

# HOUSE BILL No. 5023

July 8, 1997, Introduced by Reps. Geiger, Goschka, Scranton, Brackenridge, Stallworth, Bodem and McNutt and referred to the Committee on Human Services and Children.

A bill to amend 1973 PA 116, 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 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,"

by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. As used in this act:

2       (a) "Child care organization" means a governmental or non-  
3 governmental organization having as its principal function the  
4 receiving of minor children for care, maintenance, training, and  
5 supervision, notwithstanding that educational instruction may be  
6 given. Child care organization includes organizations commonly  
7 described as child caring institutions, child placing agencies,  
8 children's camps, child care centers, day care centers, nursery

1 schools, parent cooperative preschools, foster homes, group  
2 homes, or day care homes. Child care organization does not  
3 include a governmental or nongovernmental organization that does  
4 either of the following:

5 (i) Provides care exclusively to minors who have been eman-  
6 cipated by court order pursuant to section 4(3) of ~~Act No. 293~~  
7 ~~of the Public Acts of 1968, being section 722.4 of the Michigan~~  
8 ~~Compiled Laws~~ 1968 PA 293, MCL 722.4.

9 (ii) Provides care exclusively to persons who are 18 years  
10 of age or older and to minors who have been emancipated by court  
11 order pursuant to section 4(3) of ~~Act No. 293 of the Public Acts~~  
12 ~~of 1968~~ 1968 PA 293, MCL 722.4, at the same location.

13 (b) "Child caring institution" means a child care facility  
14 that is organized for the purpose of receiving minor children for  
15 care, maintenance, and supervision, usually on a 24-hour basis,  
16 in buildings maintained by the institution for that purpose, and  
17 operates throughout the year. An educational program may be pro-  
18 vided, but the educational program shall not be the primary pur-  
19 pose of the facility. Child caring institution includes a mater-  
20 nity home for the care of unmarried mothers who are minors and an  
21 agency group home, which is described as a small child caring  
22 institution owned, leased, or rented by a licensed agency provid-  
23 ing care for more than 4 but less than 13 minor children. Child  
24 caring institution also includes institutions for mentally  
25 retarded or emotionally disturbed minor children. Child caring  
26 institution does not include a hospital, nursing home, or home  
27 for the aged licensed under article 17 of the public health code,

1 ~~Act No. 368 of the Public Acts of 1978, as amended, being~~  
2 ~~sections 333.20101 to 333.22260 of the Michigan Compiled Laws~~  
3 1978 PA 368, MCL 333.20101 TO 333.22260, a boarding school  
4 licensed under section 1335 of the REVISED school code, ~~of 1976,~~  
5 ~~Act No. 451 of the Public Acts of 1976, being section 380.1335 of~~  
6 ~~the Michigan Compiled Laws~~ 1976 PA 451, MCL 380.1335, a hospital  
7 or facility operated by the state or licensed under the mental  
8 health code, ~~Act No. 258 of the Public Acts of 1974, as amended,~~  
9 ~~being sections 330.1001 to 330.2106 of the Michigan Compiled~~  
10 ~~Laws~~ 1974 PA 258, MCL 330.1001 TO 330.2106, or an adult foster  
11 care family home or an adult foster care small group home  
12 licensed under the adult foster care facility licensing act, ~~Act~~  
13 ~~No. 218 of the Public Acts of 1979, being sections 400.701 to~~  
14 ~~400.737 of the Michigan Compiled Laws~~ 1979 PA 218, MCL 400.701  
15 TO 400.737, in which a child has been placed pursuant to section  
16 5(6).

17 (c) "Child placing agency" means a governmental organization  
18 or an agency organized pursuant to the nonprofit corporation act,  
19 ~~Act No. 162 of the Public Acts of 1982, being sections 450.2101~~  
20 ~~to 450.3192 of the Michigan Compiled Laws~~ 1982 PA 162, MCL  
21 450.2101 TO 450.3192, for the purpose of receiving children for  
22 their placement in private family homes for foster care or for  
23 adoption. The function of a child placing agency may include the  
24 investigation of applicants for adoption and the investigation  
25 and certification of foster family homes and foster family group  
26 homes as provided in this act. The function of a child placing  
27 agency may also include the supervision of children who are 16 or

1 17 years of age and who are living in unlicensed residences as  
2 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 (iii) A FACILITY OR PROGRAM OPERATED OR CONTRACTED BY A  
2 PUBLIC SCHOOL.

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

10 (i) "Foster family home" is a private home in which 1 but  
11 not more than 4 minor children, who are not related to an adult  
12 member of the household by blood or marriage, or who are not  
13 placed in the household pursuant to the adoption code, chapter X  
14 of ~~Act No. 288 of the Public Acts of 1939, being sections 710.21~~  
15 ~~to 710.70 of the Michigan Compiled Laws~~ 1939 PA 288, MCL 710.21  
16 TO 710.70, are given care and supervision for 24 hours a day, for  
17 4 or more days a week, for 2 or more consecutive weeks, unat-  
18 tended by a parent or legal guardian.

19 (ii) "Foster family group home" means a private home in  
20 which more than 4 but fewer than 7 minor children, who are not  
21 related to an adult member of the household by blood or marriage,  
22 or who are not placed in the household pursuant to chapter X of  
23 ~~Act No. 288 of the Public Acts of 1939~~ 1939 PA 288, MCL 710.21  
24 TO 710.70, are provided care for 24 hours a day, for 4 or more  
25 days a week, for 2 or more consecutive weeks, unattended by a  
26 parent or legal guardian.

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

6 Family 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       (iv) "Group day care home" means a private home in which  
9 more than 6 but not more than 12 minor children are given care  
10 and supervision for periods of less than 24 hours a day unat-  
11 tended by a parent or legal guardian, except children related to  
12 an adult member of the family by blood, marriage, or adoption.

13 Group day care home includes a home that gives care to an unre-  
14 lated minor child for more than 4 weeks during a calendar year.

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

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

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

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

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

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

2 (ii) A person who is a resident in a child caring  
3 institution, children's camp, foster family home, or foster  
4 family group home; who becomes 18 years of age while residing in  
5 the child caring institution, camp, or home; and who continues  
6 residing in the institution, camp, or home to receive care, main-  
7 tenance, training, and supervision. This subparagraph applies  
8 only if the number of those residents who become 18 years of age  
9 does not exceed the following:

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

11 (B) Three, if the total number of residents is not less than  
12 11 and not more than 14.

13 (C) Four, if the total number of residents is not less than  
14 15 and not more than 20.

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

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

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

20 (m) "Registration" means the process by which the department  
21 of ~~social~~ CONSUMER AND INDUSTRY services regulates family day  
22 care homes, which process requires that a family day care home  
23 certify to the department that the family day care home has com-  
24 plied with and will continue to comply with the rules promulgated  
25 under this act.

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

1       (o) "Related" means a parent, grandparent, brother, sister,  
2 stepparent, stepsister, stepbrother, uncle, aunt, cousin, great  
3 aunt, great uncle, or stepgrandparent related by marriage, blood,  
4 or adoption.

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