

Legislative Analysis



STAFFING RATIOS AND NUMBER OF CHILDREN IN CARE IN FAMILY AND GROUP CHILD CARE HOMES

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House Bill 5975 (proposed substitute H-1)
Sponsor: Rep. Jack O'Malley
Committee: Families, Children and Seniors
Complete to 9-14-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5975 would amend 1973 PA 116, the child care licensing act, to increase the number of children that in-home child care providers could receive into care under certain circumstances and to add rules and exceptions regarding staffing ratios for those providers.

Currently under the act, a family child care home is defined as a private home where up to six children are taken care of and supervised for periods of less than 24 hours at a time for compensation, and a group child care home is a private home where seven to 12 children are provided that supervision and care.

Under Rule 10 of the licensing rules for family and group child care homes,¹ the ratio of staff to children at any given time must be at least one staff member to six minor children. The ratio has to include all minor children in care who are not related to any personnel and any of the following children who are under six years of age:

- Children of the licensee.
- Children of a child care staff member or child care assistant.
- Children related to a member of the household by blood, marriage, or adoption.

There can only be up to four minor children under 30 months old per each member of the personnel, with no more than two of those four children under the age of 18 months.

The bill would add the above described staff ratio requirements to the act (but would not require the ratio to include children of a child care assistant who are under six years old).

Further, under the bill, with written approval from the Department of Licensing and Regulatory Affairs (LARA), the operator of a family child care home or group child care home could submit a written request to LARA to maintain a ratio of at least one *child care personnel* to seven children. The operator would have to have at least three years of experience and have a regular license with no pending disciplinary action, including a provisional license, refusal to renew, or revocation or increased monitoring due to a violation of a rule or law.

Child care personnel would mean an individual who is at least 14 years old to whom one or more of the following apply:

- He or she is employed by a family child care home or group child care home for compensation. This would include a contract employee or self-employed individual.

¹ https://www.michigan.gov/documents/lara/lara_BCAL_PUB-724_0715_494800_7.pdf

- His or her activities involve the unsupervised care or supervision of children for a family child care home or group child care home.
- He or she has unsupervised access to children who are cared for or supervised by a family child care home or group child care home.
- He or she acts in the role of a licensee designee.

Upon approval from LARA, a family child care home could care for one additional unrelated minor child, or a group child care home could care for two additional unrelated minor children. In either case, the existing square footage requirement would have to be met to obtain departmental approval.

LARA would have to rescind the written approval described above if a recommendation were made for disciplinary action, including increased monitoring of the licensee due to a substantial or willful violation of a rule or law.

MCL 722.111 and proposed MCL 722.114b

FISCAL IMPACT:

House Bill 5975 would be unlikely to have a significant fiscal impact on any unit of state or local government. The bill would create new administrative responsibilities for the Department of Licensing and Regulatory Affairs, but these responsibilities would likely be sufficiently absorbed by existing departmental personnel and appropriations.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.