

HOUSE BILL No. 6203

June 13, 2002, Introduced by Reps. Bob Brown, Tabor, Garza, Woronchak, Toy, Anderson, Vander Veen, Lipsey, Neumann, Sheltroun, Zelenko, Kowall, George, Spade, DeRossett, Meyer, Gielegem, Richardville, Patterson, Bovin, Hager, Gilbert, Caul and Hart and referred to the Committee on Family and Children 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 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~~ UNDER section 4(3) of ~~Act~~
7 ~~No. 293 of the Public Acts of 1968, being section 722.4 of the~~
8 ~~Michigan Compiled Laws~~ 1968 PA 293, MCL 722.4.

9 (ii) Provides care exclusively to ~~persons~~ INDIVIDUALS who
10 are 18 years of age or older and to minors who have been emanci-
11 pated by court order ~~pursuant to~~ UNDER section 4(3) of ~~Act~~
12 ~~No. 293 of the Public Acts of 1968~~ 1968 PA 293, MCL 722.4, at
13 the same location.

14 (b) "Child caring institution" means a child care facility
15 that is organized for the purpose of receiving minor children for
16 care, maintenance, and supervision, usually on a 24-hour basis,
17 in buildings maintained by the CHILD CARING institution for that
18 purpose, and operates throughout the year. An educational pro-
19 gram may be provided, but the educational program shall not be
20 the primary purpose of the facility. Child caring institution
21 includes a maternity home for the care of unmarried mothers who
22 are minors and an agency group home ~~—, which~~ THAT is described
23 as a small child caring institution owned, leased, or rented by a
24 licensed agency providing care for more than 4 but less than 13
25 minor children. Child caring institution also includes institu-
26 tions for mentally retarded or emotionally disturbed minor
27 children. Child caring institution does not include a hospital,

1 nursing home, or home for the aged licensed under article 17 of
2 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
3 ~~as amended, being sections 333.20101 to 333.22260 of the Michigan~~
4 ~~Compiled Laws~~ 1978 PA 368, MCL 333.20101 TO 333.22260, a board-
5 ing school licensed under section 1335 of the REVISED school
6 code, ~~of 1976, Act No. 451 of the Public Acts of 1976, being~~
7 ~~section 380.1335 of the Michigan Compiled Laws~~ 1976 PA 451, MCL
8 380.1335, a hospital or facility operated by the state or
9 licensed under the mental health code, ~~Act No. 258 of the Public~~
10 ~~Acts of 1974, as amended, being sections 330.1001 to 330.2106 of~~
11 ~~the Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1001 TO
12 330.2106, or an adult foster care family home or an adult foster
13 care small group home licensed under the adult foster care facil-
14 ity licensing act, ~~Act No. 218 of the Public Acts of 1979, being~~
15 ~~sections 400.701 to 400.737 of the Michigan Compiled Laws~~ 1979
16 PA 218, MCL 400.701 TO 400.737, in which a child has been placed
17 ~~pursuant~~ ACCORDING to section 5(6).

18 (c) "Child placing agency" means a governmental organization
19 or an agency organized ~~pursuant to~~ UNDER the nonprofit corpora-
20 tion act, ~~Act No. 162 of the Public Acts of 1982, being sections~~
21 ~~450.2101 to 450.3192 of the Michigan Compiled Laws~~ 1982 PA 162,
22 MCL 450.2101 TO 450.3192, for the purpose of receiving children
23 for ~~their~~ placement in private family homes for foster care or
24 for adoption. The function of a child placing agency may include
25 ~~the investigation of~~ INVESTIGATING applicants for adoption and
26 ~~the investigation and certification of~~ INVESTIGATING AND
27 CERTIFYING foster family homes and foster family group homes as

1 provided in this act. The function of a child placing agency may
2 also include ~~the supervision of~~ SUPERVISING children who are 16
3 or 17 years of age and who are living in unlicensed residences as
4 provided in section 5(4).

5 (d) "Children's camp" means a residential, day, troop,
6 SPORT, or travel camp conducted in a natural environment for more
7 than 4 school-age children, apart from ~~their~~ THE CHILDREN'S
8 parents, relatives, or legal guardians, for ~~5~~ 3 or more days in
9 a 14-day period. A children's camp provides care and supervision
10 for the same group of children for usually not more than 12
11 weeks.

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

23 (i) A Sunday school, a vacation bible school, or a religious
24 instructional class that is conducted by a religious organization
25 where children are ~~in attendance~~ ATTENDING for not more than 3
26 hours per day for an indefinite period ~~,~~ or FOR not more than 8

1 hours per day for a period not to exceed 4 weeks during a
2 12-month period.

3 (ii) A facility operated by a religious organization ~~where~~
4 ~~children are cared~~ THAT PROVIDES CHILD CARE for not more than 3
5 hours while ~~persons~~ INDIVIDUALS responsible for the children
6 are attending religious 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~~ UNDER the MICHIGAN adoption
18 code, 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~~ UNDER THE

1 MICHIGAN ADOPTION CODE, chapter X of ~~Act No. 288 of the Public~~
2 ~~Acts of 1939~~ THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21
3 TO 710.70, are provided care for 24 hours a day, for 4 or more
4 days a week, for 2 or more consecutive weeks, unattended by a
5 parent 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 UNDER THIS
2 ACT to a child care organization that is temporarily unable to
3 conform to all of 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 INDIVIDUAL.

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

10 (i) ~~A person~~ AN INDIVIDUAL less than 18 years of age.

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

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

22 (B) Three, if the total number of residents is not less than
23 11 and not more than 14.

24 (C) Four, if the total number of residents is not less than
25 15 and not more than 20.

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

1 (iii) ~~A person~~ AN INDIVIDUAL 18 years of age or older who
2 is placed in a foster family home under section 5(7).

3 (l) "Registrant" means a person who has been issued a cer-
4 tificate of registration UNDER THIS ACT to operate a family day
5 care home.

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

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

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

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