



# SENATE BILL No. 724

June 30, 1993, Introduced by Senators WELBORN, DINGELL, GEAKE, CISKY, DILLINGHAM, GOUGEON, MC MANUS, WARTNER, DE GROW, PRIDNIA, HONIGMAN, GAST, HOFFMAN, ARTHURHULTZ and HART and referred to the Committee on Family Law, Criminal Law, and Corrections.

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:

Section 1. Section 1 of Act No. 116 of the Public Acts of 1973, as amended by Act No. 162 of the Public Acts of 1991, being section 722.111 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1. As used in this act:

(a) "Child care organization" means a governmental or 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  
20 PURSUANT TO THE NONPROFIT CORPORATION ACT, ACT NO. 162 OF THE  
21 PUBLIC ACTS OF 1982, BEING SECTIONS 450.2101 TO 450.3192 OF THE  
22 MICHIGAN COMPILED LAWS, for the purpose of receiving children for  
23 their placement in private family homes for foster care or for  
24 adoption. The function of a child placing agency may include the  
25 investigation and certification of foster family homes and foster  
26 family group homes as provided in this act. The function of a  
27 child placing agency may also include the supervision of children

1 who are 16 or 17 years of age and who are living in unlicensed  
2 residences as provided in 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 that provides care for not less than 2 con-  
15 secutive weeks, regardless of the number of hours of care per  
16 day. The facility is generally described as a child care center,  
17 day care center, day nursery, nursery school, parent cooperative  
18 preschool, play group, or drop-in center. Child care center or  
19 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 more than 3 hours per  
23 day for an indefinite period, or not more than 8 hours per day  
24 for a period not to exceed 4 weeks during a 12-month period.

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

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

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

20 (iii) "Family day care home" means a private home in which 1  
21 but ~~less~~ FEWER than 7 minor children are received for care and  
22 supervision for periods of less than 24 hours a day, unattended  
23 by a parent or legal guardian, except children related to an  
24 adult member of the family by blood, marriage, or adoption.  
25 Family day care home includes a home that gives care to an unre-  
26 lated minor child for more than 4 weeks during a calendar year.

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

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

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

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

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

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

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

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

1 number of those residents who become 18 years of age does not  
2 exceed the following:

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

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

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

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

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

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

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

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

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

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

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

4       (a) Senate Bill No. 299.

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6       (b) Senate Bill No. 721.

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8       (c) Senate Bill No. 722.

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10       (d) Senate Bill No. 725.

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12       (e) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
13 01175'93).

14       (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
15 01176'93).

16       (g) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
17 01177'93).

18       (h) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
19 01180'93).

20       (i) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
21 01181'93).

22       (j) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
23 01182'93).