



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

December 20, 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 #22-065-HS)
Legislative Service Bureau (Secretary of State Filing #22-12-04)
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 #22-065-HS (Secretary of State Filing #22-12-04) on this date at 2:26 P.M. for the Department of Health and Human Services entitled, "Placement on Central Registry After Criminal Conviction".

These rules 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

RECEIVED
MICHIGAN DEPT OF STATE
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ALTA. HONOR. GREAT SEAL

December 20, 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 #: 2022-65 HS

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated December 8, 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



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 December 8, 2022, amending R 400.206 of 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: December 14, 2022

LEGISLATIVE SERVICE BUREAU

By 
Rachel M. Hughart,
Legal Counsel



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 December 8, 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:


- ◆ Amending 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: December 14, 2022

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

ELIZABETH HERTEL
DIRECTOR

CERTIFICATE OF ADOPTION

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, the Director formally adopts the rules, "Placement on Central Registry after Criminal Conviction".

R 400.206 is amended in the Michigan Administrative Code

Date: December 15, 2022

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

Elizabeth Hertel, Director
Michigan Department of Health and Human Services

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

Filed with the secretary of state on December 20, 2022

These rules 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 400.206 of the Michigan Administrative Code is amended, as follows:

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 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 shall 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, notification of the removal must be sent to the individual and the court of conviction, by first class mail.

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