



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 4, 2022

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #22-050-HS)
Legislative Service Bureau (Secretary of State Filing #22-11-01)
Department of Health and Human Services

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #22-050-HS (Secretary of State Filing #22-11-01) on this date at 11:27 A.M. for the Department of Health and Human Services entitled, "Placement on Central Registry After Criminal Conviction".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in black ink that reads "Lashana Threlkeld /CK".

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

November 4, 2022

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2022-50 HS

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 6, 2022 for the Department of Health and Human Services **“Placement on Central Registry After Criminal Conviction”**. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 NOV -7 PM 2:47
SECRETARIES/GREAT SEAL



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Health and Human Services by section 7j of the Child Protection Law, 1975 PA 238, MCL 722.627j, the Director formally adopts the rules, "Placement on Central Registry after Criminal Conviction".

- R 400.201, R 400.202, R 400.203, R 400.204, R 400.205, and R 400.206 are added to the Michigan Administrative Code.

Date: November 3 2022

A handwritten signature in cursive script, appearing to read "Elizabeth Hertel", written over a horizontal line.

Elizabeth Hertel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated October 6, 2022, in which the Department of Health and Human Services proposes to modify a portion of the Michigan Administrative Code entitled "**Placement on Central Registry after Criminal Conviction**" by:


- ◆ Adding R 400.201, R 400.202, R 400.203, R 400.204, R 400.205, and R 400.206.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: November 3, 2022

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Health and Human Services dated October 6, 2022, adding R 400.201, R 400.202, R 400.203, R 400.204, R 400.205, and R 400.206 to the Department's rules entitled "Placement on Central Registry after Criminal Conviction." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: November 4, 2022

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILDREN'S SERVICES AGENCY
PLACEMENT ON CENTRAL REGISTRY AFTER CRIMINAL CONVICTION

Filed with the secretary of state on November 4, 2022

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(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)

R 400.201, R 400.202, R 400.203, R 400.204, R 400.205, and R 400.206 are added to the Michigan Administrative Code, as follows:

R 400.201 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means the child protection law, 1978 PA 238. MCL 722.621 to 722.638.
 - (b) "Conviction" means a formal declaration that an individual is guilty of a criminal offense, by the verdict of a jury or the decision of a judge in a court of law.
 - (c) "Court" means any circuit court in this state.
 - (d) "Department" means the department of health and human services.
 - (e) "Expunction" means removal of a record or report.
 - (f) "Individual" means the person convicted of a specific crime and whose conviction warrants placement on the central registry.
 - (g) "SCAO" means the state court administrator's office, which is the office under this state's judicial branch that provides guidance and management to trial courts statewide.
- (2) Terms defined in the act have the same meanings when used in these rules.

R 400.202 Department process after receipt of central registry placement from the court.

- Rule 2. (1) The department shall create a central point of contact for the receipt of all requests from the courts for placement of an individual on the central registry.
- (2) After receipt of the request and conviction order from the court, the department shall review the request for a determination of placement on the central registry.
 - (3) If the department's review results in placement, the placement must occur within 30 business days after receipt of the order.
 - (4) The central registry placement date must be the date of the conviction order.
 - (5) The department shall coordinate with SCAO in the creation of forms for an individual's placement on the central registry.

R 400.203 Multiple placements on the central registry.

Rule 3. If it is determined that an individual named in the criminal conviction order for placement is currently on the central registry for a confirmed central registry case for the same offense investigated by the department, both placements must remain on the central registry.

R 400.204 Department's notification to an individual of placement on the central registry.

Rule 4. Once an individual is placed on the central registry because of the individual's conviction, the department shall mail notification of the placement on the central registry to an individual by registered or certified mail, return receipt requested, and restricted delivery to the addressee. The department shall include language in the notification of an individual's right to a hearing before the convicting court and, if applicable, the department, for expunction of the placement.

R 400.205 Expunction request.

Rule 5. (1) An individual requesting an expunction from the central registry because of a criminal conviction shall file a motion in the court of conviction to request an expunction by that court. The court may deny the request or issue a request to the department for expungement. An individual may only request expunction based on either of the following:

(a) Demonstrating that the individual was not convicted of an offense listed under section 7j(3) of the act, MCL 722.627j.

(b) Demonstrating that the individual's conviction of the offense that caused the individual to be placed on the central registry has been expunged.

(2) If an individual is placed on the central registry by the department's substantiation for the same offense as placement for the criminal conviction, the individual requesting expunction must request expunction through both the department and the court of conviction.

R 400.206 Expunction finding by court.

Rule 6. (1) After receipt of a request from the court for an individual to be removed from the central registry, the department shall review the court's request for removal and determine whether removal is warranted.

(2) The court's request for removal from the central registry is based on the criminal conviction only. If an individual has a placement for the same offense because of the department's investigation and substantiation of a central registry placement, the individual must file an administrative request for review and hearing with the department for removal of the department's placement.

(3) After an individual is removed from the central registry, the court of conviction shall send notification of the removal to an individual by first class mail.

(4) The department shall coordinate with SCAO in the creation of forms for an individual's removal from the central registry.

FILED WITH SECRETARY OF STATE

ON 11/4/22 AT 11:27 A.M.