

Legislative Analysis



CHILD CARE ORGANIZATION LICENSING

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1100 (Substitute S-1)

Sponsor: Sen. Dennis Olshove

House Committee: Families and Children's Services

Senate Committee: Families and Human Services

Complete to 6-29-10

A SUMMARY OF SENATE BILL 1100 AS PASSED BY THE SENATE 4-20-10

The bill would amend the Child Care Licensing Act to do all of the following:

- Extend criminal history and records check requirements to licensee designees of child care organizations.
- Expand the types of child care organizations whose employees are subject to criminal history checks.
- Prohibit the Department of Human Services (DHS) from issuing a license to an applicant if the individual applicant or the owner, partner, or director of the applying organization had been convicted of child abuse or neglect.
- Prohibit a licensee, registrant, adult household member, licensee designee, chief administrator, or program director of a child care organization from being present in a child care organization if he or she had been convicted of child abuse or neglect.
- Include licensees, registrants, licensee designees, administrators, and adult household members among those who must provide documentation that they have not been named as the perpetrator of child abuse or neglect.
- Prohibit children's camp staff members and unsupervised adult volunteers from having contact with children unless they provided such documentation.

Criminal Designee: Application

Under the bill, all license applications would have to be signed by the licensee in the case of an individual or by a member of the corporation, company, or organization. The bill would define "licensee designee" as the individual designated in writing by the board of directors of the corporation or by the owner or person with legal authority to act on behalf of the company or organization on licensing matters.

Criminal Checks: Organizations

The Child Care Licensing Act prohibits the DHS from issuing a license to or renewing the license of a child care center or day care center without requesting a criminal history check and criminal records check. If a check reveals that an applicant has been convicted of a listed offense, the DHS may not issue or renew a license. When a person, partnership, firm, corporation, association, or nongovernmental organization applies for or applies to renew a license for a child care center or day care center, the DHS must request the State Police to conduct a criminal history check, and to conduct a criminal records check through the FBI, on the person or each partner, officers, or manager of the child care or day care center.

Under the bill, DHS would have to request a criminal history check and criminal records check before issuing a license to or renewing a license of a child care organization. The requirement would be extended to license applications for a child care organization. In addition, the criminal history and records checks would have to be conducted on the licensee designee, chief administrator, and program director of the child care organization, rather than the partner, officer, or manager.

Criminal Checks: Employees

Currently, before a child care center or day care center offers employment to a person or allows a person to work regularly and continuously under contract at the center, it must conduct a criminal history check on the person using the State Police's internet criminal history access tool (ICHAT). If the ICHAT search reveals that the person has been convicted of a listed offense, the child care or day care center may not offer that person employment or allow the person to work regularly and continuously under contract at the center.

Under the bill, these provisions would apply to a child care organization, rather than only to a child care center or day care center. The bill also would require use of either ICHAT or an equivalent check from the person's state or province of residence.

In addition, a child care organization would have to conduct a criminal history check on all current employees using ICHAT or an equivalent check within one year of the bill's effective date. (Originally, child care centers and day care centers had to perform ICHAT searches on all current employees within one year after the effective date of Public Act 133 of 2005, which added the requirement.)

Criminal Convictions

Currently under the act, a staff member is prohibited from being present in a child care center, child caring institution, or child placing agency if he or she has been convicted of a felony involving harm or threatened harm to an individual within 10 years before the date of hire, or has been convicted of child abuse or child neglect.

The act also prohibits a volunteer from having unsupervised contact with children who are in the care of a child care center, child caring institution, or child placing agency if he the volunteer has been convicted of a felony involving harm or threatened harm to an individual within 10 years before offering to volunteer, or has been convicted of child abuse or child neglect.

The bill would prohibit the DHS from issuing a license to, or renewing a license of, an applicant if any of the following had been convicted of child abuse or neglect: (1) the individual applicant or (2) the owner, partner, or director of the applying organization, if other than an individual.

Further, the bill would also prohibit a licensee, registrant, adult household member, licensee designee, chief administrator, or program director of a child care organization from being present in a child care organization if he or she had been convicted of a felony involving harm or threatened harm to an individual within 10 years before the date of hire or appointment, or had been convicted of child abuse or neglect. The bill also would prohibit a staff member or unsupervised volunteer from having contact with children in the care of a child care organization if he or she had been convicted of a felony involving harm or threatened harm to an individual within 10 years before the date of hire or appointment, or had been convicted of child abuse or neglect.

Perpetrator of Child Abuse or Neglect

At present, before a staff member or unsupervised volunteer has contact with a child in the care of a child care center, child caring institution, or child placing agency, the staff member or volunteer must give the center, institution, or agency documentation from the DHS that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect.

Senate Bill 1100 would specify that a licensee, registrant, adult household member, licensee designee, chief administrator, staff member, or unsupervised volunteer could not have contact with a child in the care of a child care organization until that person gave the organization documentation from the DHS that he or she had not been named in a central registry case as the perpetrator of child abuse or child neglect.

At the department's request, the licensee, registrant, adult household member, licensee designee, chief administrator, staff member, or unsupervised volunteer would have to give the DHS an updated authorization for central registry clearance. If an updated clearance documented that the person was named as a perpetrator in a central registry case, he or she could not be present in the child care organization.

A staff member or unsupervised volunteer in a children's camp or children's campsite who was at least 21 years old could not have contact with a child in the care of a children's camp until the staff member or volunteer gave the camp documentation from the DHS that he or she had not been named in a central registry case as the perpetrator of child abuse or neglect.

The act requires each child care center, child caring institution, or child placing agency to establish and maintain a policy regarding supervision of volunteers, including parents of children who receive care at the center, institution, or agency. Under the bill, this requirement would apply to each child care organization.

FISCAL IMPACT:

SB 1100 would have a small to negligible fiscal impact on the Bureau of Child and Adult Licensing within the Department of Human Services (DHS). The increase would be associated with new requests for criminal history checks for the applicant, owner, partner, or director of the child care organization with the Department of State Police and from revising policy to include all child care organizations into one background check standard.

The bill would require the Department of State Police to run criminal history and criminal records background checks for licensees of all child care organizations. The State Police charges a fee of \$54.00 per check to cover the cost for each check. The Child Care Licensing Act has permissive language that allows the State Police to pass the cost of licensees' criminal history checks on to DHS, and allows DHS to pass the cost on to the licensees. So any new costs from additional background checks would be a policy decision within DHS rather than a fiscal impact from this bill. The current DHS policy is to pass the cost on to the licensees.

The bill also would require the performance of a criminal history check on each employee of a child care organization through ICHAT at a cost of \$10 per name check. The Child Care Licensing Act allows a licensee to pass the cost of an ICHAT search on to the employee.

Legislative Analyst: E. Best
Fiscal Analyst: Kevin Koorstra

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.