



**House
Legislative
Analysis
Section**

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THE APPARENT PROBLEM:

Public Act 175 of 1990 (House Bill 4407) recently amended the adoption code to, among other things, extend the degree of relationship for the purpose of determining which types of family members could participate in direct consent (in-family) adoptions from the fourth degree of consanguinity to the fifth degree. It has been proposed that other statutes dealing with family relationships be amended in the same manner.

The language currently in the child care licensing act requires family members of the fifth degree of consanguinity, such as great great uncles, to become licensed as child care providers if a child remains with them for 24 hours a day for four or more days per week for two or more consecutive weeks. According to the Department of Social Services, if a child's great great uncle had limited (temporary) guardianship, the child could remain with the uncle for six months without a child care license. However, if the same relative held power of attorney or acted as a foster parent for a child who remained in the relative's care for the same length of time, the relative would fall under the licensing requirements. Thus, extended family members who take care of children during the summer, or for extended periods of time while parents are on vacation, or when a family crisis occurs, are technically in violation of current law.

THE CONTENT OF THE BILL:

The bill would amend the child care licensing act to expand the definition of the term "relative" to include step-uncle, step-aunt, first cousin, step-first cousin, step-great aunt, step-great uncle, great grandparent, step-great grandparent, first cousin once removed, step-first cousin once removed, great great grandparent, step-great great grandparent, great great uncle, step-great great uncle, great great aunt, step-great great aunt, great great great grandparent, or step-great great great grandparent.

MCL 722.111

CHILD CARE ORGANIZATIONS

House Bill 5783 as introduced
First Analysis (9-13-90)

RECEIVED

Sponsor: Rep. Nate Jonker
Committee: Social Services and Youth

24 1990

Mich. State Law Library.

FISCAL IMPLICATIONS:

According to the Department of Social Services, the bill would result in an undetermined amount of savings to the state due to a potential decrease in the number of family care arrangements that would require regulation. (9-12-90)

ARGUMENTS:

For:

The bill would provide consistency between the child care licensing act and the adoption code by reflecting the changes to the definition of the term "relative" that were recently adopted within the code. In addition, the change in the definition of the term "relative" will serve to expand the number of relatives who are allowed to provide care for children without being licensed or regulated.

POSITIONS:

The Department of Social Services supports the bill. (9-12-90)

Adoption Reform Movement of Michigan supports the bill. (9-12-90)

H.B. 5783 (9-13-90)