

# HOUSE BILL No. 4558

April 10, 1989, Introduced by Reps. Joe Young, Sr., Kilpatrick, Harrison, Gubow, Joe Young, Jr., DeMars, Allen, Perry Bullard, Stallworth, Leland and Wallace and referred to the Committee on Social Services and Youth.

A bill to amend section 5 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,"

as amended by Act No. 169 of the Public Acts of 1986, being section 722.115 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 5 of Act No. 116 of the Public Acts of  
2 1973, as amended by Act No. 169 of the Public Acts of 1986, being  
3 section 722.115 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 5. (1) A person, partnership, firm, corporation,  
6 association, or nongovernmental organization shall not establish  
7 or maintain a child care organization unless licensed or

1 registered by the department. Application for a license or  
2 certificate of registration shall be made on forms provided, and  
3 in the manner prescribed, by the department. Before issuing or  
4 renewing a license, the department shall investigate the activi-  
5 ties and proposed standards of care of the applicant and shall  
6 make an on-site visit of the proposed or established  
7 organization. If the department is satisfied as to the need for  
8 a child care organization, its financial stability, the good  
9 moral character of the applicant, and that the services and  
10 facilities are conducive to the welfare of the children, the  
11 license shall be issued or renewed. As used in this subsection,  
12 "good moral character" means good moral character as defined and  
13 determined pursuant to Act No. 381 of the Public Acts of 1974, as  
14 amended, being sections 338.41 to 338.47 of the Michigan Compiled  
15 Laws.

16 (2) The department shall issue a certificate of registration  
17 to a person who has successfully completed an orientation session  
18 offered by the department, and who certifies to the department  
19 that the family day care home has complied with and will continue  
20 to comply with the rules promulgated under this act, and will  
21 provide services and facilities, as determined by the department,  
22 conducive to the welfare of children. The department shall make  
23 available an orientation session to applicants for registration  
24 regarding this act, the rules promulgated under this act, and the  
25 needs of children in family day care before issuing a certificate  
26 of registration. A certificate of registration shall be issued  
27 to a specific person at a specific location, shall be

1 nontransferable, and shall remain the property of the  
2 department. Within 90 days after initial registration, the  
3 department shall make an on-site visit of the family day care  
4 home.

5 (3) The department may authorize a licensed child placing  
6 agency or an approved governmental unit to investigate a foster  
7 family home or a foster family group home pursuant to subsection  
8 (1) and to certify that the foster family home or foster family  
9 group home meets the licensing requirements prescribed by this  
10 act. A foster family home or a foster family group home shall be  
11 certified for licensing by the department by only 1 child placing  
12 agency or approved governmental unit. Other child placing agen-  
13 cies may place children in a foster family home or foster family  
14 group home only upon the approval of the certifying agency or  
15 governmental unit.

16 (4) The department may authorize a licensed child placing  
17 agency or an approved governmental unit to place a child who is  
18 16 or 17 years of age in his or her own unlicensed residence, or  
19 in the unlicensed residence of an adult who has no supervisory  
20 responsibility for the child, if a child placing agency or gov-  
21 ernmental unit retains supervisory responsibility for the child.

22 (5) A licensed child placing agency, child caring institu-  
23 tion, and an approved governmental unit shall provide the direc-  
24 tor of the state foster care review board program and a local  
25 foster care review board established under Act No. 422 of the  
26 Public Acts of 1984, being sections 722.131 to 722.140 of the  
27 Michigan Compiled Laws, such records as may be requested

1 pertaining to children in foster care placement for more than 6  
2 months. This subsection shall not apply after September 30,  
3 1989.

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

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

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

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

18 (d) That the child placing agency or approved governmental  
19 unit will periodically reevaluate the placement of an individual  
20 under this subsection to determine that the criteria for place-  
21 ment in subdivisions (a) through (c) continue to be met.

22 (7) THE DEPARTMENT MAY AUTHORIZE A LICENSED CHILD PLACING  
23 AGENCY OR AN APPROVED GOVERNMENTAL UNIT TO PLACE AN ADULT IN A  
24 FOSTER FAMILY HOME LICENSED UNDER THIS ACT, BUT ONLY IF A  
25 LICENSED CHILD PLACING AGENCY OR APPROVED GOVERNMENTAL UNIT CER-  
26 TIFIES TO THE DEPARTMENT ALL OF THE FOLLOWING:

1 (A) THE ADULT IS DEVELOPMENTALLY DISABLED OR NEUROLOGICALLY  
2 HANDICAPPED AND IS ALSO PHYSICALLY AFFECTED TO SUCH A DEGREE AS  
3 TO REQUIRE COMPLETE PHYSICAL ASSISTANCE WITH MOBILITY AND ACTIVI-  
4 TIES OF DAILY LIVING.

5 (B) THE PLACEMENT IS IN THE BEST INTEREST OF THE ADULT.

6 (C) THE NEEDS OF THE ADULT CAN BE ADEQUATELY MET BY THE  
7 FOSTER FAMILY HOME.

8 (D) THE ADULT WILL BE COMPATIBLE WITH OTHER RESIDENTS OF THE  
9 FOSTER FAMILY HOME AND PRESENTS NO DANGER TO OTHERS IN CARE.

10 (E) THAT THE CHILD PLACING AGENCY OR APPROVED GOVERNMENTAL  
11 UNIT WILL PERIODICALLY REEVALUATE THE PLACEMENT OF AN ADULT UNDER  
12 THIS SUBSECTION TO DETERMINE THAT THE CRITERIA FOR PLACEMENT IN  
13 SUBDIVISIONS (A) THROUGH (D) CONTINUE TO BE MET.