

HOUSE BILL No. 4560

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 1 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. 139 of the Public Acts of 1984, being section 722.111 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 116 of the Public Acts of
2 1973, as amended by Act No. 139 of the Public Acts of 1984, being
3 section 722.111 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. As used in this act:

6 (a) "Child care organization" means a governmental or
7 nongovernmental organization having as its principal function the

1 receiving of minor children for care, maintenance, training, and
2 supervision, notwithstanding that educational instruction may be
3 given. Child care organization includes organizations commonly
4 described as child caring institutions, child placing agencies,
5 children's camps, child care centers, day care centers, nursery
6 schools, parent cooperative preschools, foster homes, group
7 homes, or day care homes. CHILD CARE ORGANIZATION DOES NOT
8 INCLUDE A GOVERNMENTAL OR NONGOVERNMENTAL ORGANIZATION THAT PRO-
9 VIDES CARE EXCLUSIVELY TO MINORS WHO HAVE BEEN EMANCIPATED BY
10 COURT ORDER PURSUANT TO SECTION 4(3) OF ACT NO. 293 OF THE PUBLIC
11 ACTS OF 1968, BEING SECTION 722.4 OF THE MICHIGAN COMPILED LAWS.

12 (b) "Child caring institution" means a child care facility
13 which is organized for the purpose of receiving minor children
14 for care, maintenance, and supervision, usually on a 24-hour
15 basis, in buildings maintained by the institution for that pur-
16 pose, and operates throughout the year. An educational program
17 may be provided, but the educational program shall not be the
18 primary purpose of the facility. Child caring institution
19 includes a maternity home for the care of unmarried mothers who
20 are minors and an agency group home, which is described as a
21 small child caring institution owned, leased, or rented by a
22 licensed agency providing care for more than 4 but less than 13
23 minor children. Child caring institution also includes institu-
24 tions for mentally retarded or emotionally disturbed minor
25 children. Child caring institution does not include a hospital,
26 nursing home, or home for the aged licensed under article 17 of
27 the public health code, Act No. 368 of the Public Acts of 1978,

1 as amended, being sections 333.20101 to ~~333.22101~~ 333.22260 of
2 the Michigan Compiled Laws, a boarding school licensed under sec-
3 tion 1335 of the school code of 1976, Act No. 451 of the Public
4 Acts of 1976, being section 380.1335 of the Michigan Compiled
5 Laws, a hospital or facility operated by the state or licensed
6 under the mental health code, Act No. 258 of the Public Acts of
7 1974, as amended, being sections 330.1001 to 330.2106 of the
8 Michigan Compiled Laws, or an adult foster care family home or an
9 adult foster care small group home licensed under the adult
10 foster care facility licensing act, Act No. 218 of the Public
11 Acts of 1979, being sections 400.701 to ~~400.735~~ 400.737 of the
12 Michigan Compiled Laws, in which a child has been placed pursuant
13 to section 5(6).

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

23 (d) "Children's camp" means a residential, day, troop, or
24 travel camp conducted in a natural environment for more than 4
25 school age children, apart from their parents, relatives, or
26 legal guardians, for 5 or more days in a 14-day period. A

1 children's camp provides care and supervision for the same group
2 of children for usually not more than 12 weeks.

3 (e) "Child care center" or "day care center" means a facili-
4 ty, other than a private residence, receiving 1 or more preschool
5 or school age children for care for periods of less than 24 hours
6 a day, and where the parents or guardians are not immediately
7 available to the child. Child care center or day care center
8 includes a facility which provides care for not less than 2 con-
9 secutive weeks, regardless of the number of hours of care per
10 day. The facility is generally described as a child care center,
11 day care center, day nursery, nursery school, parent cooperative
12 preschool, play group, or drop-in center. Child care center or
13 day care center does not include any of the following:

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

19 (ii) A facility operated by a religious organization where
20 children are cared for not greater than 3 hours while persons
21 responsible for the children are attending religious services.

22 (f) "Private home" means a private residence in which the
23 licensee or registrant permanently resides as a member of the
24 household, which residency shall not be contingent upon caring
25 for children or employment by a licensed or approved child plac-
26 ing agency. Private home includes a full-time foster family

1 home, a full-time foster family group home, a group day care
2 home, or a family day care home, as follows:

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

9 (ii) "Foster family group home" means a private home in
10 which more than 4 but less than 7 minor children, who are not
11 related to an adult member of the household by blood, marriage,
12 or adoption, are provided care for 24 hours a day, for 4 or more
13 days a week, for 2 or more consecutive weeks, unattended by a
14 parent or legal guardian.

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

22 (iv) "Group day care home" means a private home in which
23 more than 6 but not more than 12 minor children are given care
24 and supervision for periods of less than 24 hours a day unat-
25 tended by a parent or legal guardian, except children related to
26 an adult member of the family by blood, marriage, or adoption.
27 Group day care home includes a home that gives care to an

1 unrelated minor child for more than 4 weeks during a calendar
2 year.

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

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

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

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

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

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

16 (ii) A person who is a resident in a child caring institu-
17 tion, children's camp, foster family home, or foster family group
18 home; who becomes 18 years of age while residing in the child
19 caring institution, camp, or home; and who continues residing in
20 the institution, camp, or home to receive care, maintenance,
21 training, and supervision. This subparagraph shall apply only if
22 the number of those residents who become 18 years of age does not
23 exceed the following:

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

25 (B) Three, if the total number of residents is not less than
26 11 and not more than 14.

1 (C) Four, if the total number of residents is not less than
2 15 and not more than 20.

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

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

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

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

13 (o) "Related" means any of the following relationships, by
14 marriage, blood, or adoption: parent, grandparent, brother,
15 sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin,
16 great aunt, great uncle, or stepgrandparent.

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