

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Submit copy to the MOAHR at o'berryd@michigan.gov.

1. Agency Information

Agency name:	Michigan Department of Health and Human Services
Division/Bureau/Office:	Children's Services Agency
Name, title, phone number, and e-mail of person completing this form:	Wendy Campau, Director, Child Welfare Field Operations, CampauW@michigan.gov ; 517-335-5127

2. Rule Set Information

Title of proposed rule set:	Child Care Fund
Rule number(s) or range of numbers:	R 400.2001 - 400.2049
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

One year

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

Rules have not been updated since 1987. In 2017-20018, legislative changes were made to the statutory sections addressing the child care fund, specifically, MCL 400.117a through 400.117h. The rules have been amended to align with statutory changes or rescinded to remove obsolete language.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

By authority conferred on the department of health and human services by section 6(1) of 1939 PA 280 and 117a(3) of 1939 PA 280, being MCL 400.6(1) and MCL 400.117a(3).
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6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The proposed rules will follow the current state legislative mandate. There are no federal conflicts and no known conflicts, duplications, or anything that exceeds current regulations, compliance requirements or other state standards.
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7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

The rules address the use of several publications: The Child Care Fund Handbook; Accounting Procedures Manual for Local Units of Government in Michigan; and Supreme Court
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Administrative Order 1985-5, modified by Administrative Order No. 1988-3, 430 Mich; amended May 19, 2009, effective September 1, 2009, 483 Mich

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

Full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

These proposed rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Mary E Brennan

↓ To be completed by the MOAHR ↓

Date RFR received: 5-7-2019

Based on the information in this RFR, the MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-046 HS
Date of approval:	5/15/19

Based on the information in this RFR, the MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	