 3 (B) IF THE INDIVIDUAL BEING INVESTIGATED IS STILL PRESENT AT THE
- 4 CHILD CARE ORGANIZATION AT THE TIME OF THE INVESTIGATION, CHILDREN WHO
- 5 HAVE OR WILL COME INTO CONTACT WITH THE INDIVIDUAL BEING INVESTIGATED AS
- 6 LONG AS THAT INDIVIDUAL IS PRESENT AT THE CHILD CARE ORGANIZATION.
- 7 (2) THE CHILD CARE ORGANIZATION SHALL SEND WRITTEN NOTIFICATION
- 8 WITHIN 1 BUSINESS DAY AFTER THE INITIAL GOOD FAITH ATTEMPT UNDER
- 9 SUBSECTION (1) AT ORAL NOTIFICATION. FOR THE PURPOSE OF THIS SUBSECTION,
- 10 WRITTEN NOTIFICATION SHALL BE GIVEN BY 1 OF THE FOLLOWING:
- 11 (A) MAIL SERVICE.
- 12 (B) FACSIMILE TRANSMISSION.
- 13 (C) ELECTRONIC MAIL.
- 14 (3)] IF THE DEPARTMENT DETERMINES THAT A CHILD CARE
- 15 ORGANIZATION IS NOT COMPLYING WITH EITHER NOTIFICATION REQUIREMENT
- 16 IN SUBSECTION (1) [OR (2)], THE DEPARTMENT MAY SUSPEND THE CHILD CARE
- 17 ORGANIZATION'S LICENSE ISSUED UNDER THIS ACT PENDING REVIEW.
- 18 [(4)] IF, UPON COMPLETION OF THE SPECIAL INVESTIGATION DESCRIBED
- 19 IN SUBSECTION (1), THE DEPARTMENT MAKES A DETERMINATION THAT THERE
- 20 ARE NO SUBSTANTIATED RULE VIOLATIONS, THE DEPARTMENT SHALL PROVIDE
- 21 THE CHILD CARE ORGANIZATION WITH WRITTEN NOTIFICATION OF THAT
- 22 DETERMINATION THAT THE CHILD CARE ORGANIZATION MAY SHARE WITH THE
- 23 PARENTS OR LEGAL GUARDIANS OF THE CHILDREN IN THE CHILD CARE
- 24 ORGANIZATION'S CARE WHO RECEIVED THE NOTIFICATION REQUIRED UNDER
- 25 [SUBSECTIONS (1) AND (2)].
- 26 [(5)] THE DEPARTMENT SHALL MAKE THE INFORMATION PROVIDED IN
- 27 SUBSECTION [(4)] AVAILABLE TO THE PUBLIC ON THE DEPARTMENT WEBSITE.

- Senate Bill No. 1253 (S-2) as amended December 14, 2006
- 1 [(6)] THIS SECTION DOES NOT APPLY TO [
- 2] A CHILD CARING INSTITUTION, CHILD PLACING AGENCY, FOSTER
- 3 FAMILY HOME, OR FOSTER FAMILY GROUP HOME.
 - [(7) FOR THE PURPOSE OF THIS SECTION, "SPECIAL INVESTIGATION THAT THE DEPARTMENT CLASSIFIES AS HIGH RISK" MEANS AN INVESTIGATION IN WHICH THE DEPARTMENT BECOMES AWARE THAT 1 OR MORE OF THE CONDITIONS LISTED IN SECTION 8(3)(A) TO (C) OF THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.628, EXIST.]
- 4 SEC. 5H. A PERSON WHO INTENTIONALLY MAKES A FALSE REPORT TO
- 5 THE DEPARTMENT REGARDING A CHILD CARE ORGANIZATION THAT CAUSES THE
- 6 DEPARTMENT TO INITIATE A SPECIAL INVESTIGATION FOR WHICH THE CHILD
- 7 CARE ORGANIZATION IS REQUIRED TO SEND NOTICE UNDER SECTION 3F IS
- 8 GUILTY OF A CRIME AS FOLLOWS:
- 9 (A) IF THE INCIDENT REPORTED WOULD NOT CONSTITUTE A CRIME OR
- 10 WOULD CONSTITUTE A MISDEMEANOR IF THE REPORT WERE TRUE, THE PERSON
- 11 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
- 12 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.
- 13 (B) IF THE INCIDENT REPORTED WOULD CONSTITUTE A FELONY IF THE
- 14 REPORT WERE TRUE, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
- 15 THE LESSER OF THE FOLLOWING:
- 16 (i) THE PENALTY FOR THE INCIDENT FALSELY REPORTED.
- 17 (ii) IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT
- 18 MORE THAN \$2,000.00, OR BOTH.