

# HOUSE BILL No. 4426

March 5, 1991, Introduced by Reps. Hollister, Gire, Bryant, Bankes, Oxender, DeMars, Johnson, Hertel, Jondahl and Ciaramitaro and referred to the Committee on Social Services and Youth.

A bill to amend the title and sections 1, 2, 3, 5, 7, 8, 8a, 9a, and 13 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,"

section 1 as amended by Act No. 139 of the Public Acts of 1984, section 2 as amended by Act No. 150 of the Public Acts of 1983, sections 3 and 8 as amended and section 9a as added by Act No. 232 of the Public Acts of 1980, section 5 as amended by Act No. 72 of the Public Acts of 1989, and section 8a as added by Act No. 32 of the Public Acts of 1980, being sections 722.111, 722.112, 722.113, 722.115, 722.117, 722.118, 722.118a, 722.119a, and 722.123 of the Michigan Compiled Laws; to add sections 5a and 6a; and to repeal certain parts of the act.

12 TITLE

18        Sec. 1. As used in this act:

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1 schools, parent cooperative preschools, foster homes, group  
2 homes, or day care homes.

3 (b) "Child caring institution" means a child care facility  
4 ~~which~~ THAT is organized for the purpose of receiving minor  
5 children for care, maintenance, and supervision, usually on a  
6 24-hour basis, in buildings maintained by the institution for  
7 that purpose, and operates throughout the year. An educational  
8 program may be provided, but the educational program shall not be  
9 the primary purpose of the facility. Child caring institution  
10 includes a maternity home for the care of unmarried mothers who  
11 are minors and an agency group home, which is described as a  
12 small child caring institution owned, leased, or rented by a  
13 licensed agency providing care for more than 4 but less than 13  
14 minor children. Child caring institution also includes institu-  
15 tions for mentally retarded or emotionally disturbed minor  
16 children. Child caring institution does not include a hospital,  
17 nursing home, or home for the aged licensed under article 17 of  
18 the public health code, Act No. 368 of the Public Acts of 1978,  
19 as amended, being sections 333.20101 to ~~333.22181~~ 333.22260 of  
20 the Michigan Compiled Laws, a boarding school licensed under sec-  
21 tion 1335 of the school code of 1976, Act No. 451 of the Public  
22 Acts of 1976, being section 380.1335 of the Michigan Compiled  
23 Laws, a hospital or facility operated by the state or licensed  
24 under the mental health code, Act No. 258 of the Public Acts of  
25 1974, as amended, being sections 330.1001 to 330.2106 of the  
26 Michigan Compiled Laws, or an adult foster care family home or an  
27 adult foster care small group home licensed under the adult

1 foster care facility licensing act, Act No. 218 of the Public  
2 Acts of 1979, being sections 400.701 to ~~400.735~~ 400.737 of the  
3 Michigan Compiled Laws, in which a child has been placed pursuant  
4 to section 5(6).

5 (c) "Child placing agency" means an agency organized for the  
6 purpose of receiving children for their placement in private  
7 family homes for foster care or for adoption. The function of a  
8 child placing agency may include the investigation and certifica-  
9 tion of foster family homes and foster family group homes as pro-  
10 vided in this act. The function of a child placing agency may  
11 also include the supervision of children who are 16 or 17 years  
12 of age and who are living in unlicensed residences as provided in  
13 section 5(4).

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

20 (e) "Child care center" or "day care center" means a facil-  
21 ity ~~other than a private residence,~~ receiving 1 or more pre-  
22 school CHILDREN or school age children UNDER 12 YEARS OF AGE for  
23 care for periods of GREATER THAN 2 HOURS BUT less than 24 hours a  
24 day FOR 2 OR MORE DAYS PER WEEK AND FOR MORE THAN 8 WEEKS DURING  
25 A 12-MONTH PERIOD, and where the parents or guardians are APART  
26 FROM AND not immediately available to the child. ~~Child care~~  
27 ~~center or day care center includes a facility which provides care~~

1 ~~for not less than 2 consecutive weeks, regardless of the number~~  
2 ~~of hours of care per day.~~ The facility is generally described as  
3 a child care center, day care center, PRESCHOOL, day nursery,  
4 nursery school, parent cooperative preschool, play group, ~~or~~  
5 drop-in center, OR EMPLOYER-OPERATED OR EMPLOYER-SPONSORED CHILD  
6 CARE CENTER. Child care center or day care center does not  
7 include any of the following:

8       (i) A Sunday school, a vacation bible school, or a religious  
9 instructional class that is conducted by a religious organization  
10 where children are in attendance for not ~~greater~~ MORE than 3  
11 hours per day for an indefinite period, or not ~~greater~~ MORE  
12 than 8 hours per day for a period not to exceed 4 weeks during a  
13 12-month period.

14       (ii) A facility operated by a religious organization where  
15 children are cared for not ~~greater~~ MORE than 3 hours while per-  
16 sons responsible for the children are attending religious  
17 services.

18       (iii) A DAY CAMP PROGRAM THAT IS OPERATED MORE THAN 50% OF  
19 THE TIME IN AN OUTDOOR NATURAL SETTING.

20       (iv) A CHILD CARE FACILITY OPERATED IN CONNECTION WITH A  
21 SHOPPING CENTER, SKI RESORT, BOWLING ALLEY, OR OTHER SIMILAR  
22 RETAIL OR RECREATIONAL FACILITY WHERE CHILDREN ARE IN CARE ON A  
23 TEMPORARY BASIS AND THE PARENTS OR GUARDIANS ARE ON THE GENERAL  
24 PREMISES WHERE THE FACILITY IS LOCATED.

25       (v) A BEFORE SCHOOL AND AFTER SCHOOL PROGRAM FOR SCHOOL AGE  
26 CHILDREN THAT IS OPERATED BY AN INTERMEDIATE SCHOOL DISTRICT OR  
27 THE BOARD OF A LOCAL SCHOOL DISTRICT, IF THE PROGRAM IS LOCATED

1 IN A SCHOOL BUILDING THAT IS APPROVED BY THE STATE FIRE MARSHAL  
2 OR OTHER SIMILAR AUTHORITY AS PROVIDED IN SECTION 3 OF ACT  
3 NO. 306 OF THE PUBLIC ACTS OF 1937, BEING SECTION 388.853 OF THE  
4 MICHIGAN COMPILED LAWS, FOR SCHOOL PURPOSES AND IS IN COMPLIANCE  
5 WITH THE SCHOOL FIRE SAFETY RULES, R 29.301 TO R 29.317 OF THE  
6 MICHIGAN ADMINISTRATIVE CODE, AS DETERMINED BY THE STATE FIRE  
7 MARSHAL OR A FIRE INSPECTOR CERTIFIED PURSUANT TO SECTION 2B OF  
8 THE FIRE PREVENTION CODE, ACT NO. 207 OF THE PUBLIC ACTS OF 1941,  
9 BEING SECTION 29.2B OF THE MICHIGAN COMPILED LAWS.

10 (f) "Private home" means a private residence in which the  
11 licensee or registrant permanently resides as a member of the  
12 household, which residency ~~shall not be~~ IS NOT contingent upon  
13 caring for children or employment by a licensed or approved child  
14 placing agency. Private home includes a full-time foster family  
15 home, a full-time foster family group home, a group day care  
16 home, or a family day care home, as follows:

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

23 (ii) "Foster family group home" means a private home in  
24 which more than 4 but less than 7 minor children, who are not  
25 related to an adult member of the household by blood, marriage,  
26 or adoption, are provided care for 24 hours a day, for 4 or more

1 days a week; for 2 or more consecutive weeks, unattended by a  
2 parent or legal guardian.

3 (iii) "Family day care home" means a private home in which 1  
4 but less than 7 minor children are received for care and supervi-  
5 sion for periods of less than 24 hours a day, unattended by a  
6 parent or legal guardian, except children related to an adult  
7 member of the family by blood, marriage, or adoption. Family day  
8 care home includes a home that gives care to an unrelated minor  
9 child for more than ~~4~~ 8 weeks during a calendar year.

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

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

21 (h) "Provisional license" means ~~a~~ BOTH OF THE FOLLOWING:

22 (i) A license issued to a child care organization ~~which~~  
23 THAT HAS PREVIOUSLY BEEN LICENSED UNDER THIS ACT OR A FORMER ACT  
24 REPEALED BY THIS ACT BUT is temporarily unable to conform to all  
25 of the REQUIREMENTS OF A REGULAR LICENSE PRESCRIBED IN THIS ACT  
26 OR rules promulgated under this act.

1 (ii) A LICENSE ISSUED BEFORE THE EFFECTIVE DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH TO A CHILD CARE  
3 ORGANIZATION THAT HAD NOT PREVIOUSLY HELD A LICENSE UNDER THIS  
4 ACT OR A FORMER ACT REPEALED BY THIS ACT FOR ITS FIRST 6 MONTHS  
5 OF OPERATION.

6 (i) "Regular license" means a license issued to a child care  
7 organization indicating that the organization is in compliance  
8 with THIS ACT AND all rules promulgated under this act.

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

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

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

12 (ii) A person who is a resident in a child caring institu-  
13 tion, children's camp, foster family home, or foster family group  
14 home; who becomes 18 years of age while residing in the child  
15 caring institution, camp, or home; and who continues residing in  
16 the institution, camp, or home to receive care, maintenance,  
17 training, and supervision. This subparagraph ~~shall apply~~  
18 APPLIES only if the number of those residents who become 18 years  
19 of age does not exceed the following:

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

21 (B) Three, if the total number of residents is not less than  
22 11 and not more than 14.

23 (C) Four, if the total number of residents is not less than  
24 15 and not more than 20.

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

26 (l) "Registrant" means a person who has been issued a  
27 certificate of registration to operate a family day care home.



1 (m) "Registration" means the process by which the department  
2 of social services regulates family day care homes, which process  
3 requires that a family day care home certify to the department  
4 that the family day care home has complied with and will continue  
5 to comply with the rules promulgated under this act.

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

8 (o) "Related" means any of the following relationships, by  
9 marriage, blood, or adoption: parent, grandparent, brother,  
10 sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin,  
11 great aunt, great uncle, or stepgrandparent.

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

16 (Q) "TEMPORARY LICENSE" MEANS AN ORIGINAL LICENSE ISSUED TO  
17 AN APPLICANT FOR A SPECIFIC TYPE OF CHILD CARE ORGANIZATION AT A  
18 SPECIFIC LOCATION. HOWEVER, A TEMPORARY LICENSE ISSUED TO A  
19 CHILD PLACING AGENCY SHALL NOT BE FOR A SPECIFIC LOCATION.

20 Sec. 2: (1) The department of social services, hereinafter  
21 referred to as the "department", is responsible for the develop-  
22 ment of rules for the care and protection of children in organi-  
23 zations covered by this act and for the promulgation of these  
24 rules pursuant to the administrative procedures act of 1969, Act  
25 No. 306 of the Public Acts of 1969, as amended, being sections  
26 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled Laws.

1 (2) The department shall establish an ad hoc committee for  
2 each type of child care organization as defined in this act when  
3 it is formulating or amending rules under this act. The commit-  
4 tee shall consist of not less than ~~+2-~~ 15 members ~~-7-~~ and  
5 ~~shall~~ include representatives of the following groups and  
6 agencies:

7 (a) Department of public health.

8 (b) Department of state police, fire marshal division and  
9 state fire safety board.

10 (c) Department of education.

11 (d) Department of mental health.

12 (e) Representatives of organizations affected by this act.

13 (f) Parents of children affected by this act.

14 The representatives of organizations affected by this act  
15 and parents of children affected by this act shall constitute a  
16 majority of the committee membership. The committee shall serve  
17 during the period of the formulation of rules, shall have respon-  
18 sibility for making recommendations on the content of rules, and  
19 shall recommend to the department revisions in proposed rules at  
20 any time before their promulgation.

21 (3) The rules promulgated under this act shall be restricted  
22 to ALL OF THE FOLLOWING:

23 (a) The operation and conduct of child care organizations  
24 and the responsibility the organizations assume for child care.

25 (b) The character, suitability, training, and qualifications  
26 of applicants and other persons directly responsible for the care  
27 and welfare of children served.

1 (c) The general financial ability and competence of  
2 applicants to provide necessary care for children and to maintain  
3 prescribed standards.

4 (d) The number of individuals or staff required to insure  
5 adequate supervision and care of the children received.

6 (e) The appropriateness, safety, cleanliness, and general  
7 adequacy of the premises, including maintenance of adequate fire  
8 prevention and health standards to provide for the physical com-  
9 fort, care, and well being of the children received. However,  
10 the rules with respect to fire prevention and fire safety ~~shall~~  
11 DO not apply to a child care center established and operated by  
12 an intermediate school board, the board of a local school dis-  
13 trict, or by the board or governing body of a state approved non-  
14 public school, if the child care center is located in a school  
15 building that is approved by the state fire marshal or other sim-  
16 ilar authority as provided in section 3 of Act No. 306 of the  
17 Public Acts of 1937, being section 388.853 of the Michigan  
18 Compiled Laws, for school purposes and is in compliance with the  
19 school fire safety rules, ~~R 29.1~~ R 29.301 to ~~R 29.298~~ R  
20 29.317 of the Michigan administrative code, as determined by the  
21 state fire marshal or a fire inspector certified pursuant to sec-  
22 tion 2b of the fire prevention code, Act No. 207 of the Public  
23 Acts of 1941, being section 29.2b of the Michigan Compiled Laws.  
24 (f) Provisions for food, clothing, educational opportuni-  
25 ties, programs, equipment, and individual supplies to assure the  
26 healthy physical, emotional, and mental development of children  
27 served.

1 (g) Provisions to safeguard the legal rights of children  
2 served.

3 (h) Maintenance of records pertaining to admission,  
4 progress, health, and discharge of children.

5 (i) Filing of reports with the department.

6 (j) Discipline of children.

7 (k) Transportation safety.

8 (4) Rules ~~once~~ promulgated PURSUANT TO THIS SECTION are  
9 subject to BIENNIAL REVIEW BY THE DEPARTMENT AND major review by  
10 an ad hoc committee not less than once every 5 years. ~~and shall~~  
11 ~~be reviewed biennially by the department.~~ The DEPARTMENT SHALL  
12 ESTABLISH THE ad hoc committee ~~shall be established by the~~  
13 ~~department, shall consist~~ TO CONSIST of not less than ~~+2-~~  
14 15 members ~~,~~ and ~~shall~~ include representatives of the groups  
15 and agencies indicated in subsection (2). The ~~ad hoc committee~~  
16 DEPARTMENT shall hold at least 2 public hearings regarding the  
17 review of rules and shall report its recommendations regarding  
18 rules to the appropriate committees of the legislature.

19 Sec. 3. (1) The ~~rules promulgated by the department shall~~  
20 ~~be used by the~~ department of public health, the fire marshal  
21 division of the department of state police, and local authorities  
22 in the inspection of and reporting on child care organizations  
23 covered by this act SHALL COMPLY WITH THE RULES PROMULGATED BY  
24 THE DEPARTMENT PURSUANT TO SECTION 2. The inspection of the  
25 health and fire safety of child care organizations shall be com-  
26 pleted by department staff or by the department of public health,  
27 the fire marshal division of the department of state police,

1 local authorities upon request of the department, or pursuant to  
2 subsection (2).

3 (2) If an inspection is not conducted pursuant to subsection  
4 (1), a person owning or operating or who proposes to own or oper-  
5 ate a child care organization may enter a contract with a local  
6 authority or other person qualified to conduct an inspection pur-  
7 suant to subsection (1) and pay for that inspection after an  
8 inspection is completed pursuant to this subsection. ~~A person~~  
9 AN APPLICANT may receive a ~~provisional~~ TEMPORARY license if the  
10 proposed child care organization passes the inspection ~~and~~ and  
11 the other requirements of this act are met.

12 (3) ~~The rules promulgated by the department for foster~~  
13 ~~family homes and foster family group homes shall be used by a~~ A  
14 licensed child placing agency ~~or an approved governmental unit~~  
15 ~~when~~ IF investigating and certifying a foster family home or a  
16 foster family group home SHALL COMPLY WITH THE RULES PROMULGATED  
17 BY THE DEPARTMENT PURSUANT TO SECTION 2 FOR FOSTER FAMILY HOMES  
18 AND FOSTER FAMILY GROUP HOMES.

19 (4) Inspection reports completed by state agencies, local  
20 authorities, and child placing agencies ~~and~~ shall be furnished to  
21 the department and ~~shall~~ become a part of its evaluation for  
22 licensing of organizations covered by this act. After careful  
23 consideration of the reports and consultation ~~where~~ IF neces-  
24 sary, the department shall assume responsibility for the final  
25 determination of the issuance, denial, revocation, or provisional  
26 nature of licenses issued ~~to nongovernmental organizations. A~~  
27 UNDER THIS ACT. THE DEPARTMENT SHALL FURNISH A report of findings

1 ~~shall be furnished~~ to the licensee. ~~A license shall be~~  
2 ~~issued~~ THE DEPARTMENT SHALL ISSUE A LICENSE to a specific person  
3 or organization at a specific location. ~~, shall be~~ THE LICENSE  
4 IS nontransferable ~~, and shall remain~~ REMAINS the property of  
5 the department.

6       Sec. 5. (1) A person, partnership, firm, corporation, asso-  
7 ciation, or GOVERNMENTAL OR nongovernmental organization shall  
8 not establish or maintain a child care organization unless  
9 licensed or registered by the department. Application for a  
10 license or certificate of registration shall be made on forms  
11 provided, and in the manner prescribed, by the department. AN  
12 APPLICATION FOR A LICENSE OR A CERTIFICATE OF REGISTRATION OR FOR  
13 THE RENEWAL OF A LICENSE OR CERTIFICATE OF REGISTRATION SHALL BE  
14 ACCOMPANIED BY THE FEE PRESCRIBED IN SECTION 5A. Before issuing  
15 or renewing a license, the department shall investigate the  
16 activities and proposed standards of care of the applicant and  
17 shall make an on-site ~~visit~~ INSPECTION of the proposed or  
18 established organization. THE DEPARTMENT MAY CONDUCT AN ON-SITE  
19 INSPECTION IN RESPONSE TO THE APPLICATION WITHOUT PRIOR NOTICE TO  
20 THE APPLICANT. If the department is satisfied as to the need for  
21 a child care organization, its financial stability, the good  
22 moral character of the applicant, and that the services and  
23 facilities are conducive to the welfare of the children, the  
24 ~~license~~ DEPARTMENT shall ~~be issued or renewed~~ ISSUE OR RENEW  
25 THE LICENSE. As used in this subsection, "good moral character"  
26 means good moral character as defined and determined pursuant to

1 Act No. 381 of the Public Acts of 1974, as amended, being  
2 sections 338.41 to 338.47 of the Michigan Compiled Laws.

3 (2) The department shall issue a certificate of registration  
4 to a person who has successfully completed an orientation session  
5 offered by the department, and who certifies to the department  
6 that the family day care home has complied with and will continue  
7 to comply with the rules promulgated under this act, and will  
8 provide services and facilities, as determined by the department,  
9 conducive to the welfare of children. The department shall make  
10 available an orientation session to applicants for registration  
11 regarding this act, the rules promulgated under this act, and the  
12 needs of children in family day care before issuing a certificate  
13 of registration. ~~A THE DEPARTMENT SHALL ISSUE A certificate of~~  
14 registration ~~shall be issued~~ to a specific person at a specific  
15 location. ~~, shall be~~ A CERTIFICATE OF REGISTRATION IS nontrans-  
16 ferable ~~, and shall remain~~ REMAINS the property of the  
17 department. Within ~~90 days~~ 6 MONTHS after initial registra-  
18 tion, the department shall make an on-site ~~visit~~ INSPECTION of  
19 the family day care home. THE DEPARTMENT MAY CONDUCT THE ON-SITE  
20 INSPECTION WITHOUT PRIOR NOTICE TO THE FAMILY DAY CARE HOME.

21 (3) The department may authorize a licensed child placing  
22 agency ~~or an approved governmental unit~~ to investigate a foster  
23 family home or a foster family group home pursuant to subsection  
24 (1) and to certify that the foster family home or foster family  
25 group home meets the licensing requirements prescribed by this  
26 act. A foster family home or a foster family group home shall be  
27 certified for licensing by the department by only 1 child placing

1 agency. ~~or approved governmental unit.~~ Other child placing  
2 agencies may place children in a foster family home or foster  
3 family group home only upon the approval of the certifying  
4 agency. ~~or governmental unit.~~

5 (4) The department may authorize a licensed child placing  
6 agency ~~or an approved governmental unit~~ to place a child who is  
7 16 or 17 years of age in his or her own unlicensed residence, or  
8 in the unlicensed residence of an adult who has no supervisory  
9 responsibility for the child, if ~~a~~ THE child placing agency ~~or~~  
10 ~~governmental unit~~ retains supervisory responsibility for the  
11 child.

12 (5) A licensed child placing agency ~~—~~ AND child caring  
13 institution ~~, and an approved governmental unit~~ shall provide  
14 the state court administrative office and a local foster care  
15 review board established under Act No. 422 of the Public Acts of  
16 1984, being sections 722.131 to ~~722.140~~ 722.139A of the  
17 Michigan Compiled Laws, such records as may be requested pertain-  
18 ing to children in foster care placement for more than 6 months.

19 (6) The department may authorize a licensed child placing  
20 agency ~~or an approved governmental unit~~ to place a child who is  
21 16 or 17 years old in an adult foster care family home or an  
22 adult foster care small group home licensed under the adult  
23 foster care facility licensing act, Act No. 218 of the Public  
24 Acts of 1979, as amended, being sections 400.701 to 400.737 of  
25 the Michigan Compiled Laws, if ~~a~~ THE licensed child placing  
26 agency ~~or approved governmental unit~~ retains supervisory



1 responsibility for the child and certifies to the department all  
2 of the following:

3 (a) The placement is in the best interests of the child.

4 (b) The needs of the child can be adequately met by the  
5 adult foster care family home or small group home.

6 (c) The child will be compatible with other residents of the  
7 adult foster care family home or small group home.

8 (d) That the child placing agency ~~or approved governmental~~  
9 ~~unit~~ will periodically reevaluate the placement of an individual  
10 under this subsection to determine that the criteria for place-  
11 ment in subdivisions (a) through (c) continue to be met.

12 SEC. 5A. (1) APPLICATION FEES FOR A PERSON WHO IS A REGIS-  
13 TRANT OR IS SEEKING A CERTIFICATE OF REGISTRATION UNDER THIS ACT  
14 ARE AS FOLLOWS:

15 (A) APPLICATION FEE FOR AN INITIAL CERTIFICATE OF  
16 REGISTRATION..... \$ 25.00

17 (B) APPLICATION FEE FOR RENEWAL OF A CERTIFICATE OF  
18 REGISTRATION..... 25.00

19 (2) APPLICATION FEES FOR A PERSON, PARTNERSHIP, FIRM, CORPO-  
20 RATION, ASSOCIATION, OR GOVERNMENTAL OR NONGOVERNMENTAL ORGANI-  
21 ZATION LICENSED OR SEEKING LICENSURE UNDER THIS ACT ARE AS  
22 FOLLOWS:

23 (A) APPLICATION FEE FOR A TEMPORARY LICENSE:

24 (i) GROUP DAY CARE HOME..... 50.00

25 (ii) CHILD PLACING AGENCY..... 200.00

26 (iii) CHILD CARE CENTER AUTHORIZED TO RECEIVE AND MAINTAIN

27 THE FOLLOWING NUMBER OF CHILDREN:

1	(A) 1 TO 20.....	50.00
2	(B) 21 TO 50.....	100.00
3	(C) 51 TO 100.....	125.00
4	(D) OVER 100.....	150.00
5	(iv) CHILD CARING INSTITUTION AUTHORIZED TO RECEIVE AND	
6	MAINTAIN THE FOLLOWING NUMBER OF CHILDREN:	
7	(A) 1 TO 12.....	150.00
8	(B) 13 TO 20.....	175.00
9	(C) 21 TO 50.....	200.00
10	(D) OVER 50.....	250.00
11	(v) CHILDREN'S CAMP AUTHORIZED TO RECEIVE AND MAINTAIN THE	
12	FOLLOWING NUMBER OF CHILDREN:	
13	(A) 1 TO 100.....	50.00
14	(B) OVER 100.....	100.00
15	(B) APPLICATION FEE FOR A PROVISIONAL OR REGULAR LICENSE AND	
16	FOR RENEWAL OF A LICENSE:	
17	(i) GROUP DAY CARE HOME.....	25.00
18	(ii) CHILD PLACING AGENCY THAT HAS THE FOLLOWING NUMBER OF	
19	CHILDREN PLACED IN ADOPTIVE HOMES, FOSTER HOMES, OR UNLICENSED	
20	RESIDENCES, OR ANY COMBINATION OF THESE, AS PROVIDED IN THIS ACT	
21	AT THE TIME OF APPLICATION FOR RENEWAL:	
22	(A) 1 TO 24.....	50.00
23	(B) 25 TO 50.....	75.00
24	(C) 51 TO 100.....	100.00
25	(D) 101 TO 200.....	125.00
26	(E) OVER 200.....	150.00

1 (iii) IN ADDITION TO A FEE PRESCRIBED IN  
 2 SUBPARAGRAPH (ii), A CHILD PLACING AGENCY AUTHORIZED TO  
 3 INVESTIGATE AND CERTIFY FOSTER FAMILY HOMES AND FOSTER  
 4 FAMILY GROUP HOMES..... 100.00

5 (iv) CHILD CARE CENTER AUTHORIZED TO RECEIVE AND MAINTAIN  
 6 THE FOLLOWING NUMBER OF CHILDREN:

7 (A) 1 TO 20..... 25.00  
 8 (B) 21 TO 50..... 50.00  
 9 (C) 51 TO 100..... 75.00  
 10 (D) OVER 100..... 100.00

11 (v) CHILD CARING INSTITUTION AUTHORIZED TO RECEIVE AND MAIN-  
 12 TAIN THE FOLLOWING NUMBER OF CHILDREN:

13 (A) 1 TO 12..... 100.00  
 14 (B) 13 TO 20..... 125.00  
 15 (C) 21 TO 50..... 150.00  
 16 (D) OVER 50..... 200.00

17 (vi) CHILDREN'S CAMP AUTHORIZED TO RECEIVE AND MAINTAIN THE  
 18 FOLLOWING NUMBER OF CHILDREN:

19 (A) 1 TO 100..... 25.00  
 20 (B) OVER 100..... 50.00

21 (3) FEES COLLECTED PURSUANT TO THIS ACT SHALL BE CREDITED TO  
 22 THE GENERAL FUND OF THE STATE TO BE APPROPRIATED BY THE LEGISLA-  
 23 TURE TO THE DEPARTMENT FOR THE ENFORCEMENT OF THIS ACT.

24 (4) A FEE COLLECTED BY THE DEPARTMENT UNDER THIS ACT SHALL  
 25 NOT BE REFUNDED.

26 SEC. 6A. THE DEPARTMENT SHALL ISSUE A TEMPORARY LICENSE TO  
 27 A CHILD CARE ORGANIZATION FOR THE FIRST 12 MONTHS OF OPERATION.

1 AT THE END OF THE CHILD CARE ORGANIZATION'S FIRST 12 MONTHS OF  
2 OPERATION, THE DEPARTMENT SHALL ISSUE A REGULAR LICENSE, ISSUE A  
3 PROVISIONAL LICENSE, OR REFUSE TO ISSUE A LICENSE IN THE MANNER  
4 PROVIDED IN SECTION 11. A TEMPORARY LICENSE SHALL NOT BE  
5 RENEWED.

6       Sec. 7. (1) A provisional license ~~shall~~ MAY be issued to  
7 a ~~new~~ CHILD CARE organization ~~during the first 6 months of~~  
8 ~~operation. At the end of the 6 months of operation, the depart-~~  
9 ~~ment shall either issue a regular license or renew or refuse to~~  
10 ~~renew the provisional license as provided in section 11~~ THAT HAS  
11 PREVIOUSLY HELD A TEMPORARY OR REGULAR LICENSE UNDER THIS ACT OR  
12 AN ACT REPEALED BY THIS ACT. A provisional license may be issued  
13 to a child care organization which is temporarily unable to con-  
14 form to the REQUIREMENTS OF A REGULAR LICENSE PRESCRIBED IN THIS  
15 ACT OR rules PROMULGATED UNDER THIS ACT.

16       (2) A PROVISIONAL LICENSE ISSUED BEFORE THE EFFECTIVE DATE  
17 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION TO A CHILD CARE  
18 ORGANIZATION THAT HAD NOT PREVIOUSLY HELD A LICENSE UNDER THIS  
19 ACT OR A FORMER ACT REPEALED BY THIS ACT FOR ITS FIRST 6 MONTHS  
20 OF OPERATION IS VALID AND RENEWABLE AS PROVIDED IN THIS  
21 SUBSECTION. AT THE END OF THE 6 MONTHS OF OPERATION BY THE CHILD  
22 CARE ORGANIZATION, THE DEPARTMENT SHALL EITHER ISSUE A REGULAR  
23 LICENSE OR RENEW OR REFUSE TO RENEW THE PROVISIONAL LICENSE AS  
24 PROVIDED IN SUBSECTION (3) AND SECTION 11.

25       (3) A provisional license ~~shall expire~~ EXPIRES 6 months  
26 from the date of issuance and may be ~~issued~~ RENEWED not more  
27 than ~~4~~ 2 CONSECUTIVE times. The issuance of a provisional

1 license ~~shall be~~ IS contingent upon the submission to the  
 2 department of an acceptable plan to overcome the deficiency  
 3 present in the child care organization within the time limita-  
 4 tions ~~of~~ ESTABLISHED BY THE DEPARTMENT THAT SHALL NOT EXCEED  
 5 the provisional ~~licensing~~ LICENSE period.

6       Sec. 8. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN  
 7 SUBSECTION (2), A regular license ~~shall be effective~~ IS VALID  
 8 for ~~2~~ 3 years after the date of issuance unless revoked pursu-  
 9 ant to section 11 or modified to a provisional status based on  
 10 evidence of noncompliance with this act or the rules promulgated  
 11 under this act. The DEPARTMENT SHALL RENEW THE license ~~shall be~~  
 12 ~~reinstated biennially~~ EVERY 3 YEARS on application and  
 13 approval. A license shall specify in general terms the kind of  
 14 child care program the licensee may undertake ~~7~~ and the number  
 15 ~~7~~ and ages of children that can be received and maintained.

16       (2) A REGULAR LICENSE FOR A CHILDREN'S CAMP IS VALID FOR THE  
 17 SPECIFIC DATES OF OPERATION STATED IN THE LICENSE UNLESS REVOKED  
 18 PURSUANT TO SECTION 11 OR MODIFIED TO A PROVISIONAL STATUS BASED  
 19 ON EVIDENCE OF NONCOMPLIANCE WITH THIS ACT OR THE RULES PROMUL-  
 20 GATED UNDER THIS ACT. A REGULAR LICENSE FOR A CHILDREN'S CAMP  
 21 SHALL NOT EXCEED A 12-MONTH PERIOD.

22       Sec. 8a. (1) The department ~~shall~~ MAY periodically  
 23 ~~assess a child care organization's~~ CONDUCT AN ON-SITE INSPEC-  
 24 TION WITHOUT PRIOR NOTICE TO THE CHILD CARE ORGANIZATION TO  
 25 ACCESS continued compliance with this act and the rules promul-  
 26 gated under this act. The department shall ~~make an on-site~~  
 27 ~~evaluation~~ CONDUCT NOT LESS THAN 1 ON-SITE INSPECTION of ~~a~~

1 EACH child care organization ~~at least once a year~~ WITHOUT PRIOR  
2 NOTICE DURING THE REGULAR LICENSE PERIOD.

3 (2) ~~The department may authorize a~~ A licensed child plac-  
4 ing agency ~~or an approved governmental unit to~~ SHALL periodi-  
5 cally assess a licensed foster family home or a licensed foster  
6 family group home pursuant to subsection (1) and to certify that  
7 the foster family home or the foster family group home continues  
8 to comply with this act and the rules promulgated under this  
9 act. ~~A periodic assessment of a licensed foster family home or~~  
10 ~~a licensed foster family group home pursuant to this subsection~~  
11 ~~may include an on-site evaluation of the child care~~  
12 ~~organization.~~

13 Sec. 9a. (1) A certificate of registration ~~shall be in~~  
14 ~~force~~ IS VALID for 3 years unless revoked pursuant to section  
15 11. A renewal certificate of registration shall be issued in the  
16 same manner as provided in section 5(2) for the initial issuance  
17 of the certificate, except that an on-site ~~visit~~ INSPECTION of  
18 the family day care home and the orientation session ~~shall~~ IS  
19 not ~~be~~ required. The certificate shall state that the regis-  
20 trant may operate a family day care home and the number and the  
21 ages of the children that may be received and maintained.

22 (2) This section ~~shall~~ DOES not limit the right or the  
23 duty of the department to assess periodically, randomly, or at  
24 the time of renewal ~~,~~ the continued compliance with this act  
25 and rules promulgated under this act. The department shall make  
26 on-site ~~visits~~ INSPECTIONS as provided in this act to a 10%  
27 sample of the family day care homes in each county each year, or

1 when a complaint about a family day care home or registrant is  
2 received by the department.

3       Sec. 13. ~~When there is a violation of this act or a rule~~  
4 ~~promulgated thereunder, and the unlawful activity or condition of~~  
5 ~~the child care organization is likely to result in serious harm~~  
6 ~~to the children under care, the department may seek injunctive~~  
7 ~~action against the child care organization in the circuit court~~  
8 ~~through proceedings instituted by the attorney general on behalf~~  
9 ~~of the department.~~ THE DEPARTMENT MAY SEEK INJUNCTIVE RELIEF  
10 AGAINST A CHILD CARE ORGANIZATION IN THE CIRCUIT COURT THROUGH  
11 PROCEEDINGS INSTITUTED BY THE ATTORNEY GENERAL ON BEHALF OF THE  
12 DEPARTMENT IF EITHER OF THE FOLLOWING CIRCUMSTANCES EXISTS:

13       (A) THE CHILD CARE ORGANIZATION IS BEING OPERATED WITHOUT A  
14 VALID LICENSE OR CERTIFICATE OF REGISTRATION AS PRESCRIBED BY  
15 THIS ACT.

16       (B) THERE IS A VIOLATION OF THIS ACT OR RULES PROMULGATED  
17 UNDER THIS ACT THAT IS LIKELY TO RESULT IN HARM TO CHILDREN UNDER  
18 THE CARE OF THE CHILD CARE ORGANIZATION.

19       Section 2. Section 6 of Act No. 116 of the Public Acts of  
20 1973, being section 722.116 of the Michigan Compiled Laws, is  
21 repealed.