

HOUSE BILL No. 4334

February 19, 1991, Introduced by Reps. Joe Young, Sr., DeMars, Perry Bullard, Clack, Stallworth, Harrison, Dobronski and Joe Young, Jr. and referred to the Committee on Judiciary.

A bill to amend section 1 of Act No. 116 of the Public Acts of 1973, 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 provide penalties; and to repeal certain acts and parts of acts,"

as amended by Act No. 139 of the Public Acts of 1984, being section 722.111 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 116 of the Public Acts of
2 1973, as amended by Act No. 139 of the Public Acts of 1984, being
3 section 722.111 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. As used in this act:

6 (a) "Child care organization" means a governmental or
7 nongovernmental organization having as its principal function the

1 receiving of minor children for care, maintenance, training, and
2 supervision, notwithstanding that educational instruction may be
3 given. Child care organization includes organizations commonly
4 described as child caring institutions, child placing agencies,
5 children's camps, child care centers, day care centers, nursery
6 schools, parent cooperative preschools, foster homes, group
7 homes, or day care homes. CHILD CARE ORGANIZATION DOES NOT
8 INCLUDE A GOVERNMENTAL OR NONGOVERNMENTAL ORGANIZATION THAT DOES
9 EITHER OF THE FOLLOWING:

10 (i) PROVIDES CARE EXCLUSIVELY TO MINORS WHO HAVE BEEN EMAN-
11 CIPATED BY COURT ORDER PURSUANT TO SECTION 4(3) OF ACT NO. 293 OF
12 THE PUBLIC ACTS OF 1968, BEING SECTION 722.4 OF THE MICHIGAN
13 COMPILED LAWS.

14 (ii) PROVIDES CARE EXCLUSIVELY TO PERSONS WHO ARE 18 YEARS
15 OF AGE OR OLDER AND TO MINORS WHO HAVE BEEN EMANCIPATED BY COURT
16 ORDER PURSUANT TO SECTION 4(3) OF ACT NO. 293 OF THE PUBLIC ACTS
17 OF 1968 AT THE SAME LOCATION.

18 (b) "Child caring institution" means a child care facility
19 ~~which~~ THAT is organized for the purpose of receiving minor
20 children for care, maintenance, and supervision, usually on a
21 24-hour basis, in buildings maintained by the institution for
22 that purpose, and operates throughout the year. An educational
23 program may be provided, but the educational program shall not be
24 the primary purpose of the facility. Child caring institution
25 includes a maternity home for the care of unmarried mothers who
26 are minors and an agency group home, which is described as a
27 small child caring institution owned, leased, or rented by a

1 licensed agency providing care for more than 4 but less than 13
2 minor children. Child caring institution also includes institu-
3 tions for mentally retarded or emotionally disturbed minor
4 children. Child caring institution does not include a hospital,
5 nursing home, or home for the aged licensed under article 17 of
6 the public health code, Act No. 368 of the Public Acts of 1978,
7 as amended, being sections 333.20101 to ~~333.22181~~ 333.22260 of
8 the Michigan Compiled Laws, a boarding school licensed under sec-
9 tion 1335 of the school code of 1976, Act No. 451 of the Public
10 Acts of 1976, being section 380.1335 of the Michigan Compiled
11 Laws, a hospital or facility operated by the state or licensed
12 under the mental health code, Act No. 258 of the Public Acts of
13 1974, as amended, being sections 330.1001 to 330.2106 of the
14 Michigan Compiled Laws, or an adult foster care family home or an
15 adult foster care small group home licensed under the adult
16 foster care facility licensing act, Act No. 218 of the Public
17 Acts of 1979, being sections 400.701 to ~~400.735~~ 400.737 of the
18 Michigan Compiled Laws, in which a child has been placed pursuant
19 to section 5(6).

20 (c) "Child placing agency" means an agency organized for the
21 purpose of receiving children for their placement in private
22 family homes for foster care or for adoption. The function of a
23 child placing agency may include the investigation and certifica-
24 tion of foster family homes and foster family group homes as pro-
25 vided in this act. The function of a child placing agency may
26 also include the supervision of children who are 16 or 17 years

1 of age and who are living in unlicensed residences as provided in
2 section 5(4).

3 (d) "Children's camp" means a residential, day, troop, or
4 travel camp conducted in a natural environment for more than 4
5 school age children, apart from their parents, relatives, or
6 legal guardians, for 5 or more days in a 14-day period. A
7 children's camp provides care and supervision for the same group
8 of children for usually not more than 12 weeks.

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

20 (i) A Sunday school, a vacation bible school, or a religious
21 instructional class that is conducted by a religious organization
22 where children are in attendance for not ~~greater~~ MORE than 3
23 hours per day for an indefinite period, or not ~~greater~~ MORE
24 than 8 hours per day for a period not to exceed 4 weeks during a
25 12-month period.

26 (ii) A facility operated by a religious organization where
27 children are cared for FOR not ~~greater~~ MORE than 3 hours while

1 persons responsible for the children are attending religious
2 services.

3 (f) "Private home" means a private residence in which the
4 licensee or registrant permanently resides as a member of the
5 household, which residency ~~shall~~ IS not ~~be~~ contingent upon
6 caring for children or employment by a licensed or approved child
7 placing agency. Private home includes a full-time foster family
8 home, a full-time foster family group home, a group day care
9 home, or a family day care home, as follows:

10 (i) "Foster family home" is a private home in which 1 but
11 not more than 4 minor children, who are not related to an adult
12 member of the household by blood, marriage, or adoption, are
13 given care and supervision for 24 hours a day, for 4 or more days
14 a week, for 2 or more consecutive weeks, unattended by a parent
15 or legal guardian.

16 (ii) "Foster family group home" means a private home in
17 which more than 4 but less than 7 minor children, who are not
18 related to an adult member of the household by blood, marriage,
19 or adoption, are provided care for 24 hours a day, for 4 or more
20 days a week, for 2 or more consecutive weeks, unattended by a
21 parent or legal guardian.

22 (iii) "Family day care home" means a private home in which 1
23 but less than 7 minor children are received for care and supervi-
24 sion for periods of less than 24 hours a day, unattended by a
25 parent or legal guardian, except children related to an adult
26 member of the family by blood, marriage, or adoption. Family day

1 care home includes a home that gives care to an unrelated minor
2 child for more than 4 weeks during a calendar year.

3 (iv) "Group day care home" means a private home in which
4 more than 6 but not more than 12 minor children are given care
5 and supervision for periods of less than 24 hours a day unat-
6 tended by a parent or legal guardian, except children related to
7 an adult member of the family by blood, marriage, or adoption.
8 Group day care home includes a home that gives care to an unre-
9 lated minor child for more than 4 weeks during a calendar year.

10 (g) "Licensee" means a person, partnership, firm, corpora-
11 tion, association, nongovernmental, or local or state government
12 child care organization ~~which~~ THAT has been issued a license to
13 operate a child care organization.

14 (h) "Provisional license" means a license issued to a child
15 care organization ~~which~~ THAT is temporarily unable to conform
16 to all of the rules promulgated under this act.

17 (i) "Regular license" means a license issued to a child care
18 organization indicating that the organization is in compliance
19 with all rules promulgated under this act.

20 (j) "Guardian" means the guardian of the person.

21 (k) "Minor child" means either of the following:

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

23 (ii) A person who is a resident in a child caring institu-
24 tion, children's camp, foster family home, or foster family group
25 home; who becomes 18 years of age while residing in the child
26 caring institution, camp, or home; and who continues residing in
27 the institution, camp, or home to receive care, maintenance,

1 training, and supervision. This subparagraph ~~shall apply~~
2 APPLIES only if the number of those residents who become 18 years
3 of age does not exceed the following:

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

5 (B) Three, if the total number of residents is not less than
6 11 and not more than 14.

7 (C) Four, if the total number of residents is not less than
8 15 and not more than 20.

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

10 (L) "Registrant" means a person who has been issued a cer-
11 tificate of registration to operate a family day care home.

12 (m) "Registration" means the process by which the department
13 of social services regulates family day care homes, which process
14 requires that a family day care home certify to the department
15 that the family day care home has complied with and will continue
16 to comply with the rules promulgated under this act.

17 (n) "Certificate of registration" means a written document
18 issued to a family day care home through registration.

19 (o) "Related" means any of the following relationships, by
20 marriage, blood, or adoption: parent, grandparent, brother,
21 sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin,
22 great aunt, great uncle, or stepgrandparent.

23 (p) "Religious organization" as used in this act, means
24 church, ecclesiastical corporation, or group, not organized for
25 pecuniary profit, that gathers for mutual support and edification
26 in piety or worship of a supreme deity.