



# HOUSE BILL No. 4429

March 3, 1993, Introduced by Reps. Randall, McNutt, Bender, London and DeMars 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. 162 of the Public Acts of 1991, 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. 162 of the Public Acts of 1991, 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 that is organized for the purpose of receiving minor children for  
20 care, maintenance, and supervision, usually on a 24-hour basis,  
21 in buildings maintained by the institution for that purpose, and  
22 operates throughout the year. An educational program may be pro-  
23 vided, but the educational program shall not be the primary pur-  
24 pose of the facility. Child caring institution includes a mater-  
25 nity home for the care of unmarried mothers who are minors and an  
26 agency group home, which is described as a small child caring  
27 institution owned, leased, or rented by a licensed agency

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

19 (c) "Child placing agency" means an agency organized for the  
20 purpose of receiving children for their placement in private  
21 family homes for foster care or for adoption. The function of a  
22 child placing agency may include the investigation and certifica-  
23 tion of foster family homes and foster family group homes as pro-  
24 vided in this act. The function of a child placing agency may  
25 also include the supervision of children who are 16 or 17 years  
26 of age and who are living in unlicensed residences as provided in  
27 section 5(4).

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

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

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

23 (ii) A facility operated by a religious organization where  
24 children are cared for not more than 3 hours while persons  
25 responsible for the children are attending religious services.

26 (f) "Private home" means a private residence in which the  
27 licensee or registrant permanently resides as a member of the

1 household, which residency ~~shall~~ IS not ~~be~~ contingent upon  
 2 caring for children or employment by a licensed or approved child  
 3 placing agency. Private home includes a full-time foster family  
 4 home, a full-time foster family group home, a group day care  
 5 home, or a family day care home, as follows:

6 (i) "Foster family home" is a private home in which 1 but  
 7 not more than 4 minor children, who are not related to an adult  
 8 member of the household by blood ~~—~~ OR marriage, or ~~adoption~~  
 9 WHO ARE NOT PLACED IN THE HOUSEHOLD PURSUANT TO CHAPTER X OF ACT  
 10 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 710.21 TO  
 11 710.70 OF THE MICHIGAN COMPILED LAWS, are given care and supervi-  
 12 sion for 24 hours a day, for 4 or more days a week, for 2 or more  
 13 consecutive weeks, unattended by a parent or legal guardian.

14 (ii) "Foster family group home" means a private home in  
 15 which more than 4 but ~~less~~ FEWER than 7 minor children, who are  
 16 not related to an adult member of the household by blood ~~—~~ OR  
 17 marriage, or ~~adoption~~ WHO ARE NOT PLACED IN THE HOUSEHOLD PUR-  
 18 SUANT TO CHAPTER X OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939,  
 19 BEING SECTIONS 710.21 TO 710.70 OF THE MICHIGAN COMPILED LAWS,  
 20 are provided care for 24 hours a day, for 4 or more days a week,  
 21 for 2 or more consecutive weeks, unattended by a parent or legal  
 22 guardian.

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

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

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

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

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

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

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

22 (k) "Minor child" means any of the following:

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

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

1 the institution, camp, or home to receive care, maintenance,  
2 training, and supervision. This subparagraph applies only if the  
3 number of those residents who become 18 years of age does not  
4 exceed the following:

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

6 (B) Three, if the total number of residents is not less than  
7 11 and not more than 14.

8 (C) Four, if the total number of residents is not less than  
9 15 and not more than 20.

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

11 (iii) A person 18 years of age or older who is placed in a  
12 foster family home under section 5(7).

13 (l) "Registrant" means a person who has been issued a cer-  
14 tificate of registration to operate a family day care home.

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

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

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

26 (p) "Religious organization" means church, ecclesiastical  
27 corporation, or group, not organized for pecuniary profit, that

1 gathers for mutual support and edification in piety or worship of  
2 a supreme deity.

3       Section 2. This amendatory act shall not take effect unless  
4 all of the following bills of the 87th Legislature are enacted  
5 into law:

6       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4427 (request  
7 no. 03020'93).

8       (b) House Bill No. 4200.