

# HOUSE BILL No. 4255

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Scott, Honigman, Jondahl, Wallace, Webb, Kilpatrick, Bankes, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend sections 1, 2, 3, 4, 5, 7, 8a, 9a, 10, 11, 11a, 12, 13, 14, 14a, and 16 of Act No. 116 of the Public Acts of 1973, 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 provide penalties; and to repeal certain acts and parts of acts,"

section 1 as amended by Act No. 139 of the Public Acts of 1984, section 2 as amended by Act No. 150 of the Public Acts of 1983, sections 3, 4, 11, and 12 as amended and section 9a as added by Act No. 232 of the Public Acts of 1980, section 5 as amended by Act No. 169 of the Public Acts of 1986, section 8a as added by Act No. 32 of the Public Acts of 1980, section 10 as amended by Act No. 498 of the Public Acts of 1980, and section 14a as amended by Act No. 396 of the Public Acts of 1984, being sections 722.111, 722.112, 722.113, 722.114, 722.115, 722.117, 722.118a,

722.119a, 722.120, 722.121, 722.121a, 722.122, 722.123, 722.124, 722.124a, and 722.126 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. Sections 1, 2, 3, 4, 5, 7, 8a, 9a, 10, 11, 11a,  
2 12, 13, 14, 14a, and 16 of Act No. 116 of the Public Acts of  
3 1973, section 1 as amended by Act No. 139 of the Public Acts of  
4 1984, section 2 as amended by Act No. 150 of the Public Acts of  
5 1983, sections 3, 4, 11, and 12 as amended and section 9a as  
6 added by Act No. 232 of the Public Acts of 1980, section 5 as  
7 amended by Act No. 169 of the Public Acts of 1986, section 8a as  
8 added by Act No. 32 of the Public Acts of 1980, section 10 as  
9 amended by Act No. 498 of the Public Acts of 1980, and section  
10 14a as amended by Act No. 396 of the Public Acts of 1984, being  
11 sections 722.111, 722.112, 722.113, 722.114, 722.115, 722.117,  
12 722.118a, 722.119a, 722.120, 722.121, 722.121a, 722.122, 722.123,  
13 722.124, 722.124a, and 722.126 of the Michigan Compiled Laws, are  
14 amended to read as follows:

15       Sec. 1. As used in this act:

16       (a) "Child care organization" means a governmental or non-  
17 governmental organization having as its principal function the  
18 receiving of minor children for care, maintenance, training, and  
19 supervision, notwithstanding that educational instruction may be  
20 given. Child care organization includes organizations commonly  
21 described as child caring institutions, child placing agencies,  
22 children's camps, child care centers, day care centers, nursery  
23 schools, parent cooperative preschools, foster homes, group  
24 homes, or day care homes.

(b) "Child caring institution" means a child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for mentally retarded or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.20101 to ~~333.22181~~ 333.22260 of the Michigan Compiled Laws, a boarding school licensed under section 1335 of the school code of 1976, Act No. 451 of the Public Acts of 1976, being section 380.1335 of the Michigan Compiled Laws, a hospital or facility operated by the state or licensed under the mental health code, Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, or an adult foster care family home or an adult foster care small group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to ~~400.735~~ 400.737 of the

1 Michigan Compiled Laws, in which a child has been placed pursuant  
2 to section 5(6).

3 (c) "Child placing agency" means an agency organized for the  
4 purpose of receiving children for their placement in private  
5 family homes for foster care or for adoption. The function of a  
6 child placing agency may include the investigation and certifica-  
7 tion of foster family homes and foster family group homes as pro-  
8 vided in this act. The function of a child placing agency may  
9 also include the supervision of children who are 16 or 17 years  
10 of age and who are living in unlicensed residences as provided in  
11 section 5(4).

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

18 (e) "Child care center" or "day care center" means a facili-  
19 ty, other than a private residence, receiving 1 or more preschool  
20 or school age children for care for periods of less than 24 hours  
21 a day, and where the parents or guardians are not immediately  
22 available to the child. Child care center or day care center  
23 includes a facility which provides care for not less than 2 con-  
24 secutive weeks, regardless of the number of hours of care per  
25 day. The facility is generally described as a child care center,  
26 day care center, day nursery, nursery school, parent cooperative

1 preschool, play group, or drop-in center. Child care center or  
2 day care center does not include any of the following:

3 (i) A Sunday school, a vacation bible school, or a religious  
4 instructional class that is conducted by a religious organization  
5 where children are in attendance for not ~~greater~~ MORE than 3  
6 hours per day for an indefinite period, or not ~~greater~~ MORE  
7 than 8 hours per day for a period not to exceed 4 weeks during a  
8 12-month period.

9 (ii) A facility operated by a religious organization where  
10 children are cared for not ~~greater~~ MORE than 3 hours while per-  
11 sons responsible for the children are attending religious  
12 services.

13 (f) "Private home" means a private residence in which the  
14 licensee or registrant permanently resides as a member of the  
15 household, which residency shall not be contingent upon caring  
16 for children or employment by a licensed or approved child plac-  
17 ing agency. Private home includes a full-time foster family  
18 home, a full-time foster family group home, a group day care  
19 home, or a family day care home, as follows:

20 (i) "Foster family home" is a private home in which 1 but  
21 not more than 4 minor children, who are not related to an adult  
22 member of the household by blood, marriage, or adoption, are  
23 given care and supervision for 24 hours a day, for 4 or more days  
24 a week, for 2 or more consecutive weeks, unattended by a parent  
25 or legal guardian.

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

1 related to an adult member of the household by blood, marriage,  
2 or adoption, are provided care for 24 hours a day, for 4 or more  
3 days a week, for 2 or more consecutive weeks, unattended by a  
4 parent or legal guardian.

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

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

19 (g) "Licensee" means a person, partnership, firm, corpora-  
20 tion, association, nongovernmental, or local or state government  
21 child care organization which has been issued a license to oper-  
22 ate a child care organization.

23 (h) "Provisional license" means a license issued to a child  
24 care organization which is temporarily unable to conform to all  
25 of the rules promulgated under this act.

1 (i) "Regular license" means a license issued to a child care  
2 organization indicating that the organization is in compliance  
3 with all rules promulgated under this act.

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

5 (k) "Minor child" means either of the following:

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

7 (ii) A person who is a resident in a child caring institu-  
8 tion, children's camp, foster family home, or foster family group  
9 home; who becomes 18 years of age while residing in the child  
10 caring institution, camp, or home; and who continues residing in  
11 the institution, camp, or home to receive care, maintenance,  
12 training, and supervision. This subparagraph shall apply only if  
13 the number of those residents who become 18 years of age does not  
14 exceed the following:

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

16 (B) Three, if the total number of residents is not less than  
17 11 and not more than 14.

18 (C) Four, if the total number of residents is not less than  
19 15 and not more than 20.

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

21 (l) "Registrant" means a person who has been issued a cer-  
22 tificate of registration to operate a family day care home.

23 (m) "Registration" means the process by which the  
24 ~~department of social~~ CHILDREN AND FAMILY services AGENCY regu-  
25 lates family day care homes, which process requires that a family  
26 day care home certify to the ~~department~~ AGENCY that the family

1 day care home has complied with and will continue to comply with  
2 the rules promulgated under this act.

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

5 (o) "Related" means any of the following relationships, by  
6 marriage, blood, or adoption: parent, grandparent, brother,  
7 sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin,  
8 great aunt, great uncle, or stepgrandparent.

9 (p) "Religious organization" ~~as used in this act,~~ means  
10 church, ecclesiastical corporation, or group, not organized for  
11 pecuniary profit, that gathers for mutual support and edification  
12 in piety or worship of a supreme deity.

13 (Q) "AGENCY" MEANS THE CHILDREN AND FAMILY SERVICES AGENCY.

14 Sec. 2. (1) The ~~department of social services, hereinafter~~  
15 ~~referred to as the "department",~~ AGENCY is responsible for the  
16 development of rules for the care and protection of children in  
17 organizations covered by this act and for the promulgation of  
18 these rules pursuant to the administrative procedures act of  
19 1969, Act No. 306 of the Public Acts of 1969, as amended, being  
20 sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled  
21 Laws.

22 (2) The ~~department~~ AGENCY shall establish an ad hoc com-  
23 mittee for each type of child care organization ~~as defined in~~  
24 ~~this act~~ when it is formulating or amending rules under this  
25 act. The committee shall consist of not less than 12 members,  
26 and shall include representatives of the following groups and  
27 agencies:



1 (a) ~~Department~~ THE DEPARTMENT of public health.

2 (b) ~~Department~~ THE DEPARTMENT of state police, fire  
3 marshal division and state fire safety board.

4 (c) ~~Department~~ THE DEPARTMENT of education.

5 (d) ~~Department~~ THE DEPARTMENT of mental health.

6 (E) THE DEPARTMENT OF SOCIAL SERVICES.

7 (F) ~~(e)~~ Representatives of organizations affected by this  
8 act.

9 (G) ~~(f)~~ Parents of children affected by this act.

10 (3) The representatives of organizations affected by this  
11 act and parents of children affected by this act shall constitute  
12 a majority of the committee membership. The committee shall  
13 serve during the period of the formulation of rules, shall have  
14 responsibility for making recommendations on the content of  
15 rules, and shall recommend to the ~~department~~ AGENCY revisions  
16 in proposed rules at any time before their promulgation.

17 (4) ~~(3)~~ The rules promulgated under this act shall be  
18 restricted to:

19 (a) The operation and conduct of child care organizations  
20 and the responsibility the organizations assume for child care.

21 (b) The character, suitability, training, and qualifications  
22 of applicants and other persons directly responsible for the care  
23 and welfare of children served.

24 (c) The general financial ability and competence of appli-  
25 cants to provide necessary care for children and to maintain pre-  
26 scribed standards.

1 (d) The number of individuals or staff required to insure  
2 adequate supervision and care of the children received.

3 (e) The appropriateness, safety, cleanliness, and general  
4 adequacy of the premises, including maintenance of adequate fire  
5 prevention and health standards to provide for the physical com-  
6 fort, care, and well being of the children received. However,  
7 the rules with respect to fire prevention and fire safety shall  
8 not apply to a child care center established and operated by an  
9 intermediate school board, the board of a local school district,  
10 or by the board or governing body of a state approved nonpublic  
11 school, if the child care center is located in a school building  
12 that is approved by the state fire marshal or other similar  
13 authority as provided in section 3 of Act No. 306 of the Public  
14 Acts of 1937, being section 388.853 of the Michigan Compiled  
15 Laws, for school purposes and is in compliance with the school  
16 fire safety rules, R 29.1 to R 29.298 of the Michigan administra-  
17 tive code, as determined by the state fire marshal or a fire  
18 inspector certified pursuant to section 2b of the fire prevention  
19 code, Act No. 207 of the Public Acts of 1941, being section 29.2b  
20 of the Michigan Compiled Laws.

21 (f) Provisions for food, clothing, educational opportuni-  
22 ties, programs, equipment, and individual supplies to assure the  
23 healthy physical, emotional, and mental development of children  
24 served.

25 (g) Provisions to safeguard the legal rights of children  
26 served.

1 (h) Maintenance of records pertaining to admission,  
2 progress, health, and discharge of children.

3 (i) Filing of reports with the ~~department~~ AGENCY.

4 (j) Discipline of children.

5 (k) Transportation safety.

6 (5) ~~(4)~~ Rules once promulgated are subject to major review  
7 by an ad hoc committee not less than once every 5 years and shall  
8 be reviewed biennially by the ~~department~~ AGENCY. The ad hoc  
9 committee shall be established by the ~~department~~ AGENCY, shall  
10 consist of not less than 12 members, and shall include represen-  
11 tatives of the groups and agencies indicated in subsection (2).  
12 The ad hoc committee shall hold at least 2 public hearings  
13 regarding the review of rules and shall report its recommenda-  
14 tions regarding rules to the appropriate committees of the  
15 legislature.

16 Sec. 3. (1) The rules promulgated by the ~~department~~  
17 AGENCY shall be used by the department of public health, the fire  
18 marshal division of the department of state police, and local  
19 authorities in the inspection of and reporting on child care  
20 organizations covered by this act. The inspection of the health  
21 and fire safety of child care organizations shall be completed by  
22 ~~department~~ AGENCY staff or by the department of public health,  
23 the fire marshal division of the department of state police,  
24 local authorities upon request of the ~~department~~ AGENCY, or  
25 pursuant to subsection (2).

26 (2) If an inspection is not conducted pursuant to subsection  
27 (1), a person owning or operating or who proposes to own or

1 operate a child care organization may enter INTO a contract with  
2 a local authority or other person qualified to conduct an inspec-  
3 tion pursuant to subsection (1) and pay for that inspection after  
4 an inspection is completed pursuant to this subsection. A person  
5 may receive a provisional license if the proposed child care  
6 organization passes the inspection, and the other requirements of  
7 this act are met.

8       (3) The rules promulgated by the ~~department~~ AGENCY for  
9 foster family homes and foster family group homes shall be used  
10 by a licensed child placing agency or an approved governmental  
11 unit when investigating and certifying a foster family home or a  
12 foster family group home.

13       (4) Inspection reports completed by state agencies, local  
14 authorities, and child placing agencies, shall be furnished to  
15 the ~~department~~ AGENCY and shall become a part of its evaluation  
16 for licensing of organizations covered by this act. After care-  
17 ful consideration of the reports and consultation where neces-  
18 sary, the ~~department~~ AGENCY shall assume responsibility for the  
19 final determination of the issuance, denial, revocation, or pro-  
20 visional nature of licenses issued to nongovernmental  
21 organizations. A report of findings shall be furnished to the  
22 licensee. A license shall be issued to a specific person or  
23 organization at a specific location, shall be nontransferable,  
24 and shall remain the property of the ~~department~~ AGENCY.

25       Sec. 4. The ~~department~~ AGENCY shall provide consultation  
26 to organizations covered by this act to assist them in meeting  
27 the requirements of this act and the rules promulgated under this

1 act. The ~~department~~ AGENCY shall offer assistance, training,  
2 and education, within fiscal limitations, upon request, in devel-  
3 oping methods for the improvement of service.

4       Sec. 5. (1) A person, partnership, firm, corporation, asso-  
5 ciation, or nongovernmental organization shall not establish or  
6 maintain a child care organization unless licensed or registered  
7 by the ~~department~~ AGENCY. Application for a license or certif-  
8 icate of registration shall be made on forms provided, and in the  
9 manner prescribed, by the ~~department~~ AGENCY. Before issuing or  
10 renewing a license, the ~~department~~ AGENCY shall investigate the  
11 activities and proposed standards of care of the applicant and  
12 shall make an on-site visit of the proposed or established  
13 organization. If the ~~department~~ AGENCY is satisfied as to the  
14 need for a child care organization, its financial stability, the  
15 good moral character of the applicant, and that the services and  
16 facilities are conducive to the welfare of the children, the  
17 license shall be issued or renewed. As used in this subsection,  
18 "good moral character" means good moral character as defined and  
19 determined pursuant to Act No. 381 of the Public Acts of 1974, as  
20 amended, being sections 338.41 to 338.47 of the Michigan Compiled  
21 Laws.

22       (2) The ~~department~~ AGENCY shall issue a certificate of  
23 registration to a person who has successfully completed an orien-  
24 tation session offered by the ~~department~~ AGENCY, and who certi-  
25 fies to the ~~department~~ AGENCY that the family day care home has  
26 complied with and will continue to comply with the rules  
27 promulgated under this act, and will provide services and

1 facilities, as determined by the ~~department~~ AGENCY, conducive  
2 to the welfare of children. The ~~department~~ AGENCY shall make  
3 available an orientation session to applicants for registration  
4 regarding this act, the rules promulgated under this act, and the  
5 needs of children in family day care before issuing a certificate  
6 of registration. A certificate of registration shall be issued  
7 to a specific person at a specific location, shall be nontrans-  
8 ferable, and shall remain the property of the ~~department~~  
9 AGENCY. Within 90 days after initial registration, the  
10 ~~department~~ AGENCY shall make an on-site visit of the family day  
11 care home.

12 (3) The ~~department~~ AGENCY may authorize a licensed child  
13 placing agency or an approved governmental unit to investigate a  
14 foster family home or a foster family group home pursuant to sub-  
15 section (1) and to certify that the foster family home or foster  
16 family group home meets the licensing requirements prescribed by  
17 this act. A foster family home or a foster family group home  
18 shall be certified ~~for licensing by the department~~ by only 1  
19 child placing agency or approved governmental unit. Other child  
20 placing agencies may place children in a foster family home or  
21 foster family group home only upon the approval of the certifying  
22 agency or governmental unit.

23 (4) The ~~department~~ AGENCY may authorize a licensed child  
24 placing agency or an approved governmental unit to place a child  
25 who is 16 or 17 years of age in his or her own unlicensed resi-  
26 dence, or in the unlicensed residence of an adult who has no  
27 supervisory responsibility for the child, if a child placing

1 agency or governmental unit retains supervisory responsibility  
2 for the child.

3 (5) A licensed child placing agency, child caring institu-  
4 tion, and an approved governmental unit shall provide the direc-  
5 tor of the state foster care review board program and a local  
6 foster care review board established under Act No. 422 of the  
7 Public Acts of 1984, being sections 722.131 to 722.140 of the  
8 Michigan Compiled Laws, such records as may be requested pertain-  
9 ing to children in foster care placement for more than 6 months.  
10 This subsection shall not apply after September 30, 1989.

11 (6) The ~~department~~ AGENCY may authorize a licensed child  
12 placing agency or an approved governmental unit to place a child  
13 who is 16 or 17 years old in an adult foster care family home or  
14 an adult foster care small group home licensed under the adult  
15 foster care facility licensing act, Act No. 218 of the Public  
16 Acts of 1979, as amended, being sections 400.701 to 400.737 of  
17 the Michigan Compiled Laws, if a licensed child placing agency or  
18 approved governmental unit retains supervisory responsibility for  
19 the child and certifies to the ~~department~~ AGENCY all of the  
20 following:

21 (a) The placement is in the best interests of the child.

22 (b) The needs of the child can be adequately met by the  
23 adult foster care family home or small group home.

24 (c) The child will be compatible with other residents of the  
25 adult foster care family home or small group home.

26 (d) That the child placing agency or approved governmental  
27 unit will periodically reevaluate the placement of an individual

1 under this subsection to determine that the criteria for  
2 placement in subdivisions (a) through (c) continue to be met.

3       Sec. 7. A provisional license shall be issued to a new  
4 organization during the first 6 months of operation. At the end  
5 of the 6 months of operation, the ~~department~~ AGENCY shall  
6 either issue a regular license or renew or refuse to renew the  
7 provisional license as provided in section 11. A provisional  
8 license may be issued to a child care organization which is tem-  
9 porarily unable to conform to the rules. A provisional license  
10 shall expire 6 months from the date of issuance and may be issued  
11 not more than 4 times. The issuance of a provisional license  
12 shall be contingent upon the submission to the ~~department~~  
13 AGENCY of an acceptable plan to overcome the deficiency present  
14 in the child care organization within the time limitations of the  
15 provisional licensing period.

16       Sec. 8a. (1) The ~~department~~ AGENCY shall periodically  
17 assess a child care organization's continued compliance with this  
18 act and the rules promulgated under this act. The ~~department~~  
19 AGENCY shall make an on-site evaluation of a child care organi-  
20 zation at least once a year.

21       (2) The ~~department~~ AGENCY may authorize a licensed child  
22 placing agency or an approved governmental unit to periodically  
23 assess a licensed foster family home or a licensed foster family  
24 group home pursuant to subsection (1) and to certify that the  
25 foster family home or the foster family group home continues to  
26 comply with this act and the rules promulgated under this act. A  
27 periodic assessment of a licensed foster family home or a



1 licensed foster family group home pursuant to this subsection may  
2 include an on-site evaluation of the child care organization.

3       Sec. 9a. (1) A certificate of registration shall be in  
4 force for 3 years unless revoked pursuant to section 11. A  
5 renewal certificate of registration shall be issued in the same  
6 manner as provided in section 5(2) for the initial issuance of  
7 the certificate, except that an on-site visit of the family day  
8 care home and the orientation session shall not be required. The  
9 certificate shall state that the registrant may operate a family  
10 day care home and the number and the ages of the children that  
11 may be received and maintained.

12       (2) This section shall not limit the right or the duty of  
13 the ~~department~~ AGENCY to assess periodically, randomly, or at  
14 the time of renewal, the continued compliance with this act and  
15 rules promulgated under this act. The ~~department~~ AGENCY shall  
16 make on-site visits as provided in this act to a 10% sample of  
17 the family day care homes in each county each year, or when a  
18 complaint about a family day care home or registrant is received  
19 by the ~~department~~ AGENCY.

20       Sec. 10. (1) The ~~department~~ AGENCY may investigate and  
21 examine conditions of a child care organization in which a  
22 licensee receives, maintains, or places out children, and may  
23 investigate and examine the books and records of the licensee.  
24 The licensee shall admit members of the ~~department~~ AGENCY and  
25 furnish all reasonable facilities for thorough examination of its  
26 books, records, and reports. The department of public health,  
27 the fire marshal division of the department of state police, or

1 local authorities, in carrying out the provisions of this act,  
2 may visit a child care organization to advise in matters affect-  
3 ing the health or fire protection of children.

4 (2) A licensee shall keep such records as the ~~department~~  
5 AGENCY may prescribe regarding each child in its control and  
6 care, and shall report to the ~~department~~ AGENCY, when  
7 requested, the facts ~~as~~ the ~~department~~ AGENCY may require  
8 with reference to the children upon forms furnished by the  
9 ~~department~~ AGENCY. Records regarding children and facts com-  
10 piled about children and their parents and relatives shall be  
11 deemed confidential and disclosure of this information shall be  
12 properly safeguarded by the child care organization, the  
13 ~~department~~ AGENCY, and any other entity in possession of the  
14 information.

15 Sec. 11. (1) An original license shall not be granted  
16 under this act if the issuance of the license would substantially  
17 contribute to an excessive concentration of community residential  
18 facilities within a city, village, township, or county of this  
19 state.

20 (2) The ~~department~~ AGENCY may deny, revoke, or refuse to  
21 renew a license or certificate of registration of a child care  
22 organization when the licensee, registrant, or applicant falsi-  
23 fies information on the application or willfully and substan-  
24 tially violates this act, the rules promulgated under this act,  
25 or the terms of the license or certificate of registration. The  
26 ~~department~~ AGENCY may modify to a provisional status a license  
27 of a child care organization when the licensee willfully and

1 substantially violates this act, the rules promulgated under this  
2 act, or the terms of the license. A license or a certificate of  
3 registration shall not be revoked, a renewal of a license or cer-  
4 tificate of registration shall not be refused, an application for  
5 a license or a certificate of registration shall not be denied,  
6 or a regular license shall not be modified to a provisional  
7 status unless the licensee, registrant, or applicant is given  
8 notice in writing of the grounds of the proposed revocation,  
9 denial, modification, or refusal. If revocation, denial, modifi-  
10 cation, or refusal is appealed within 30 days after receipt of  
11 the notice by writing addressed to the director of the  
12 ~~department~~ AGENCY, the director or a designated representative  
13 of the director shall conduct a hearing at which the licensee,  
14 registrant, or applicant may present testimony and confront  
15 witnesses. Notice of the hearing shall be given to the licensee,  
16 registrant, or applicant by personal service or delivery to the  
17 proper address by certified mail not less than 2 weeks before the  
18 date of the hearing. The decision of the director shall be made  
19 not more than 30 days after the hearing, and forwarded to the  
20 protesting party by certified mail not more than 10 days  
21 thereafter. If the proposed revocation, denial, modification, or  
22 refusal is not protested, the license or certificate of registra-  
23 tion may be revoked or the application or the renewal of the  
24 license or certificate of registration refused.

25 (3) The ~~department~~ AGENCY shall deny a license to a child  
26 caring institution or foster family group home which does not  
27 comply with section 16a of THE COUNTY RURAL ZONING ENABLING ACT,

1 Act No. 183 of the Public Acts of 1943, as amended, being  
2 section 125.216a of the Michigan Compiled Laws, section 16a of  
3 THE TOWNSHIP RURAL ZONING ENABLING ACT, Act No. 184 of the  
4 Public Acts of 1943, as amended, being section 125.286a of the  
5 Michigan Compiled Laws, and section 3b of Act No. 207 of the  
6 Public Acts of 1921, as amended, being section 125.583b of the  
7 Michigan Compiled Laws.

8 (4) The legislative body of a city, village, or township in  
9 which a child caring institution or foster family group home is  
10 located may file a complaint with the ~~department~~ AGENCY to have  
11 the organization's license suspended, denied, or revoked pursuant  
12 to the procedures outlined in this act and the rules promulgated  
13 under this act. The director of the ~~department~~ AGENCY shall  
14 resolve the issues of the complaint within 45 days after the  
15 receipt of the complaint. Notice of the resolution of the issues  
16 shall be mailed by certified mail to the complainant and the  
17 licensee. Failure of the director of the ~~department~~ AGENCY to  
18 resolve the issues of the complaint within 45 days after receipt  
19 of the complaint shall serve as a decision by the director to  
20 suspend, deny, or revoke the organization's license. If the  
21 decision to suspend, deny, or revoke the license or the resolu-  
22 tion of the issues is protested by written objection of the com-  
23 plainant or licensee to the director of the ~~department~~ AGENCY  
24 within 30 days after the suspension, denial, or revocation of the  
25 license or the receipt of the notice of resolution, the director  
26 of the ~~department~~ AGENCY or a designated representative of the  
27 director shall conduct a hearing pursuant to THE ADMINISTRATIVE

1 PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969,  
2 as amended, being sections 24.201 to ~~24.315~~ 24.328 of the  
3 Michigan Compiled Laws, at which the complainant and licensee may  
4 present testimony and cross-examine witnesses. The decision of  
5 the director of the ~~department~~ AGENCY shall be mailed by certi-  
6 fied mail to the complainant and the licensee. If the resolution  
7 of the issues by the director of the ~~department~~ AGENCY is not  
8 protested within 30 days after receipt of the notice of the reso-  
9 lution, the resolution by the director of the ~~department~~ AGENCY  
10 is final.

11       Sec. 11a. The director of the ~~department~~ AGENCY shall  
12 notify the clerk of the city, village, or township and the legis-  
13 lature of the location of new and existing licensed child caring  
14 institution or foster family group home within the boundaries of  
15 the cities, villages, and townships in this state. The notifica-  
16 tion for existing licensed organizations shall be given within 90  
17 days after the effective date of this amendatory act and within  
18 30 days after the licensing of a new organization.

19       Sec. 12. A person aggrieved by the decision of the direc-  
20 tor following a hearing under section 11 may, within 30 days  
21 after receipt of the decision, take an appeal to the circuit  
22 court for the county in which the person resides by filing with  
23 the clerk of the court an affidavit setting forth the substance  
24 of the proceedings before the ~~department~~ AGENCY and the errors  
25 of law upon which the person relies, and serving the director of  
26 the ~~department~~ AGENCY with a copy of the affidavit. The  
27 circuit court shall have jurisdiction to hear and determine the

1 questions of law involved in the appeal. If the ~~department~~  
2 AGENCY prevails, the circuit court shall affirm the decision of  
3 the ~~department, if~~ AGENCY. IF the licensee, registrant, or  
4 applicant prevails, the circuit court shall set aside the revoca-  
5 tion ~~—~~ or order the issuance or renewal of the license or cer-  
6 tificate of registration.

7       Sec. 13. ~~When~~ IF there is a violation of this act or a  
8 rule promulgated ~~thereunder~~ UNDER THIS ACT, and the unlawful  
9 activity or condition of the child care organization is likely to  
10 result in serious harm to the children under care, the  
11 ~~department~~ AGENCY may seek injunctive action against the child  
12 care organization in the circuit court through proceedings insti-  
13 tuted by the attorney general on behalf of the ~~department~~  
14 AGENCY.

15       Sec. 14. Only a parent, guardian of the person of a child,  
16 a person related to a child by blood, marriage, or adoption, a  
17 licensed child placing agency, or a governmental unit may place a  
18 child in the control and care of a person. This section shall  
19 not be construed to prevent foster parents from placing foster  
20 children in temporary care pursuant to rules promulgated by the  
21 ~~department~~ AGENCY.

22       Sec. 14a. (1) A probate court, a child placing agency, or  
23 the ~~department~~ AGENCY may consent to routine, nonsurgical medi-  
24 cal care, or emergency medical and surgical treatment of a minor  
25 child placed in out-of-home care pursuant to THE SOCIAL WELFARE  
26 ACT, Act No. 280 of the Public Acts of 1939, as amended, being  
27 sections 400.1 to 400.121 of the Michigan Compiled Laws,

1 CHAPTERS X AND XIIA OF Act No. 288 of the Public Acts of 1939, as  
2 amended, being sections 710.21 to 712A.28 of the Michigan  
3 Compiled Laws, or this act. If the minor child is placed in a  
4 child care organization, then the probate court, the child plac-  
5 ing agency, or the ~~department~~ AGENCY making the placement shall  
6 execute a written instrument investing that organization with  
7 authority to consent to emergency medical and surgical treatment  
8 of the child. The ~~department~~ AGENCY may also execute a written  
9 instrument investing a child care organization with authority to  
10 consent to routine, nonsurgical medical care of the child. If  
11 the minor child is placed in a child care institution, the pro-  
12 bate court, the child placing agency, or the ~~department~~ AGENCY  
13 making the placement shall in addition execute a written instru-  
14 ment investing that institution with authority to consent to the  
15 routine, nonsurgical medical care of the child.

16 (2) A parent or guardian of a minor child who voluntarily  
17 places the child in a child care organization shall execute a  
18 written instrument investing that organization with authority to  
19 consent to emergency medical and surgical treatment of the  
20 child. The parent or guardian shall consent to routine, nonsur-  
21 gical medical care.

22 (3) Only the minor child's parent or legal guardian shall  
23 consent to nonemergency, elective surgery for a child in foster  
24 care. If parental rights have been permanently terminated by  
25 court action, consent for nonemergency, elective surgery shall be  
26 given by the probate court or the agency having jurisdiction over  
27 the child.

1 (4) As used in this section, "routine, nonsurgical medical  
2 care" does not include contraceptive treatment, services, medica-  
3 tion or devices.

4 Sec. 16. The ~~department~~ AGENCY shall provide continuous  
5 education of the public in regard to the requirements of this act  
6 through the ongoing use of mass media and other methods ~~as are~~  
7 ~~deemed~~ CONSIDERED appropriate.

8 Section 2. This amendatory act shall take effect October 1,  
9 1990.

10 Section 3. This amendatory act shall not take effect unless  
11 all of the following bills of the 85th Legislature are enacted  
12 into law:

13 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4251 (request  
14 no. 00593'89<sup>\*</sup>).

15 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4252 (request  
16 no. 00593'89 a).

17 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4253 (request  
18 no. 00593'89 b).

19 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4254 (request  
20 no. 00593'89 c).

21 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4256 (request  
22 no. 00593'89 e).

23 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. 4257 (request  
24 no. 00593'89 f).

25 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. 4258 (request  
26 no. 00593'89 g).



- 1 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. 4259 (request  
2 no. 00593'89 h).
- 3 (i) Senate Bill No. \_\_\_\_\_ or House Bill No. 4260 (request  
4 no. 00593'89 i).
- 5 (j) Senate Bill No. \_\_\_\_\_ or House Bill No. 4261 (request  
6 no. 00593'89 j).
- 7 (k) Senate Bill No. \_\_\_\_\_ or House Bill No. 4262 (request  
8 no. 00593'89 k).
- 9 (l) Senate Bill No. \_\_\_\_\_ or House Bill No. 4263 (request  
10 no. 00593'89 l).
- 11 (m) Senate Bill No. \_\_\_\_\_ or House Bill No. 4264 (request  
12 no. 00593'89 m).
- 13 (n) Senate Bill No. \_\_\_\_\_ or House Bill No. 4265 (request  
14 no. 00593'89 n).
- 15 (o) Senate Bill No. \_\_\_\_\_ or House Bill No. 4266 (request  
16 no. 00593'89 o).
- 17 (p) Senate Bill No. \_\_\_\_\_ or House Bill No. 4267 (request  
18 no. 00593'89 p).
- 19 (q) Senate Bill No. \_\_\_\_\_ or House Bill No. 4268 (request  
20 no. 00593'89 q).
- 21 (r) Senate Bill No. \_\_\_\_\_ or House Bill No. 4269 (request  
22 no. 00593'89 r).
- 23 (s) Senate Bill No. \_\_\_\_\_ or House Bill No. 4270 (request  
24 no. 00593'89 s).