CERTIFICATION BY THIRD-PARTY SUBSTITUTE CONTRACTING AGENCY
CHILD CARE CENTERS

State of Michigan
Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

FACILITY

Facility Name	Facility Phone Number ( )	
Licensee Name	License Number	
Address	County	
City	State	Zip Code

_____ **(third-party substitute contracting agency) certifies that any substitute caregivers we provide for the above child care center complies with the Child Care Organizations Act (1973 PA 116) and the Licensing Rules for Child Care Centers. (See page 2 for a complete listing of the rules and statutes.)**

1. Criminal and Children's Protective Services History Clearances
Rules 400.8125(2), (5), (7), (9), (10), MCL 722.115d(2)

☐ Substitute caregivers are of responsible character.

☐ Substitute caregivers are not listed on the central registry as perpetrators of child abuse and/or neglect. Documented by having documentation from the Department of Health and Human Services that he or she has not been named in a central registry case as a perpetrator of child abuse or child neglect.

☐ Substitute caregivers have not been convicted of child abuse and neglect, a felony involving harm or threatened harm in the past 10 years or a listed offense (from the Sex Offenders Registration act, 1994 PA 295). Documented by completing a Michigan Department of State Police Internet Criminal History Access Tool (ICHAT), or equivalent, for a person's state of official residence before making an offer of employment.

☐ If the substitute caregiver has resided outside of Michigan as an adult within the 10 years immediately preceding the date of hire, a criminal history check equivalent to ICHAT and the MDHHS central registry clearance must be requested for all states of previous residence during those 10 years.

☐ Substitute caregivers central registry and criminal history clearances are updated every 2 years and upon request by the department.

2. Health
Rule 400.8128

☐ Evidence that the substitute caregivers are free from communicable tuberculosis, verified within 1 year before employment, is on file.

3. Required Documentation

☐ Documentation of the substitute caregivers' compliance with items 1 and 2 above are available to licensing upon request.

Name of the Third-Party Substitute Contracting Agency	Phone Number
Signature of Representative from Third-Party Substitute Contracting Agency	Date

Child Care Center Licensing Rules

R 400.8125 (2) All staff shall be of responsible character and suitable to meet the needs of children.

R 400.8125 (5) A staff member shall not be present in the center if he or she has been convicted of any of the following:

(a) A listed offense, as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(b) Child abuse or child neglect.

(c) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

R 400.8125 (7) A staff member shall not be present in the center until there is documentation from the department of health and human services on file at the center that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect.

R 400.8128 Evidence that all staff members and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis, verified within 1 year before employment or volunteering, shall be kept on file at the center.

Child Care Organizations Act (1973 PA 116)

722.115d (2) If a search of the department of state police's ICHAT [internet criminal history access tool] reveals that the person described in subsection (1) has been convicted of a listed offense, the child care organization shall not make an offer of employment to that person or allow that person to regularly and continuously work under contract at the child care organization…

Listed Offenses (Defined in the Sex Offender Registration Act, 1994 PA 295)

- MCL 750.145a – Accosting, enticing or soliciting child for immoral purpose.
- MCL 750.145b – Accosting, enticing or soliciting child for immoral purpose; prior conviction; penalty.
- MCL 750.145c – Definitions; child sexually abusive activity or material; penalties; possession of child sexually abusive material; expert testimony; defenses; acts of commercial film or photographic print processor; report to law enforcement agency by computer technician; applicability and uniformity of section; enactment or enforcement of ordinances, rules, or regulations prohibited.
- MCL 750.158 – Crime against nature or sodomy; penalty.
- A second or subsequent violation of MCL 750.335a(2)(b) – Indecent exposure; violation; penalty.
- A third or subsequent violation of any combination of the following:
  - MCL 750.167(1)(f) – "Disorderly person" defined; subsequent violations by person convicted of refusing or neglecting to support family.
  - MCL 750.335a(2)(a) – Indecent exposure; violation; penalty.
  - A local ordinance of a municipality substantially corresponding to MCL 750.167(1)(f) or MCL 750.335a(2)(a).
- If the victim is under age 18:
  - MCL 750.338 – Gross indecency; between male persons.
  - MCL 750.338a – Gross indecency; female persons.
  - MCL 750.338b – Gross indecency; between male and female persons.
  - MCL 750.349 – Kidnapping: "restrain" defined; violation as felony; penalty; other violation arising from same transaction.
  - MCL 750.448 – Soliciting, accosting, or inviting to commit prostitution or immoral act; crime.
- MCL 750.350 – Leading, taking, carrying away, decoying, or enticing away child under 14; intent; violation as felony; penalty; adoptive or natural parent.
- MCL 750.455 – Pandering; felony.
- MCL 750.520b – Criminal sexual conduct in the first degree; felony; consecutive terms.
- MCL 750.520c – Criminal sexual conduct in the second degree; felony.
- MCL 750.520d – Criminal sexual conduct in the third degree; felony.
- MCL 750.520e – Criminal sexual conduct in the fourth degree; misdemeanor.
- MCL 750.520g – Assault with intent to commit criminal sexual conduct; felony.
- MCL 750.10a – An offense committed by a person who was, at the time of the offense, a sexually delinquent person.
- Any other violation of law of Michigan or local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age.
- An attempt or conspiracy to commit any of the offenses described above.
- An offense substantially similar to an offense described above under a law of the United States, any state, or any country or under tribal or military law.

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