



HOUSE BILL No. 4528

March 7, 1995, Introduced by Rep. Randall and referred to the Committee on Human Services.

A bill to amend section 5 of Act No. 116 of the Public Acts of 1973, entitled as amended

"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 the department of social services and adoption facilitators; 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 722.115 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 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 722.115 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 5. (1) A person, partnership, firm, corporation,
6 association, or nongovernmental organization shall not establish

1 or maintain a child care organization unless licensed or
2 registered by the department. Application for a license or cer-
3 tificate of registration shall be made on forms provided, and in
4 the manner prescribed, by the department. Before issuing or
5 renewing a license, the department shall investigate the activi-
6 ties and proposed standards of care of the applicant and shall
7 make an on-site visit of the proposed or established
8 organization. If the department is satisfied as to the need for
9 a child care organization, its financial stability, the good
10 moral character of the applicant, and that the services and
11 facilities are conducive to the welfare of the children, the
12 department shall issue or renew the license. As used in this
13 subsection, "good moral character" means good moral character as
14 defined and determined pursuant to Act No. 381 of the Public Acts
15 of 1974, ~~as amended,~~ being sections 338.41 to 338.47 of the
16 Michigan Compiled Laws.

17 (2) The department shall issue a certificate of registration
18 to a person who has successfully completed an orientation session
19 offered by the department, and who certifies to the department
20 that the family day care home has complied with and will continue
21 to comply with the rules promulgated under this act, and will
22 provide services and facilities, as determined by the department,
23 conducive to the welfare of children. The department shall make
24 available an orientation session to applicants for registration
25 regarding this act, the rules promulgated under this act, and the
26 needs of children in family day care before issuing a certificate
27 of registration. The department shall issue a certificate of

1 registration to a specific person at a specific location. A
2 certificate of registration is nontransferable and remains the
3 property of the department. Within 90 days after initial regis-
4 tration, the department shall make an on-site visit of the family
5 day care home.

6 (3) The department may authorize a licensed child placing
7 agency or an approved governmental unit to investigate a foster
8 family home or a foster family group home pursuant to subsection
9 (1) and to certify that the foster family home or foster family
10 group home meets the licensing requirements prescribed by this
11 act. A foster family home or a foster family group home shall be
12 certified for licensing by the department by only 1 child placing
13 agency or approved governmental unit. Other child placing agen-
14 cies may place children in a foster family home or foster family
15 group home only upon the approval of the certifying agency or
16 governmental unit.

17 (4) The department may authorize a licensed child placing
18 agency or an approved governmental unit to place a child who is
19 16 or 17 years of age in his or her own unlicensed residence, or
20 in the unlicensed residence of an adult who has no supervisory
21 responsibility for the child, if a child placing agency or gov-
22 ernmental unit retains supervisory responsibility for the child.

23 (5) A licensed child placing agency, child caring institu-
24 tion, and an approved governmental unit shall provide the state
25 court administrative office and a local foster care review board
26 established under Act No. 422 of the Public Acts of 1984, being
27 sections 722.131 to 722.139a of the Michigan Compiled Laws, such

1 records as may be requested pertaining to children in foster care
2 placement for more than 6 months.

3 (6) The department may authorize a licensed child placing
4 agency or an approved governmental unit to place a child who is
5 16 or 17 years old in an adult foster care family home or an
6 adult foster care small group home licensed under the adult
7 foster care facility licensing act, Act No. 218 of the Public
8 Acts of 1979, ~~as amended,~~ being sections 400.701 to 400.737 of
9 the Michigan Compiled Laws, if a licensed child placing agency or
10 approved governmental unit retains supervisory responsibility for
11 the child and certifies to the department all of the following:

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

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

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

17 (d) ~~That the~~ THE child placing agency or approved govern-
18 mental unit will periodically reevaluate the placement of an
19 individual under this subsection to determine that the criteria
20 for placement in subdivisions (a) through (c) continue to be
21 met.

22 (7) The director of the department, or his or her designee,
23 may authorize, on an exception basis, a licensed child placing
24 agency or an approved governmental unit to place an adult in a
25 foster family home, if a licensed child placing agency or
26 approved governmental unit certifies to the department all of the
27 following:

1 (a) The adult is a person with a developmental disability as
2 defined by section 600 of the mental health code, Act No. 258 of
3 the Public Acts of 1974, being section 330.1600 of the Michigan
4 Compiled Laws, or a person who is otherwise neurologically
5 handicapped, and the person is also physically limited to such a
6 degree as to require complete physical assistance with mobility
7 and activities of daily living.

8 (b) The placement is in the best interest of the adult and
9 will not adversely affect the interest of the foster child or
10 children residing in the foster family home.

11 (c) The identified needs of the adult can be met by the
12 foster family home.

13 (d) The adult will be compatible with other residents of the
14 foster family home.

15 (e) The child placing agency or approved governmental unit
16 will periodically reevaluate the placement of an adult under this
17 subsection to determine that the criteria for placement in subdi-
18 visions (a) through (d) continue to be met and document that the
19 adult is receiving care consistent with the administrative rules
20 for a child placing agency.

21 (8) THE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER DESIGNEE,
22 MAY AUTHORIZE, ON AN EXCEPTION BASIS, A LICENSED CHILD PLACING
23 AGENCY OR AN APPROVED GOVERNMENTAL UNIT TO PLACE A CHILD IN AN
24 ADULT FOSTER CARE FAMILY HOME OR AN ADULT FOSTER CARE SMALL GROUP
25 HOME LICENSED UNDER ACT NO. 218 OF THE PUBLIC ACTS OF 1979 IF THE
26 LICENSED CHILD PLACING AGENCY OR APPROVED GOVERNMENTAL UNIT
27 CERTIFIES TO THE DEPARTMENT ALL OF THE FOLLOWING:

1 (A) THE PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD.

2 (B) THE PLACEMENT HAS THE CONCURRENCE OF THE PARENT OR
3 GUARDIAN OF THE CHILD.

4 (C) THE IDENTIFIED NEEDS OF THE CHILD CAN BE MET ADEQUATELY
5 BY THE ADULT FOSTER CARE FAMILY HOME OR SMALL GROUP HOME.

6 (D) THE PSYCHOSOCIAL AND CLINICAL NEEDS OF THE CHILD ARE
7 COMPATIBLE WITH THOSE OF OTHER RESIDENTS OF THE ADULT FOSTER CARE
8 FAMILY HOME OR SMALL GROUP HOME.

9 (E) THE CLINICAL TREATMENT OF THE CHILD'S CONDITION IS SIMI-
10 LAR TO THAT OF THE OTHER RESIDENTS OF THE ADULT FOSTER CARE
11 FAMILY HOME OR SMALL GROUP HOME.

12 (F) THE CHILD'S COGNITIVE LEVEL IS CONSISTENT WITH THE COG-
13 NITIVE LEVEL OF THE OTHER RESIDENTS OF THE ADULT FOSTER CARE
14 FAMILY HOME OR SMALL GROUP HOME.

15 (G) THE CHILD IS NEUROLOGICALLY HANDICAPPED AND IS ALSO
16 PHYSICALLY LIMITED TO SUCH A DEGREE AS TO REQUIRE COMPLETE PHYSI-
17 CAL ASSISTANCE WITH MOBILITY AND ACTIVITIES OF DAILY LIVING.

18 (H) THE CHILD PLACING AGENCY OR APPROVED GOVERNMENTAL UNIT
19 WILL PERIODICALLY REEVALUATE THE PLACEMENT OF A CHILD UNDER THIS
20 SUBSECTION TO DETERMINE THAT THE CRITERIA FOR PLACEMENT IN SUBDI-
21 VISIONS (A) TO (G) CONTINUE TO BE MET.