

**SUBSTITUTE FOR
HOUSE BILL NO. 6073**

A bill to amend 1973 PA 116, entitled
"An act to provide for the protection of children through the
licensing and regulation of child care organizations; to provide
for the establishment of standards of care for child care
organizations; to prescribe powers and duties of certain
departments of this state and adoption facilitators; to provide
penalties; and to repeal acts and parts of acts,"
by amending section 1 (MCL 722.111), as amended by 2022 PA 70.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Child care staff member" means an individual who is 18
- 3 years of age or older to whom 1 or more of the following
- 4 ~~applies:~~**apply:**
- 5 (i) The individual is employed by a child care center, group



1 child care home, or family child care home for compensation,
2 including a contract employee or a self-employed individual.

3 (ii) An individual whose activities involve the unsupervised
4 care or supervision of children for a child care center, group
5 child care home, or family child care home.

6 (iii) An individual who has unsupervised access to children who
7 are cared for or supervised by a child care center, group child
8 care home, or family child care home.

9 (iv) An individual who acts in the role of a licensee designee
10 or program director.

11 (b) "Child care organization" means a governmental or
12 nongovernmental organization having as its principal function
13 receiving minor children for care, maintenance, training, and
14 supervision, notwithstanding that educational instruction may be
15 given. Child care organization includes organizations commonly
16 described as child caring institutions, child placing agencies,
17 children's camps, children's campsites, children's therapeutic
18 group homes, child care centers, day care centers, nursery schools,
19 parent cooperative preschools, foster homes, group homes, or child
20 care homes. Child care organization does not include a governmental
21 or nongovernmental organization that does either of the following:

22 (i) Provides care exclusively to minors who have been
23 emancipated by court order under section 4(3) of 1968 PA 293, MCL
24 722.4.

25 (ii) Provides care exclusively to persons who are 18 years of
26 age or older and to minors who have been emancipated by court order
27 under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

28 (c) "Child caring institution" means a child care facility
29 that is organized for the purpose of receiving minor children for



care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes an institution for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school licensed under section 1335 of the revised school code, 1976 PA 451, MCL 380.1335, a hospital or facility operated by the state or licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a child has been placed under section 5(6).

(d) "Child caring institution staff member" means an individual who is 18 years of age or older to whom 1 or more of the following ~~applies~~**apply**:

(i) The individual is employed by a child caring institution for compensation, including an adult who does not work directly with children.

(ii) The individual is a contract employee or self-employed individual with a child caring institution.



1 (iii) The individual is an intern or other individual who
2 provides specific services under the rules promulgated under this
3 act.

4 (e) "Child placing agency" means a governmental organization
5 or an agency organized under the nonprofit corporation act, 1982 PA
6 162, MCL 450.2101 to 450.3192, for the purpose of receiving
7 children for placement in private family homes for foster care or
8 for adoption. The function of a child placing agency may include
9 investigating applicants for adoption and investigating and
10 certifying foster family homes and foster family group homes as
11 provided in this act. The function of a child placing agency may
12 also include supervising children who are at least 16 but less than
13 21 years of age and who are living in unlicensed residences as
14 provided in section 5(4).

15 (f) "Children's camp" means a residential, day, troop, or
16 travel camp that provides care and supervision and is conducted in
17 a natural environment for more than 4 children, apart from the
18 children's parents, relatives, or legal guardians, for 5 or more
19 days in a 14-day period.

20 (g) "Children's campsite" means the outdoor setting where a
21 children's residential or day camp is located.

22 (h) "Children's therapeutic group home" means a child caring
23 institution receiving not more than 6 minor children who are
24 diagnosed with a developmental disability as defined in section
25 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a
26 serious emotional disturbance as defined in section 100d of the
27 mental health code, 1974 PA 258, MCL 330.1100d, and that meets all
28 of the following requirements:

29 (i) Provides care, maintenance, and supervision, usually on a



1 24-hour basis.

2 (ii) Complies with the rules for child caring institutions,
3 except that behavior management rooms, personal restraint,
4 mechanical restraint, or seclusion, which is allowed in certain
5 circumstances under licensing rules, are prohibited in a children's
6 therapeutic group home.

7 (iii) Is not a private home.

8 (iv) Is not located on a campus with other licensed facilities.

9 (i) "Child care center" means a facility, other than a private
10 residence, receiving 1 or more children under 13 years of age for
11 care for periods of less than 24 hours a day, where the parents or
12 guardians are not immediately available to the child. Child care
13 center includes a facility that provides care for not less than 2
14 consecutive weeks, regardless of the number of hours of care per
15 day. The facility is generally described as a child care center,
16 day care center, day nursery, nursery school, parent cooperative
17 preschool, play group, before- or after-school program, or drop-in
18 center. Child care center does not include any of the following:

19 (i) A Sunday school, a vacation bible school, or a religious
20 instructional class that is conducted by a religious organization
21 where children are attending for not more than 3 hours per day for
22 an indefinite period or for not more than 8 hours per day for a
23 period not to exceed 4 weeks during a 12-month period.

24 (ii) A facility operated by a religious organization where
25 children are in the religious organization's care for not more than
26 3 hours while persons responsible for the children are attending
27 religious services.

28 (iii) A program that is primarily supervised, school-age-child-
29 focused training in a specific subject, including, but not limited



1 to, dancing, drama, music, or religion. This exclusion applies only
2 to the time a child is involved in supervised, school-age-child-
3 focused training.

4 (iv) A program that is primarily an incident of group athletic
5 or social activities for school-age children sponsored by or under
6 the supervision of an organized club or hobby group, including, but
7 not limited to, youth clubs, scouting, and school-age recreational
8 or supplementary education programs. This exclusion applies only to
9 the time the school-age child is engaged in the group athletic or
10 social activities and if the school-age child can come and go at
11 will.

12 (v) A program that primarily provides therapeutic services to
13 a child.

14 (j) "Conviction" means a final conviction, the payment of a
15 fine, a plea of guilty or nolo contendere if accepted by the court,
16 a finding of guilt for a criminal law violation or a juvenile
17 adjudication or disposition by the juvenile division of probate
18 court or family division of circuit court for a violation that if
19 committed by an adult would be a crime, or a conviction in a tribal
20 court or a military court.

21 (k) "Criminal history check" means a fingerprint-based
22 criminal history record information background check through the
23 department of state police and the Federal Bureau of Investigation.

24 (l) "Criminal history record information" means that term as
25 defined in section 1a of 1925 PA 289, MCL 28.241a.

26 (m) "Department" means the department of health and human
27 services and the department of licensing and regulatory affairs or
28 a successor agency or department responsible for licensure under
29 this act. The department of licensing and regulatory affairs is



1 responsible for licensing and regulatory matters for child care
2 centers, group child care homes, family child care homes,
3 children's camps, and children's campsites. The department of
4 health and human services is responsible for licensing and
5 regulatory matters for child caring institutions, child placing
6 agencies, children's therapeutic group homes, foster family homes,
7 and foster family group homes.

8 (n) "Eligible" means that the individual obtained the checks
9 and clearances described in sections 5n and 5q and is considered
10 appropriate to obtain a license, to be a member of the household of
11 a group child care home or family child care home, or to be a child
12 care staff member.

13 (o) "Ineligible" means that the individual obtained the checks
14 and clearances as described in sections 5n and 5q and is not
15 considered appropriate to obtain a license, to be a member of the
16 household of a group child care home or family child care home, or
17 to be a child care staff member due to violation of section 5n, 5q,
18 or 5r.

19 (p) "Private home" means a private residence in which the
20 licensee permanently resides, which residency is not contingent
21 upon caring for children or employment by a child placing agency.
22 Private home includes a full-time foster family home, a full-time
23 foster family group home, a group child care home, or a family
24 child care home, as follows:

25 (i) "Foster family home" means the private home of an
26 individual who is licensed to provide 24-hour care for 1 but not
27 more than 4 minor children who are placed away from their parent,
28 legal guardian, or legal custodian in foster care. The licensed
29 individual providing care is required to comply with the reasonable



1 and prudent parenting standard as defined in section 1 of chapter
2 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

3 (ii) "Foster family group home" means the private home of an
4 individual who has been licensed by the department to provide 24-
5 hour care for more than 4 but fewer than 7 minor children who are
6 placed away from their parent, legal guardian, or legal custodian
7 in foster care. The licensed individual providing care is required
8 to comply with the reasonable and prudent parenting standard as
9 defined in section 1 of chapter XIIIA of the probate code of 1939,
10 1939 PA 288, MCL 712A.1.

11 (iii) "Family child care home" means a private home in which 1
12 but fewer than 7 minor children are received for care and
13 supervision for compensation for periods of less than 24 hours a
14 day, unattended by a parent or legal guardian, except children
15 related to an adult member of the household. ~~by blood, marriage, or~~
16 ~~adoption.~~ Family child care home includes a home in which care is
17 given to an unrelated minor child for more than 4 weeks during a
18 calendar year. A family child care home does not include an
19 individual providing babysitting services for another individual.
20 As used in this subparagraph: ~~—"providing~~

21 (A) **"Providing** babysitting services" means caring for a child
22 on behalf of the child's parent or guardian if the annual
23 compensation for providing those services does not equal or exceed
24 \$600.00 or an amount that would according to the internal revenue
25 code of 1986 obligate the child's parent or guardian to provide a
26 form 1099-MISC to the individual for compensation paid during the
27 calendar year for those services.

28 (B) **"Related"** means an individual who is at least 18 years of
29 age and related to the child within the fifth degree by blood,



1 marriage, or adoption, including the spouse of an individual
 2 related to the child within the fifth degree, even after the
 3 marriage has ended by death or divorce, the parent who shares
 4 custody of a half-sibling, and the parent of a man whom the court
 5 has found probable cause to believe is the putative father if there
 6 is no man with legally established rights to the child.

7 (iv) "Group child care home" means a private home in which more
 8 than 6 but not more than 12 minor children are given care and
 9 supervision for periods of less than 24 hours a day unattended by a
 10 parent or legal guardian, except children related to an adult
 11 member of the household. ~~by blood, marriage, or adoption.~~ Group
 12 child care home includes a home in which care is given to an
 13 unrelated minor child for more than 4 weeks during a calendar year.
 14 As used in this subparagraph, "related" means an individual who is
 15 at least 18 years of age and related to the child within the fifth
 16 degree by blood, marriage, or adoption, including the spouse of an
 17 individual related to the child within the fifth degree, even after
 18 the marriage has ended by death or divorce, the parent who shares
 19 custody of a half-sibling, and the parent of a man whom the court
 20 has found probable cause to believe is the putative father if there
 21 is no man with legally established rights to the child.

22 (q) "Legal custodian" means an individual who is at least 18
 23 years of age in whose care a minor child remains or is placed after
 24 a court makes a finding under section 13a(5) of chapter XIIIA of the
 25 probate code of 1939, 1939 PA 288, MCL 712A.13a.

26 (r) "Licensee" means a person, partnership, firm, corporation,
 27 association, nongovernmental organization, or local or state
 28 government organization that has been issued a license under this
 29 act to operate a child care organization.



1 (s) "Listed offense" means that term as defined in section 2
2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

3 (t) "Member of the household" means any individual who resides
4 in a family child care home, group child care home, foster family
5 home, or foster family group home on an ongoing basis, or who has a
6 recurrent presence in the home, including, but not limited to,
7 overnight stays. For foster family homes and foster family group
8 homes, a member of the household does not include a foster child.
9 For group child care homes and family child care homes, a member of
10 the household does not include a child to whom child care is being
11 provided.

12 (u) "Original license" means a license issued to a child care
13 organization during the first 6 months of operation indicating that
14 the organization is in compliance with all rules promulgated by the
15 department under this act.

16 (v) "Provisional license" means a license issued to a child
17 care organization that is temporarily unable to conform to the
18 rules promulgated under this act.

19 (w) "Qualified residential treatment program" or "QRTP" means
20 a program within a child caring institution to which all of the
21 following apply:

22 (i) The program has a trauma-informed treatment model,
23 evidenced by the inclusion of trauma awareness, knowledge, and
24 skills into the program's culture, practices, and policies.

25 (ii) The program has registered or licensed nursing and other
26 licensed clinical staff on-site or available 24 hours a day, 7 days
27 a week, who provide care in the scope of their practice as provided
28 in parts 170, 172, 181, 182, 182A, and 185 of the public health
29 code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to



1 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237,
2 333.18251 to 333.18267, and 333.18501 to 333.18518.

3 (iii) The program integrates families into treatment, including
4 maintaining sibling connections.

5 (iv) The program provides aftercare services for at least 6
6 months post discharge.

7 (v) The program is accredited by an independent not-for-profit
8 organization as described in 42 USC 672(k)(4)(G).

9 (vi) The program does not include a detention facility,
10 forestry camp, training school, or other facility operated
11 primarily for detaining minor children who are determined to be
12 delinquent.

13 (x) "Regular license" means a license issued to a child care
14 organization indicating that the organization is in substantial
15 compliance with all rules promulgated under this act and, if there
16 is a deficiency, has entered into a corrective action plan.

17 (y) "Guardian" means the guardian of the person.

18 (z) "Minor child" means any of the following:

19 (i) A person less than 18 years of age.

20 (ii) A person who is a resident in a child caring institution,
21 foster family home, or foster family group home, who is at least 18
22 but less than 21 years of age, and who meets the requirements of
23 the young adult voluntary foster care act, 2011 PA 225, MCL 400.641
24 to 400.671.

25 (iii) A person who is a resident in a child caring institution,
26 children's camp, foster family home, or foster family group home;
27 who becomes 18 years of age while residing in a child caring
28 institution, children's camp, foster family home, or foster family
29 group home; and who continues residing in a child caring



institution, children's camp, foster family home, or foster family group home to receive care, maintenance, training, and supervision. A minor child under this subparagraph does not include a person 18 years of age or older who is placed in a child caring institution, foster family home, or foster family group home under an adjudication under section 2(a) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1. This subparagraph applies only if the number of those residents who become 18 years of age does not exceed the following:

(A) Two, if the total number of residents is 10 or fewer.

(B) Three, if the total number of residents is not less than 11 and not more than 14.

(C) Four, if the total number of residents is not less than 15 and not more than 20.

(D) Five, if the total number of residents is 21 or more.

(iv) A person 18 years of age or older who is placed in an unlicensed residence under section 5(4) or a foster family home under section 5(7).

(aa) "Related" means, ~~in the relationship by blood, marriage, or adoption, as parent, grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of the individuals described in this definition, even after the marriage has ended by death or divorce.~~ **except as provided in subdivision (p) (iii) and (iv), a relative as defined in section 13a of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.**



1 (bb) "Religious organization" means a church, ecclesiastical
2 corporation, or group, not organized for pecuniary profit, that
3 gathers for mutual support and edification in piety or worship of a
4 supreme deity.

5 (cc) "School-age child" means a child who is eligible to
6 attend a grade of kindergarten or higher, but is less than 13 years
7 of age. A child is considered to be a school-age child on the first
8 day of the school year in which he or she is eligible to attend
9 school.

10 (dd) "Severe physical injury" means serious physical harm as
11 that term is defined in section 136b of the Michigan penal code,
12 1931 PA 328, MCL 750.136b.

13 (ee) "Licensee designee" means the individual designated in
14 writing by the board of directors of the corporation or by the
15 owner or person with legal authority to act on behalf of the
16 company or organization on licensing matters. The individual must
17 agree in writing to be designated as the licensee designee. All
18 license applications must be signed by the licensee in the case of
19 the individual or by a member of the corporation, company, or
20 organization.

21 Enacting section 1. This amendatory act does not take effect
22 unless House Bill No. 5974 of the 101st Legislature is enacted into
23 law.

