



HOUSE BILL No. 6154

September 25, 1996, Introduced by Reps. Geiger and Horton and referred to the Committee on Human Services.

A bill to amend section 1 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. 205 of the Public Acts of 1994, 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. 205 of the Public Acts of 1994, 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:

1 (a) "Child care organization" means a governmental or
2 nongovernmental organization having as its principal function the
3 receiving of minor children for care, maintenance, training, and
4 supervision, notwithstanding that educational instruction may be
5 given. Child care organization includes organizations commonly
6 described as child caring institutions, child placing agencies,
7 children's camps, child care centers, day care centers, nursery
8 schools, parent cooperative preschools, foster homes, group
9 homes, or day care homes. Child care organization does not
10 include a governmental or nongovernmental organization that does
11 either of the following:

12 (i) Provides care exclusively to minors who have been eman-
13 cipated by court order ~~pursuant to~~ UNDER section 4(3) of Act
14 No. 293 of the Public Acts of 1968, being section 722.4 of the
15 Michigan Compiled Laws.

16 (ii) Provides care exclusively to persons who are 18 years
17 of age or older and to minors who have been emancipated by court
18 order pursuant to section 4(3) of Act No. 293 of the Public Acts
19 of 1968 at the same location.

20 (b) "Child caring institution" means a child care facility
21 that is organized for the purpose of receiving minor children for
22 care, maintenance, and supervision, usually on a 24-hour basis,
23 in buildings maintained by the institution for that purpose, and
24 operates throughout the year. An educational program may be pro-
25 vided, but the educational program shall not be the primary pur-
26 pose of the facility. Child caring institution includes a
27 maternity home for the care of unmarried mothers who are minors

1 and an agency group home, which is described as a small child
2 caring institution owned, leased, or rented by a licensed agency
3 providing care for more than 4 but less than 13 minor children.
4 Child caring institution also includes institutions for mentally
5 retarded or emotionally disturbed minor children. Child caring
6 institution does not include a hospital, nursing home, or home
7 for the aged licensed under article 17 of the public health code,
8 Act No. 368 of the Public Acts of 1978, ~~as amended,~~ being sec-
9 tions 333.20101 to 333.22260 of the Michigan Compiled Laws, a
10 boarding school licensed under section 1335 of the school code of
11 1976, Act No. 451 of the Public Acts of 1976, being section
12 380.1335 of the Michigan Compiled Laws, a hospital or facility
13 operated OR LICENSED by the state ~~or licensed~~ under the mental
14 health code, Act No. 258 of the Public Acts of 1974, ~~as~~
15 ~~amended,~~ being sections 330.1001 to 330.2106 of the Michigan
16 Compiled Laws, or an adult foster care family home or an adult
17 foster care small group home licensed under the adult foster care
18 facility licensing act, Act No. 218 of the Public Acts of 1979,
19 being sections 400.701 to 400.737 of the Michigan Compiled Laws,
20 in which a child has been placed ~~pursuant to~~ UNDER section
21 5(6).

22 (c) "Child placing agency" means a governmental organization
23 or an agency organized ~~pursuant to~~ UNDER the nonprofit corpora-
24 tion act, Act No. 162 of the Public Acts of 1982, being sections
25 450.2101 to 450.3192 of the Michigan Compiled Laws, for the pur-
26 pose of receiving children for their placement in private family
27 homes for foster care or for adoption. The function of a child

1 placing agency may include the investigation of applicants for
2 adoption and the investigation and certification of foster family
3 homes and foster family group homes as provided in this act. The
4 function of a child placing agency may also include the supervi-
5 sion of children who are 16 or 17 years of age and who are living
6 in unlicensed residences as provided in section 5(4).

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

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

24 (i) A Sunday school, a vacation bible school, or a religious
25 instructional class that is conducted by a religious organization
26 where children are in attendance for not more than 3 hours per

1 day for an indefinite period, or not more than 8 hours per day
2 for a period not to exceed 4 weeks during a 12-month period.

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

6 (f) "Private home" means a private residence in which the
7 licensee or registrant permanently resides as a member of the
8 household OR, SUBJECT TO APPROVAL BY THE DEPARTMENT, A DWELLING
9 STRUCTURE ADJACENT TO A PRIVATE RESIDENCE IN WHICH THE LICENSEE
10 OR REGISTRANT PERMANENTLY RESIDES AS A MEMBER OF THE HOUSEHOLD,
11 which residency is not contingent upon caring for children or
12 employment by a licensed or approved child placing agency.
13 Private home includes a full-time foster family home, a full-time
14 foster family group home, a group day care home, or a family day
15 care home, as follows:

16 (i) "Foster family home" is a private home in which 1 but
17 not more than 4 minor children, who are not related to an adult
18 member of the household by blood or marriage, or who are not
19 placed in the household pursuant to the adoption code, chapter X
20 of Act No. 288 of the Public Acts of 1939, being sections 710.21
21 to 710.70 of the Michigan Compiled Laws, are given care and
22 supervision for 24 hours a day, for 4 or more days a week, for 2
23 or more consecutive weeks, unattended by a parent or legal
24 guardian.

25 (ii) "Foster family group home" means a private home in
26 which more than 4 but fewer than 7 minor children, who are not
27 related to an adult member of the household by blood or marriage,

1 or who are not placed in the household pursuant to chapter X of
2 Act No. 288 of the Public Acts of 1939, are provided care for 24
3 hours a day, for 4 or more days a week, for 2 or more consecutive
4 weeks, unattended by a parent or legal guardian.

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

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

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

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

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

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

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

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

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

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

16 (B) Three, if the total number of residents is not less than
17 11 and not more than 14.

18 (C) Four, if the total number of residents is not less than
19 15 and not more than 20.

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

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

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

25 (m) "Registration" means the process by which the department
26 ~~of social services~~ regulates family day care homes, which
27 process requires that a family day care home certify to the

1 department that the family day care home has complied with and
2 will continue to comply with the rules promulgated under this
3 act.

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

6 (o) "Related" means a parent, grandparent, brother, sister,
7 stepparent, stepsister, stepbrother, uncle, aunt, cousin, great
8 aunt, great uncle, or stepgrandparent related by marriage, blood,
9 or adoption.

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

14 (Q) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUS-
15 TRY SERVICES.