

HOUSE BILL No. 5584

January 30, 2002, Introduced by Reps. Jacobs and Kuipers and referred to the Committee on Education.

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 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 CHILD CARING institution for that
17 purpose, and operates throughout the year. An educational pro-
18 gram may be provided, but the educational program shall not be
19 the primary purpose of the facility. Child caring institution
20 includes a maternity home for the care of unmarried mothers who
21 are minors and an agency group home, ~~which~~ THAT is described as
22 a small child caring institution owned, leased, or rented by a
23 licensed agency providing care for more than 4 but less than 13
24 minor children. Child caring institution also includes institu-
25 tions for mentally retarded or emotionally disturbed minor
26 children. Child caring institution does not include a hospital,
27 nursing home, or home for the aged licensed under article 17 of

1 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
2 ~~as amended, being sections 333.20101 to 333.22260 of the Michigan~~
3 ~~Compiled Laws~~ 1978 PA 368, MCL 333.20101 TO 333.22260, a board-
4 ing school licensed under section 1335 of the REVISED school
5 code, ~~of 1976, Act No. 451 of the Public Acts of 1976, being~~
6 ~~section 380.1335 of the Michigan Compiled Laws~~ 1976 PA 451,
7 MCL 380.1335, a hospital or facility operated by the state or
8 licensed under the mental health code, ~~Act No. 258 of the Public~~
9 ~~Acts of 1974, as amended, being sections 330.1001 to 330.2106 of~~
10 ~~the Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1001 TO
11 330.2106, or an adult foster care family home or an adult foster
12 care small group home licensed under the adult foster care facil-
13 ity licensing act, ~~Act No. 218 of the Public Acts of 1979, being~~
14 ~~sections 400.701 to 400.737 of the Michigan Compiled Laws~~ 1979
15 PA 218, MCL 400.701 TO 400.737, in which a child has been placed
16 pursuant to section 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,
21 MCL 450.2101 TO 450.3192, for the purpose of receiving children
22 for ~~their~~ placement in private family homes for foster care or
23 for adoption. The function of a child placing agency may include
24 ~~the investigation of~~ INVESTIGATING applicants for adoption and
25 ~~the investigation and certification of~~ INVESTIGATING AND
26 CERTIFYING foster family homes and foster family group homes as
27 provided in this act. The function of a child placing agency may

1 also include ~~the supervision of~~ SUPERVISING children who are 16
2 or 17 years of age and who are living in unlicensed residences as
3 provided in section 5(4).

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

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

21 (i) A Sunday school, a vacation bible school, or a religious
22 instructional class that is conducted by a religious organization
23 where children are ~~in attendance~~ ATTENDING for not more than 3
24 hours per day for an indefinite period ~~—~~ or FOR not more than 8
25 hours per day for a period not to exceed 4 weeks during a
26 12-month period.

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

4 (iii) A FACILITY OR PROGRAM FOR SCHOOL AGE CHILDREN THAT IS
5 OPERATED AT SCHOOL BY A PUBLIC SCHOOL OR BY A PERSON OR ENTITY
6 WITH WHOM A PUBLIC SCHOOL CONTRACTS FOR SERVICES.

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

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

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

1 ADOPTION CODE, chapter X of ~~Act No. 288 of the Public Acts of~~
2 ~~1939~~ THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21 TO
3 710.70, are provided care for 24 hours a day, for 4 or more days
4 a week, for 2 or more consecutive weeks, unattended by a parent
5 or legal guardian.

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

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

22 (g) "Licensee" means a person, partnership, firm, corpora-
23 tion, association, nongovernmental organization, or local or
24 state government child care organization that has been issued a
25 license UNDER THIS ACT to operate a child care organization.

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

4 (i) "Regular license" means a license issued UNDER THIS ACT
5 to a child care organization indicating that the organization is
6 in compliance with all rules promulgated under this act.

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

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

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

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

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

21 (B) Three, if the total number of residents is not less than
22 11 and not more than 14.

23 (C) Four, if the total number of residents is not less than
24 15 and not more than 20.

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

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

1 (l) "Registrant" means a person who has been issued a
2 certificate of registration UNDER THIS ACT to operate a family
3 day care home.

4 (m) "Registration" means the process by which the department
5 of ~~social~~ CONSUMER AND INDUSTRY services regulates family day
6 care homes, ~~which process requires~~ AND INCLUDES THE REQUIREMENT
7 that a family day care home certify to the department OF CONSUMER
8 AND INDUSTRY SERVICES that the family day care home has complied
9 with and will continue to comply with the rules promulgated under
10 this act.

11 (n) "Certificate of registration" means a written document
12 issued UNDER THIS ACT to a family day care home through
13 registration.

14 (o) "Related" means a parent, grandparent, brother, sister,
15 stepparent, stepsister, stepbrother, uncle, aunt, cousin, great
16 aunt, great uncle, or stepgrandparent related by marriage, blood,
17 or adoption.

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

22 Enacting section 1. This amendatory act does not take
23 effect unless Senate Bill No. _____ or House Bill No. 5583
24 (request no. 06588'02) of the 91st Legislature is enacted into
25 law.