

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

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Lansing, MI 48909  
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**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:**

Juvenile Court Operated Facilities

**5. Rule numbers or rule set range of numbers:**

R 400.10101 - 400.10639

**6. Estimated time frame:**

3 months

**Name of person filling out RFR:**

Mary Brennan

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**Phone number of person filling out RFR:**

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**Address of person filling out RFR:**

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**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 children in certain 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 department of health and human services by section 1 and 14 of 1939 PA 280, and section 2 of 1973 PA 116, MCL 400.1, 400.14, and 722.112.

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

These rules are required as a condition 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 the rule promulgation as part of the amendments to both the Child Caring Institution and this 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 were not 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.**

The Department is requesting the rules be promulgated under MCL 24.244(1) as a condition for continued federal 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).