

October 13, 2021

The Honorable Graham Filler  
Chairman  
Committee on the Judiciary  
Anderson House Office Building  
N-1197 House Office Building  
Lansing, MI 48933

**Re: House Bill, No. 5368 (Court Records)**

Dear Chairman Filler and Members of the Committee:

Good morning and thank you for the opportunity to testify before you today. My name is Megan Poonolly. I am the Head of Safety at Care.com, the world's leading platform for finding and managing high-quality family care – from child and elder care to pet care and home care.

On behalf of Care.com, I am testifying today to express our strong support for House Bill, No. 5368 (Court Records). This bill would reverse recent modifications to Michigan court rules<sup>1</sup> directing clerks to redact certain personally identifying information from documents that are filed in court and are available to the public.

While we appreciate that the judiciary proposed these revisions in an effort to reduce incidences of identity theft, we strongly believe that the revisions conflict with longstanding policies regarding the welfare of vulnerable populations and may unintentionally increase the risk of harm to children and seniors in Michigan, reduce employment opportunities for Michigan residents, and adversely impact the overall economic health of Michigan.

In maintaining its platform, Care.com understands its unique role in facilitating access to earning opportunities – for both caregivers and the working families who depend on them. For that reason, we take our role seriously, and we strive to balance fairness and access to work opportunities with promoting the safety of our members and their loved ones. Caregivers who connect with families through Care.com are often engaged by families for long-term domestic work arrangements caring for the most vulnerable among us – children, seniors, and persons with disabilities. While we believe in the goodness of people, we look out for our Care.com community and take steps to ensure those vulnerable groups are protected, including but not limited to requiring that every caregiver who uses our platform must have completed a robust background check.

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<sup>1</sup> ADM File No. 2020-26, amending Rules 1.109 and 8.119.



The proposed modifications to the Michigan court rules could adversely impact the overall safety of children and seniors in Michigan. As part of our standard background check process, Care.com contracts with third-party background check service providers to screen potential caregivers before they are allowed on our platform. Care.com also makes additional background check services, through the Company's third-party background check vendor partners, available to member families looking to hire caregivers who are enrolled on the Company's platform. Barring background screening providers – and thereby companies like Care.com - from accessing basic identifying information such as name and date of birth on Michigan court records would, among other things:

- Eliminate Care.com's ability to consider a caregiver's criminal charges or convictions in the state of Michigan, *regardless of severity*, before granting access to the Care.com platform. Removing this ability means Care.com would need to choose between unwittingly allowing dangerous predators on the platform or barring caregivers from Michigan from joining the platform altogether due to the lack of visibility into their criminal history.
- Eliminate the ability for families to consider criminal charges or convictions in the state of Michigan, *regardless of severity*, before making hiring decisions on caregivers for their loved ones. Families might assume that a background check on a Michigan caregiver is "clear" of any crimes, when – in fact – there may be significant criminal history undiscovered and unreported to them due to the redaction of personal identifying information in the record that prevents a consumer reporting agency from returning criminal history information due to the inability to validate the identity of the individual on whom the report is run.

The proposed revisions could also have a negative impact on the Michigan economy. The national caregiving crisis is not new but has been exacerbated by the pandemic. Michigan families have felt this impact too. The economic loss to our country from a reduction in labor force participation alone – especially among women who shoulder most familial caregiving responsibilities - is in the billions. Should the proposed rule take effect, Care.com may be forced to reassess whether to accept new caregiver members in Michigan due to the inability to verify criminal histories. That could take jobs away from Michigan residents looking to provide care and further reduce labor force participation rates. More than 675,000 Michigan families currently rely on Care.com as an important resource to meet their caregiving needs. 44% of people in Michigan live in a childcare desert where the ratio of children to available daycare slots is 3:1 and some parts of the state now report waitlists for available childcare slots that stretch into 2022 or beyond. Michigan families need access to more care options, not fewer.

Prohibiting access to certain identifiers such as legal name and date of birth will inhibit Care.com and Michigan families from accessing complete criminal history for potential caregivers. This would be inconsistent with existing federal law that requires licensed childcare operators to complete background checks for individuals who would be working directly with vulnerable populations such as children and identifies certain offenses that automatically trigger ineligibility.<sup>2</sup> These laws recognize

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<sup>2</sup> 45 C.F.R. §98.43, requiring center-based child care providers, family child care providers, or another provider of child care services for compensation on a regular basis to submit to a background check and deeming potential child care providers ineligible for employment if, for example, they are (1) registered, or required to be registered, on a state sex offender registry or repository or the National Sex

that background screening is an important tool to help reduce the risk of harm to the most vulnerable members of our society. Without access to the full criminal history of a potential provider, families and individuals seeking care will be unable to make that risk calculation. While well-intentioned, the legislature's privacy measures should not usurp this fundamental policy of protecting our most vulnerable members of society through common sense measures such as background checks.

I applaud Chairman Filler for sponsoring this bill and working to protect not only Michigan's most vulnerable citizens – children, seniors, and those with disabilities – but its economy and workforce as well.

Again, thank you for the opportunity to testify before you today. I respectfully request that you vote in support of this legislation. Please do not hesitate to contact me should you require any additional information or would like to further discuss Care.com's views.

Sincerely,

Megan Poonolly  
Head of Safety  
Care.com, Inc.  
[megan.poonolly@care.com](mailto:megan.poonolly@care.com)

Cc:

Members of the Michigan House Judiciary Committee  
Melissa Sweet, Clerk, Michigan House Judiciary Committee  
Bryan Jamele, Head of Government Relations and Public Policy, Care.com, Inc.

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Offender Registry, (2) convicted of a felon including, but not limited to, murder, child abuse or neglect, a crime against children, including child pornography.

