

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

Health and Human Services

2. Bureau:

Children's Services Agency

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

CHILD CARING INSTITUTIONS

5. Rule numbers or rule set range of numbers:

MICH ADMIN CODE R 400.4101-R 400.4666

6. Estimated time frame:

3 months

Name of person filling out RFR:

Mary Brennan

E-mail of person filling out RFR:

BrennanM@michigan.gov

Phone number of person filling out RFR:

517-284-4850

Address of person filling out RFR:

333 S. Grand Avenue, 5th Floor, Lansing, MI 48909

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of these rules is to prohibit, unless specific exceptions apply, the restraint of pregnant youth in private and public child caring institutions, including juvenile facilities.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

By authority conferred on the director of the Michigan department of health and human services by sections 2, 5, 10, and 14 of 1973 PA 116, MCL 722.112, 722.115, 722.120, 722.124, and Executive Reorganization Order 2015-1, MCL 400.227.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are required for Title IVE funding under the amendments to the Juvenile Justice Reform Act of 2018, PL 115-385 (2018), 34 USC 11133(1)(E)(ix)(I) and (II).

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level. The rules are as a result of new federal legislation.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Department instruction will follow as part of the amendments to the Child Caring Institution rule set via the technical amendment guide created for the rules.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

The rules are listed on the department's annual regulatory plan for the current year.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

These rules are mandated as a requirement for continued Title IVE funding under the amendments to the Juvenile Justice Reform Act of 2018, PL 115-385 (2018), 34 USC 11133(1)(E)(ix)(I) and (II).