

# HOUSE BILL No. 4619

April 18, 2001, Introduced by Reps. Voorhees, Kuipers, Bradstreet, Vander Veen, Koetje and Van Woerkom 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:

Sec. 1. As used in this act:

(a) "Child care organization" means a governmental or non-governmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, 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, MCL  
7 380.1335, 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, 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  
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 for not more than 3 hours per  
24 day for an indefinite period, or not more than 8 hours per day  
25 for a period not to exceed 4 weeks during a 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 ADMINISTERED THROUGH A COMMUNITY  
5 EDUCATION PROGRAM THAT IS OPERATED BY A PUBLIC SCHOOL FOR STU-  
6 DENTS ENROLLED IN THAT PUBLIC SCHOOL, THAT IS LOCATED AT A PUBLIC  
7 SCHOOL, AND IN WHICH THE INSTRUCTORS ARE EMPLOYED BY THE SCHOOL  
8 DISTRICT.

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

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

26       (ii) "Foster family group home" means a private home in  
27 which more than 4 but fewer than 7 minor children, who are not

1 related to an adult member of the household by blood or marriage,  
2 or who are not placed in the household pursuant to chapter X of  
3 ~~Act No. 288 of the Public Acts of 1939~~ THE PROBATE CODE OF  
4 1939, 1939 PA 288, MCL 710.21 TO 710.70, are provided care for 24  
5 hours a day, for 4 or more days a week, for 2 or more consecutive  
6 weeks, unattended by a parent or legal guardian.

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

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

23 (g) "Licensee" means a person, partnership, firm, corpora-  
24 tion, association, nongovernmental organization, or local or  
25 state government child care organization that has been issued a  
26 license 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 to a child care  
5 organization indicating that the organization is in compliance  
6 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       (1) "Registrant" means a person who has been issued a  
2 certificate of registration to operate a family day care home.

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

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

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

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