

HOUSE BILL No. 5783

May 17, 1990, Introduced by Reps. Jonker, DeMars and Honigman
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 organi-
zations; 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.

8 (b) "Child caring institution" means a child care facility
9 which is organized for the purpose of receiving minor children
10 for care, maintenance, and supervision, usually on a 24-hour
11 basis, in buildings maintained by the institution for that pur-
12 pose, and operates throughout the year. An educational program
13 may be provided, but the educational program shall not be the
14 primary purpose of the facility. Child caring institution
15 includes a maternity home for the care of unmarried mothers who
16 are minors and an agency group home, which is described as a
17 small child caring institution owned, leased, or rented by a
18 licensed agency providing care for more than 4 but less than 13
19 minor children. Child caring institution also includes institu-
20 tions for mentally retarded or emotionally disturbed minor
21 children. Child caring institution does not include a hospital,
22 nursing home, or home for the aged licensed under article 17 of
23 the public health code, Act No. 368 of the Public Acts of 1978,
24 as amended, being sections 333.20101 to 333.22181 of the Michigan
25 Compiled Laws, a boarding school licensed under section 1335 of
26 the school code of 1976, Act No. 451 of the Public Acts of 1976,
27 being section 380.1335 of the Michigan Compiled Laws, a hospital

1 or facility operated by the state or licensed under the mental
2 health code, Act No. 258 of the Public Acts of 1974, as amended,
3 being sections 330.1001 to 330.2106 of the Michigan Compiled
4 Laws, or an adult foster care family home or an adult foster care
5 small group home licensed under the adult foster care facility
6 licensing act, Act No. 218 of the Public Acts of 1979, being sec-
7 tions 400.701 to ~~400.735~~ 400.737 of the Michigan Compiled Laws,
8 in which a child has been placed pursuant to section 5(6).

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

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

24 (e) "Child care center" or "day care center" means a facili-
25 ty, other than a private residence, receiving 1 or more preschool
26 or school age children for care for periods of less than 24 hours
27 a day, and where the parents or guardians are not immediately

1 available to the child. Child care center or day care center
2 includes a facility which provides care for not less than 2 con-
3 secutive weeks, regardless of the number of hours of care per
4 day. The facility is generally described as a child care center,
5 day care center, day nursery, nursery school, parent cooperative
6 preschool, play group, or drop-in center. Child care center or
7 day care center does not include any of the following:

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

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

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

23 (i) "Foster family home" is a private home in which 1 but
24 not more than 4 minor children, who are not related to an adult
25 member of the household by blood, marriage, or adoption, are
26 given care and supervision for 24 hours a day, for 4 or more days

1 a week, for 2 or more consecutive weeks, unattended by a parent
2 or legal guardian.

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

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

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

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

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

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

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

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

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

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

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

19 (B) Three, if the total number of residents is not less than
20 11 and not more than 14.

21 (C) Four, if the total number of residents is not less than
22 15 and not more than 20.

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

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

26 (m) "Registration" means the process by which the department
27 of social services regulates family day care homes, which process

1 requires that a family day care home certify to the department
 2 that the family day care home has complied with and will continue
 3 to comply with the rules promulgated under this act.

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

6 (o) "Related" means any of the following relationships, by
 7 marriage, blood, or adoption: parent, ~~grandparent, brother,~~
 8 ~~sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin,~~
 9 ~~great aunt, great uncle, or stepgrandparent~~ STEP-PARENT, GRAND-
 10 PARENT, STEP-GRANDPARENT, BROTHER, STEP-BROTHER, SISTER,
 11 STEP-SISTER, UNCLE, STEP-UNCLE, AUNT, STEP-AUNT, FIRST COUSIN,
 12 STEP-FIRST COUSIN, GREAT AUNT, STEP-GREAT AUNT, GREAT UNCLE,
 13 STEP-GREAT UNCLE, GREAT GRANDPARENT, STEP-GREAT GRANDPARENT,
 14 FIRST COUSIN ONCE REMOVED, STEP-FIRST COUSIN ONCE REMOVED, GREAT
 15 GREAT GRANDPARENT, STEP-GREAT GREAT GRANDPARENT, GREAT GREAT
 16 UNCLE, STEP-GREAT GREAT UNCLE, GREAT GREAT AUNT, STEP-GREAT GREAT
 17 AUNT, GREAT GREAT GREAT GRANDPARENT, OR STEP-GREAT GREAT GREAT
 18 GRANDPARENT.

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