

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

MOAHR-Rules@michigan.gov

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:

Placement on Central Registry After Criminal Conviction

5. Rule numbers or rule set range of numbers:

R 400.201 - R 400.206

6. Estimated time frame:

3 months

Name of person filling out RFR:

Jennifer Warner

E-mail of person filling out RFR:

WarnerJ19@michigan.gov

Phone number of person filling out RFR:

517-243-7645

Address of person filling out RFR:

333 South Grand Avenue
5th Floor

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

These rules mandate a criminal court that has entered a conviction against an individual who has committed specific crimes against children to provide a request to DHHS to place that individual on the Child Abuse and Neglect Central Registry.

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

The Department has the specific promulgation authority for the rules, as MCL 722.627j specifically states the Department must promulgate rules.

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

By authority conferred on the department of health and human services by section 7j of the child protection law, 1975 PA 238, MCL 722.627j.

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

Yes. MCL 722.627j requires DHHS to promulgate rules to carry out the intent of the Act.

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 rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

The rules are explained in the DHHS Child Protective Services policy. The rules are also part of a State Court Administrative Office memorandum informing the criminal courts of the new statutory requirement.

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 as rules to be processed 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 being promulgated under Section 44 of the APA because they are required to make obviously needed corrections to make the rule conform to an amended statute.”