

# HOUSE BILL No. 6015

September 13, 1990, Introduced by Rep. Randall 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.

8 (b) "Child caring institution" means a child care facility  
9 ~~which~~ THAT is organized for the purpose of receiving minor  
10 children for care, maintenance, and supervision, usually on a  
11 24-hour basis, in buildings maintained by the institution for  
12 that purpose, and operates throughout the year. An educational  
13 program may be provided, but the educational program shall not be  
14 the 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~~ 333.22260 of  
25 the Michigan Compiled Laws, a boarding school licensed under sec-  
26 tion 1335 of the school code of 1976, Act No. 451 of the Public  
27 Acts of 1976, being section 380.1335 of the Michigan Compiled

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

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

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

25 (e) "Child care center" or "day care center" means a facili-  
26 ty, other than a private residence, receiving 1 or more preschool  
27 or school age children for care for periods of less than 24 hours

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

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

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

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

24 (i) "Foster family home" is a private home in which 1 but  
 25 not more than 4 minor children, who are not related to an adult  
 26 member of the household by blood, marriage, or adoption OR WHO  
 27 ARE NOT PLACED IN THE HOUSEHOLD PURSUANT TO SECTION 41(4) OF

1 CHAPTER X OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING  
2 SECTION 710.41 OF THE MICHIGAN COMPILED LAWS, are given care and  
3 supervision for 24 hours a day, for 4 or more days a week, for 2  
4 or more consecutive weeks, unattended by a parent or legal  
5 guardian.

6 (ii) "Foster family group home" means a private home in  
7 which more than 4 but less than 7 minor children, who are not  
8 related to an adult member of the household by blood, marriage,  
9 or adoption OR WHO ARE NOT PLACED IN THE HOUSEHOLD PURSUANT TO  
10 SECTION 41(4) OF CHAPTER X OF ACT NO. 288 OF THE PUBLIC ACTS OF  
11 1939, BEING SECTION 710.41 OF THE MICHIGAN COMPILED LAWS, are  
12 provided care for 24 hours a day, for 4 or more days a week, for  
13 2 or more consecutive weeks, unattended by a parent or legal  
14 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.

21 Section 2. This amendatory act shall not take effect unless  
22 House Bill No. 5383 of the 85th Legislature is enacted into law.