

SENATE BILL NO. 1186

June 4, 1998, Introduced by Senator BULLARD and referred to the Committee on Families, Mental Health and Human Services.

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 certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 5 (MCL 722.115), as amended by 1998 PA 34, and by adding section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person, partnership, firm, corporation, asso-
2 ciation, or nongovernmental organization shall not establish or
3 maintain a child care organization unless licensed or registered
4 by the department. Application for a license or certificate of
5 registration shall be made on forms provided, and in the manner
6 prescribed, by the department. Before issuing or renewing a
7 license, the department shall investigate the APPLICANT'S

1 activities and proposed standards of care ~~of the applicant~~ and
2 shall make an on-site visit of the proposed or established
3 organization. If the department is satisfied as to the need for
4 a child care organization, its financial stability, the
5 APPLICANT'S good moral character, ~~of the applicant,~~ and that
6 the services and facilities are conducive to the welfare of the
7 children, the department shall issue or renew the license. As
8 used in this subsection, "good moral character" means ~~good moral~~
9 ~~character~~ THAT TERM as defined IN and determined ~~pursuant to~~
10 UNDER 1974 PA 381, MCL 338.41 to 338.47.

11 (2) IF A COUNTY JUVENILE AGENCY AS DEFINED IN SECTION 2 OF
12 THE COUNTY JUVENILE AGENCY ACT CERTIFIES TO THE DEPARTMENT THAT
13 IT INTENDS TO CONTRACT WITH AN APPLICANT FOR A NEW LICENSE, THE
14 DEPARTMENT SHALL ISSUE OR DENY THE LICENSE WITHIN 60 DAYS AFTER
15 IT RECEIVES A COMPLETE APPLICATION AS PROVIDED IN SECTION 5B. IF
16 THE DEPARTMENT FAILS TO DO SO AND THE COUNTY JUVENILE AGENCY
17 APPROVES THE APPLICANT AS PROVIDED IN SECTION 5B, THE APPLICANT
18 IS GRANTED A LICENSE ON THE SAME TERMS AS IF THE DEPARTMENT HAD
19 ISSUED A LICENSE UNDER THIS SECTION.

20 (3) ~~-(2)-~~ The department shall issue a certificate of regis-
21 tration to a person who has successfully completed an orientation
22 session offered by the department ~~—~~, and who certifies to the
23 department that the family day care home has complied with and
24 will continue to comply with the rules promulgated under this act
25 ~~—~~, and will provide services and facilities, as determined by
26 the department, conducive to the welfare of children. The
27 department shall make available TO APPLICANTS FOR REGISTRATION an

1 orientation session to applicants for registration regarding this
2 act, the rules promulgated under this act, and the needs of chil-
3 dren in family day care before issuing a certificate of
4 registration. The department shall issue a certificate of regis-
5 tration to a specific person at a specific location. A certifi-
6 cate of registration is nontransferable and remains the property
7 of the department. Within 90 days after initial registration,
8 the department shall make an on-site visit of the family day care
9 home.

10 (4) ~~—(3)—~~ The department may authorize a licensed child
11 placing agency or an approved governmental unit to investigate a
12 foster family home or a foster family group home pursuant to sub-
13 section (1) and to certify that the foster family home or foster
14 family group home meets the licensing requirements prescribed by
15 this act. A foster family home or a foster family group home
16 shall be certified for licensing by the department by only 1
17 child placing agency or approved governmental unit. Other child
18 placing agencies may place children in a foster family home or
19 foster family group home only upon the approval of the certifying
20 agency or governmental unit.

21 (5) ~~—(4)—~~ The department may authorize a licensed child
22 placing agency or an approved governmental unit to place a child
23 who is 16 or 17 years of age in his or her own unlicensed resi-
24 dence, or in the unlicensed residence of an adult who has no
25 supervisory responsibility for the child, if a child placing
26 agency or governmental unit retains supervisory responsibility
27 for the child.

1 (6) ~~-(5)-~~ A licensed child placing agency, child caring
 2 institution, and an approved governmental unit shall provide the
 3 state court administrative office and a local foster care review
 4 board established under 1984 PA 422, MCL 722.131 to 722.139a,
 5 ~~such~~ THOSE records ~~as may be~~ requested pertaining to children
 6 in foster care placement for more than 6 months.

7 (7) ~~-(6)-~~ The department may authorize a licensed child
 8 placing agency or an approved governmental unit to place a child
 9 who is 16 or 17 years old in an adult foster care family home or
 10 an adult foster care small group home licensed under the adult
 11 foster care facility licensing act, 1979 PA 218, MCL 400.701 to
 12 400.737, if a licensed child placing agency or approved govern-
 13 mental unit retains supervisory responsibility for the child and
 14 certifies to the department all of the following:

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

16 (b) The CHILD'S needs ~~of the child~~ can be adequately met
 17 by the adult foster care family home or small group home.

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

20 (d) The child placing agency or approved governmental unit
 21 will periodically reevaluate the placement of ~~an individual~~ A
 22 CHILD under this subsection to determine that the criteria for
 23 placement in subdivisions (a) through (c) continue to be met.

24 (8) ~~-(7)-~~ ~~The~~ ON AN EXCEPTION BASIS, THE director of the
 25 department, or his or her designee, may authorize ~~, on an excep-~~
 26 ~~tion basis,~~ a licensed child placing agency or an approved
 27 governmental unit to place an adult in a foster family home ~~,~~

1 if a licensed child placing agency or approved governmental unit
2 certifies to the department all of the following:

3 (a) The adult is a person with a developmental disability as
4 defined by section 100a of the mental health code, 1974 PA 258,
5 MCL 330.1100a, or a person who is otherwise neurologically dis-
6 abled ~~—, and the person~~ is also physically limited to such a
7 degree as to require complete physical assistance with mobility
8 and activities of daily living.

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

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

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

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

22 (9) ~~—(8) The~~ ON AN EXCEPTION BASIS, THE director of the
23 department, or his or her designee, may authorize ~~—, on an excep-~~
24 ~~tion basis,~~ a licensed child placing agency or an approved gov-
25 ernmental unit to place a child in an adult foster care family
26 home or an adult foster care small group home licensed under the
27 adult foster care licensing act, 1979 PA 218, MCL 400.701 to

1 400.737, if the licensed child placing agency or approved
2 governmental unit certifies to the department all of the
3 following:

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

5 (b) The placement has the concurrence of the parent or
6 guardian of the child.

7 (c) The identified needs of the child can be met adequately
8 by the adult foster care family home or small group home.

9 (d) The CHILD'S psychosocial and clinical needs ~~of the~~
10 ~~child~~ are compatible with those of other residents of the adult
11 foster care family home or small group home.

12 (e) The clinical treatment of the child's condition is simi-
13 lar to that of the other residents of the adult foster care
14 family home or small group home.

15 (f) The child's cognitive level is consistent with the cog-
16 nitive level of the other residents of the adult foster care
17 family home or small group home.

18 (g) The child is neurologically disabled and is also physi-
19 cally limited to such a degree as to require complete physical
20 assistance with mobility and activities of daily living.

21 (h) The child placing agency or approved governmental unit
22 will periodically reevaluate the placement of a child under this
23 subsection to determine that the criteria for placement in subdi-
24 visions (a) to (g) continue to be met.

25 SEC. 5B. (1) IF A COUNTY JUVENILE AGENCY AS DEFINED IN
26 SECTION 2 OF THE COUNTY JUVENILE AGENCY ACT CERTIFIES THAT IT
27 INTENDS TO CONTRACT WITH A LICENSE APPLICANT AS PROVIDED IN

1 SECTION 5(2), THE DEPARTMENT SHALL REVIEW THE APPLICATION AND
2 ADVISE THE APPLICANT AND THE COUNTY JUVENILE AGENCY WITHIN 10
3 DAYS AFTER RECEIVING THE APPLICATION WHAT FURTHER INFORMATION OR
4 MATERIAL IS NECESSARY TO COMPLETE THE APPLICATION.

5 (2) IF THE DEPARTMENT FAILS TO ISSUE OR DENY THE LICENSE
6 WITHIN 60 DAYS AFTER RECEIVING THE INFORMATION IT DETERMINED WAS
7 NECESSARY TO COMPLETE THE APPLICATION, THE COUNTY JUVENILE AGENCY
8 MAY REVIEW THE APPLICATION USING THE SAME CRITERIA THIS ACT
9 REQUIRES THE DEPARTMENT TO USE. IF THE COUNTY JUVENILE AGENCY
10 APPROVES THE APPLICANT, IT SHALL NOTIFY THE DEPARTMENT.

11 (3) THE COUNTY JUVENILE AGENCY IS A PARTY FOR PURPOSES OF
12 ANY HEARING, REVIEW, OR OTHER PROCEEDING ON A LICENSE APPLICATION
13 DESCRIBED IN THIS SECTION OR SECTION 5(2). THE COUNTY JUVENILE
14 AGENCY OR APPLICANT MAY CHALLENGE THE DEPARTMENT'S DETERMINATION
15 CONCERNING WHAT FURTHER INFORMATION OR MATERIAL IS NECESSARY TO
16 COMPLETE THE APPLICATION.

17 Enacting section 1. This amendatory act does not take
18 effect unless all of the following bills of the 89th Legislature
19 are enacted into law:

20 (a) Senate Bill No. 1183.

21

22 (b) Senate Bill No. 1184.

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24 (c) Senate Bill No. 1185.

25

26 (d) Senate Bill No. 1187.

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1 (e) Senate Bill No. 1196.

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3 (f) Senate Bill No. 1197.

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