

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5371 (as reported with amendment)
Sponsor: Representative Mary Ann Middaugh
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

Date Completed: 11-1-02

RATIONALE

The child care licensing Act requires that child care organizations be licensed by the Department of Consumer and Industry Services (DCIS) in order to operate in Michigan. The DCIS enforces different licensure requirements for family day care, group day care, and child care facilities. These regulatory requirements are designed to ensure the safety of children while they are under the care of a child care organization. The DCIS also aims to help parents choose child care organizations that offer a safe environment and foster proper development of children. To inform parents about child care organizations, the DCIS offers on its Internet website a searchable database providing information regarding child care organizations. Since there is no statutory requirement that the Department do so, however, some people believe that such a requirement should be enacted.

CONTENT

The bill would amend the child care licensing Act to require that the Department of Consumer and Industry Services establish and maintain a database of child care centers, family day care homes, and group day care homes.

The database would be a central clearinghouse for people seeking information on child care options and would have to include at least the following information:

- The name, address, and telephone number of the child care center, family day care home, or group day care home.
- The days and general hours of operation of the child care center, family day care

home, or group day care home.

- The child care center's, family day care home's, or group day care home's license or registration number, effective date, and expiration date.
- The number and nature of any adverse action taken by the DCIS against the child care center, family day care home, or group day care home.

The DCIS would have to make the database available to the public on the Internet, through the Department's website, without charge. Through press releases or other media avenues, the DCIS would have to inform the public of the information available in the database and how to gain access to it.

The Act defines "child care center" as a facility, other than a private home, that receives one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. "Child care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. A child care center does not include either of the following:

- A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- A facility operated by a religious organization where children are cared for not more than three hours while people responsible for the children are attending

religious services.

"Family day care home" means a private home in which fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. "Family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

"Group day care home" means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Proposed MCL 722.121b

BACKGROUND

The DCIS website currently includes information on choosing child care options; instructions on how to become licensed as a child care provider; rules and statutes that apply to child day care; requirements regarding CPR and first-aid as well as program director qualifications; and various child care system resources including disciplinary action and suspension reports and information on how to file a complaint (<http://www.michigan.gov/cis>).

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although the DCIS currently maintains a searchable database of day care organizations on its Internet website, it is not required to do so. By placing such a requirement in statute, the bill would ensure that information about child care organizations would be current and widely available so that parents had access to accurate information that they needed in order

to make informed decisions regarding the placement of their children. Posting that information on the website would help parents make sure that child care organizations acted in a manner appropriate for the protection of their children.

In addition, while the DCIS website currently contains information on licensing and rules, the bill would require further information, including any complaints or actions taken against child care organizations. Parents should be able to obtain quickly and easily information about the circumstances surrounding complaints or adverse regulatory actions taken against a child care organization. The bill would require that the DCIS include this type of information in its searchable database.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Maria Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.