

# HOUSE BILL No. 6127

November 8, 1990, Introduced by Rep. Hollister and referred to the Committee on Appropriations.

A bill to amend the title and sections 1, 2, 3, 5, 7, 8, 8a, 9a, and 13 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 and 8 as amended and section 9a as added by Act No. 232 of the Public Acts of 1980, section 5 as amended by Act No. 72 of the Public Acts of 1989, and section 8a as added by Act No. 32 of the Public Acts of 1980, being sections 722.111, 722.112, 722.113, 722.115, 722.117, 722.118, 722.118a, 722.119a, and 722.123 of the Michigan Compiled Laws; to add sections 5a and 6a; and to repeal certain parts of the act.

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

1       Section 1. The title and sections 1, 2, 3, 5, 7, 8, 8a, 9a,  
2 and 13 of Act No. 116 of the Public Acts of 1973, section 1 as  
3 amended by Act No. 139 of the Public Acts of 1984, section 2 as  
4 amended by Act No. 150 of the Public Acts of 1983, sections 3 and  
5 8 as amended and section 9a as added by Act No. 232 of the Public  
6 Acts of 1980, section 5 as amended by Act No. 72 of the Public  
7 Acts of 1989, and section 8a as added by Act No. 32 of the Public  
8 Acts of 1980, being sections 722.111, 722.112, 722.113, 722.115,  
9 722.117, 722.118, 722.118a, 722.119a, and 722.123 of the Michigan  
10 Compiled Laws, are amended and sections 5a and 6a are added to  
11 read as follows:

**TITLE**

12  
13       An act to provide for the protection of children through the  
14 licensing and regulation of child care organizations; to provide  
15 for the establishment of standards of care for child care organi-  
16 zations; TO PROVIDE FOR FEES; to provide penalties; and to repeal  
17 certain acts and parts of acts.

18       Sec. 1. As used in this act:

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

1 schools, parent cooperative preschools, foster homes, group  
2 homes, or day care homes.

3 (b) "Child caring institution" means a child care facility  
4 ~~which~~ THAT is organized for the purpose of receiving minor  
5 children for care, maintenance, and supervision, usually on a  
6 24-hour basis, in buildings maintained by the institution for  
7 that purpose, and operates throughout the year. An educational  
8 program may be provided, but the educational program shall not be  
9 the primary purpose of the facility. Child caring institution  
10 includes a maternity home for the care of unmarried mothers who  
11 are minors and an agency group home, which is described as a  
12 small child caring institution owned, leased, or rented by a  
13 licensed agency providing care for more than 4 but less than 13  
14 minor children. Child caring institution also includes institu-  
15 tions for mentally retarded or emotionally disturbed minor  
16 children. Child caring institution does not include a hospital,  
17 nursing home, or home for the aged licensed under article 17 of  
18 the public health code, Act No. 368 of the Public Acts of 1978,  
19 as amended, being sections 333.20101 to ~~333.22101~~ 333.22260 of  
20 the Michigan Compiled Laws, a boarding school licensed under sec-  
21 tion 1335 of the school code of 1976, Act No. 451 of the Public  
22 Acts of 1976, being section 380.1335 of the Michigan Compiled  
23 Laws, a hospital or facility operated by the state or licensed  
24 under the mental health code, Act No. 258 of the Public Acts of  
25 1974, as amended, being sections 330.1001 to 330.2106 of the  
26 Michigan Compiled Laws, or an adult foster care family home or an  
27 adult foster care small group home licensed under the adult

1 foster care facility licensing act, Act No. 218 of the Public  
2 Acts of 1979, being sections 400.701 to ~~400.735~~ 400.737 of the  
3 Michigan Compiled Laws, in which a child has been placed pursuant  
4 to section 5(6).

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

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

20 (e) "Child care center" or "day care center" means a facil-  
21 ity ~~other than a private residence,~~ receiving 1 or more pre-  
22 school CHILDREN or school age children UNDER 12 YEARS OF AGE for  
23 care for periods of GREATER THAN 2 HOURS BUT less than 24 hours a  
24 day FOR 2 OR MORE DAYS PER WEEK AND FOR MORE THAN 8 WEEKS DURING  
25 A 12-MONTH PERIOD, and where the parents or guardians are APART  
26 FROM AND not immediately available to the child. ~~Child care~~  
27 ~~center or day care center includes a facility which provides care~~

1 ~~for not less than 2 consecutive weeks, regardless of the number~~  
2 ~~of hours of care per day.~~ The facility is generally described as  
3 a child care center, day care center, PRESCHOOL, day nursery,  
4 nursery school, parent cooperative preschool, play group, ~~or~~  
5 drop-in center, OR EMPLOYER-OPERATED OR EMPLOYER-SPONSORED CHILD  
6 CARE CENTER. Child care center or day care center does not  
7 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       (iii) A DAY CAMP PROGRAM THAT IS OPERATED MORE THAN 50% OF  
17 THE TIME IN AN OUTDOOR NATURAL SETTING.

18       (iv) A CHILD CARE FACILITY OPERATED IN CONNECTION WITH A  
19 SHOPPING CENTER, SKI RESORT, BOWLING ALLEY, OR OTHER SIMILAR  
20 RETAIL OR RECREATIONAL FACILITY WHERE CHILDREN ARE IN CARE ON A  
21 TEMPORARY BASIS, AND IF PARENTS OR GUARDIANS ARE ON THE GENERAL  
22 PREMISES WHERE THE FACILITY IS LOCATED.

23       (v) A BEFORE SCHOOL AND AFTER SCHOOL PROGRAM FOR SCHOOL AGE  
24 CHILDREN THAT IS OPERATED BY AN INTERMEDIATE SCHOOL DISTRICT OR  
25 THE BOARD OF A LOCAL SCHOOL DISTRICT, IF THE PROGRAM IS LOCATED  
26 IN A SCHOOL BUILDING THAT IS APPROVED BY THE STATE FIRE MARSHAL  
27 OR OTHER SIMILAR AUTHORITY AS PROVIDED IN SECTION 3 OF ACT

1 NO. 306 OF THE PUBLIC ACTS OF 1937, BEING SECTION 388.853 OF THE  
2 MICHIGAN COMPILED LAWS, FOR SCHOOL PURPOSES AND IS IN COMPLIANCE  
3 WITH THE SCHOOL FIRE SAFETY RULES, R 29.1 TO R 29.298 OF THE  
4 MICHIGAN ADMINISTRATIVE CODE, AS DETERMINED BY THE STATE FIRE  
5 MARSHAL OR A FIRE INSPECTOR CERTIFIED PURSUANT TO SECTION 2B OF  
6 THE FIRE PREVENTION CODE, ACT NO. 207 OF THE PUBLIC ACTS OF 1941,  
7 BEING SECTION 29.2B OF THE MICHIGAN COMPILED LAWS.

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

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

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

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

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

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

20       (h) "Provisional license" means ~~a~~ BOTH OF THE FOLLOWING:

21       (i) A license issued to a child care organization which HAS  
22 PREVIOUSLY BEEN LICENSED UNDER THIS ACT OR A FORMER ACT REPEALED  
23 BY THIS ACT BUT is temporarily unable to conform to all of the  
24 REQUIREMENTS OF A REGULAR LICENSE PRESCRIBED IN THIS ACT OR rules  
25 promulgated under this act.

26       (ii) A LICENSE ISSUED BEFORE THE EFFECTIVE DATE OF THE  
27 AMENDATORY ACT THAT ADDED THIS SUBPARAGRAPH TO A CHILD CARE

1 ORGANIZATION WHICH HAD NOT PREVIOUSLY HELD A LICENSE UNDER THIS  
2 ACT OR A FORMER ACT REPEALED BY THIS ACT FOR ITS FIRST 6 MONTHS  
3 OF OPERATION.

4 (i) "Regular license" means a license issued to a child care  
5 organization indicating that the organization is in compliance  
6 with THIS ACT AND 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.

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

14 (Q) "TEMPORARY LICENSE" MEANS AN ORIGINAL LICENSE ISSUED TO  
15 AN APPLICANT FOR A SPECIFIC TYPE OF CHILD CARE ORGANIZATION AT A  
16 SPECIFIC LOCATION. HOWEVER, A TEMPORARY LICENSE ISSUED TO A  
17 CHILD PLACING AGENCY SHALL NOT BE FOR A SPECIFIC LOCATION.

18 Sec. 2. (1) The department of social services, hereinafter  
19 referred to as the "department", is responsible for the develop-  
20 ment of rules for the care and protection of children in organi-  
21 zations covered by this act and for the promulgation of these  
22 rules pursuant to the administrative procedures act of 1969, Act  
23 No. 306 of the Public Acts of 1969, as amended, being sections  
24 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled Laws.

25 (2) The department shall establish an ad hoc committee for  
26 each type of child care organization as defined in this act when  
27 it is formulating or amending rules under this act. The

1 committee shall consist of not less than ~~12~~ 15 members, and  
2 shall include representatives of the following groups and  
3 agencies:

4 (a) Department of public health.

5 (b) Department of state police, fire marshal division and  
6 state fire safety board.

7 (c) Department of education.

8 (d) Department of mental health.

9 (e) Representatives of organizations affected by this act.

10 (f) Parents of children affected by this act.

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

18 (3) The rules promulgated under this act shall be restricted  
19 to:

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

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

25 (c) The general financial ability and competence of appli-  
26 cants to provide necessary care for children and to maintain  
27 prescribed 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.

4 (j) Discipline of children.

5 (k) Transportation safety.

6 (4) Rules once promulgated are subject to major review by an  
7 ad hoc committee not less than once every 5 years and shall be  
8 reviewed biennially by the department. The ad hoc committee  
9 shall be established by the department, shall consist of not less  
10 than ~~+2~~ 15 members, and shall include representatives of the  
11 groups and agencies indicated in subsection (2). The ~~ad hoc~~  
12 ~~committee~~ DEPARTMENT 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 shall  
17 be used by the department of public health, the fire marshal  
18 division of the department of state police, and local authorities  
19 in the inspection of and reporting on child care organizations  
20 covered by this act. The inspection of the health and fire  
21 safety of child care organizations shall be completed by depart-  
22 ment staff or by the department of public health, the fire  
23 marshal division of the department of state police, local author-  
24 ities upon request of the department, or pursuant to subsection  
25 (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 a contract with a  
2 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~~  
5 ~~person~~ AN APPLICANT may receive a ~~provisional~~ TEMPORARY  
6 license if the proposed child care organization passes the  
7 inspection, and the other requirements of this act are met.

8 (3) The rules promulgated by the department for foster  
9 family homes and foster family group homes shall be used by a  
10 licensed child placing agency ~~or an approved governmental unit~~  
11 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 and shall become a part of its evaluation for  
16 licensing of organizations covered by this act. After careful  
17 consideration of the reports and consultation where necessary,  
18 the department shall assume responsibility for the final determi-  
19 nation of the issuance, denial, revocation, or provisional nature  
20 of licenses issued ~~to nongovernmental organizations~~ UNDER THIS  
21 ACT. A report of findings shall be furnished to the licensee. A  
22 license shall be issued to a specific person or organization at a  
23 specific location, shall be nontransferable, and shall remain the  
24 property of the department.

25 Sec. 5. (1) A person, partnership, firm, corporation, asso-  
26 ciation, or GOVERNMENTAL OR nongovernmental organization shall  
27 not establish or maintain a child care organization unless

1 licensed or registered by the department. Application for a  
2 license or certificate of registration shall be made on forms  
3 provided, and in the manner prescribed, by the department. AN  
4 APPLICATION FOR A LICENSE OR A CERTIFICATE OF REGISTRATION OR FOR  
5 THE RENEWAL OF A LICENSE OR CERTIFICATE OF REGISTRATION SHALL BE  
6 ACCOMPANIED BY THE FEE PRESCRIBED IN SECTION 5A. Before issuing  
7 or renewing a license, the department shall investigate the  
8 activities and proposed standards of care of the applicant and  
9 shall make an on-site ~~visit~~ INSPECTION of the proposed or  
10 established organization. THE DEPARTMENT MAY CONDUCT AN ON-SITE  
11 INSPECTION IN RESPONSE TO THE APPLICATION WITHOUT PRIOR NOTICE TO  
12 THE APPLICANT. If the department is satisfied as to the need for  
13 a child care organization, its financial stability, the good  
14 moral character of the applicant, and that the services and  
15 facilities are conducive to the welfare of the children, the  
16 license shall be issued or renewed. As used in this subsection,  
17 "good moral character" means good moral character as defined and  
18 determined pursuant to Act No. 381 of the Public Acts of 1974, as  
19 amended, being sections 338.41 to 338.47 of the Michigan Compiled  
20 Laws.

21 (2) The department shall issue a certificate of registration  
22 to a person who has successfully completed an orientation session  
23 offered by the department, and who certifies to the department  
24 that the family day care home has complied with and will continue  
25 to comply with the rules promulgated under this act, and will  
26 provide services and facilities, as determined by the department,  
27 conducive to the welfare of children. The department shall make

1 available an orientation session to applicants for registration  
2 regarding this act, the rules promulgated under this act, and the  
3 needs of children in family day care before issuing a certificate  
4 of registration. A certificate of registration shall be issued  
5 to a specific person at a specific location, shall be nontrans-  
6 ferable, and shall remain the property of the department. Within  
7 ~~90 days~~ 6 MONTHS after initial registration, the department  
8 shall make an on-site ~~visit~~ INSPECTION of the family day care  
9 home. THE DEPARTMENT MAY CONDUCT THE ON-SITE INSPECTION WITHOUT  
10 PRIOR NOTICE TO THE FAMILY DAY CARE HOME.

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

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

1 ~~governmental unit~~ retains supervisory responsibility for the  
2 child.

3 (5) A licensed child placing agency ~~—~~ AND child caring  
4 institution ~~, and an approved governmental unit~~ shall provide  
5 the state court administrative office and a local foster care  
6 review board established under Act No. 422 of the Public Acts of  
7 1984, being sections 722.131 to ~~722.140~~ 722.139A 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 (6) The department may authorize a licensed child placing  
11 agency ~~or an approved governmental unit~~ to place a child who is  
12 16 or 17 years old in an adult foster care family home or an  
13 adult foster care small group home licensed under the adult  
14 foster care facility licensing act, Act No. 218 of the Public  
15 Acts of 1979, as amended, being sections 400.701 to 400.737 of  
16 the Michigan Compiled Laws, if ~~a~~ THE licensed child placing  
17 agency ~~or approved governmental unit~~ retains supervisory  
18 responsibility for the child and certifies to the department all  
19 of the following:

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

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

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

25 (d) That the child placing agency ~~or approved governmental~~  
26 ~~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. 5A. (1) APPLICATION FEES FOR A PERSON WHO IS A REGIS-  
 4 TRANT OR IS SEEKING A CERTIFICATE OF REGISTRATION UNDER THIS ACT  
 5 ARE AS FOLLOWS:

6 (A) APPLICATION FEE FOR AN INITIAL CERTIFICATE OF  
 7 REGISTRATION..... \$ 25.00

8 (B) APPLICATION FEE FOR RENEWAL OF A CERTIFICATE OF  
 9 REGISTRATION..... 25.00

10 (2) APPLICATION FEES FOR A PERSON, PARTNERSHIP, FIRM, CORPO-  
 11 RATION, ASSOCIATION, OR GOVERNMENTAL OR NONGOVERNMENTAL ORGANI-  
 12 ZATION LICENSED OR SEEKING LICENSURE UNDER THIS ACT ARE AS  
 13 FOLLOWS:

14 (A) APPLICATION FEE FOR A TEMPORARY LICENSE:

15 (i) GROUP DAY CARE HOME..... 50.00

16 (ii) CHILD PLACING AGENCY..... 200.00

17 (iii) CHILD CARE CENTER AUTHORIZED TO RECEIVE AND MAINTAIN

18 THE FOLLOWING NUMBER OF CHILDREN:

19 (A) 1 TO 20..... 50.00

20 (B) 21 TO 50..... 100.00

21 (C) 51 TO 100..... 125.00

22 (D) OVER 100..... 150.00

23 (iv) CHILD CARING INSTITUTION AUTHORIZED TO RECEIVE AND

24 MAINTAIN THE FOLLOWING NUMBER OF CHILDREN:

25 (A) 1 TO 12..... 150.00

26 (B) 13 TO 20..... 175.00

1	(C) 21 TO 50.....	200.00
2	(D) OVER 50.....	250.00
3	(v) CHILDREN'S CAMP AUTHORIZED TO RECEIVE AND MAINTAIN THE	
4	FOLLOWING NUMBER OF CHILDREN:	
5	(A) 1 TO 100.....	50.00
6	(B) OVER 100.....	100.00
7	(B) APPLICATION FEE FOR A PROVISIONAL OR REGULAR LICENSE AND	
8	FOR RENEWAL OF A LICENSE:	
9	(i) GROUP DAY CARE HOME.....	25.00
10	(ii) CHILD PLACING AGENCY THAT HAS THE FOLLOWING NUMBER OF	
11	CHILDREN PLACED IN ADOPTIVE HOMES, FOSTER HOMES, OR UNLICENSED	
12	RESIDENCES, OR ANY COMBINATION OF THESE, AS PROVIDED IN THIS ACT	
13	AT THE TIME OF APPLICATION FOR RENEWAL:	
14	(A) 1 TO 24.....	50.00
15	(B) 25 TO 50.....	75.00
16	(C) 51 TO 100.....	100.00
17	(D) 101 TO 200.....	125.00
18	(E) OVER 200.....	150.00
19	(iii) IN ADDITION TO A FEE PRESCRIBED IN SUBPARA-	
20	GRAPH (ii), A CHILD PLACING AGENCY AUTHORIZED TO INVESTI-	
21	GATE AND CERTIFY FOSTER FAMILY HOMES AND FOSTER FAMILY	
22	GROUP HOMES.....	100.00
23	(iv) CHILD CARE CENTER AUTHORIZED TO RECEIVE AND MAINTAIN	
24	THE FOLLOWING NUMBER OF CHILDREN:	
25	(A) 1 TO 20.....	25.00
26	(B) 21 TO 50.....	50.00

1 (C) 51 TO 100..... 75.00

2 (D) OVER 100..... 100.00

3 (v) CHILD CARING INSTITUTION AUTHORIZED TO RECEIVE AND MAIN-

4 TAIN THE FOLLOWING NUMBER OF CHILDREN:

5 (A) 1 TO 12..... 100.00

6 (B) 13 TO 20..... 125.00

7 (C) 21 TO 50..... 150.00

8 (D) OVER 50..... 200.00

9 (vi) CHILDREN'S CAMP AUTHORIZED TO RECEIVE AND MAINTAIN THE  
10 FOLLOWING NUMBER OF CHILDREN:

11 (A) 1 TO 100..... 25.00

12 (B) OVER 100..... 50.00

13 (3) FEES COLLECTED PURSUANT TO THIS ACT SHALL BE CREDITED TO  
14 THE GENERAL FUND OF THE STATE TO BE APPROPRIATED BY THE LEGISLA-  
15 TURE TO THE DEPARTMENT FOR THE ENFORCEMENT OF THIS ACT.

16 (4) A FEE COLLECTED BY THE DEPARTMENT UNDER THIS ACT SHALL  
17 NOT BE REFUNDED.

18 SEC. 6A. A TEMPORARY LICENSE SHALL BE ISSUED TO A CHILD  
19 CARE ORGANIZATION FOR THE FIRST 12 MONTHS OF OPERATION. AT THE  
20 END OF THE CHILD CARE ORGANIZATION'S FIRST 12 MONTHS OF OPERA-  
21 TION, THE DEPARTMENT SHALL ISSUE A REGULAR LICENSE, ISSUE A PRO-  
22 VISIONAL LICENSE, OR REFUSE TO ISSUE A LICENSE IN THE MANNER PRO-  
23 VIDED IN SECTION 11. A TEMPORARY LICENSE SHALL NOT BE RENEWED.

24 Sec. 7. (1) A provisional license ~~shall~~ MAY be issued to  
25 a ~~new~~ CHILD CARE organization ~~during the first 6 months of~~  
26 ~~operation. At the end of the 6 months of operation, the~~  
27 ~~department shall either issue a regular license or renew or~~

1 ~~refuse to renew the provisional license as provided in section~~  
 2 ~~++~~ WHICH HAS PREVIOUSLY HELD A TEMPORARY OR REGULAR LICENSE  
 3 UNDER THIS ACT OR AN ACT REPEALED BY THIS ACT. A provisional  
 4 license may be issued to a child care organization which is tem-  
 5 porarily unable to conform to the REQUIREMENTS OF A REGULAR  
 6 LICENSE PRESCRIBED IN THIS ACT OR rules PROMULGATED UNDER THIS  
 7 ACT.

8 (2) A PROVISIONAL LICENSE ISSUED BEFORE THE EFFECTIVE DATE  
 9 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION TO A CHILD CARE  
 10 ORGANIZATION WHICH HAD NOT PREVIOUSLY HELD A LICENSE UNDER THIS  
 11 ACT OR A FORMER ACT REPEALED BY THIS ACT FOR ITS FIRST 6 MONTHS  
 12 OF OPERATION IS VALID AND RENEWABLE AS PROVIDED IN THIS  
 13 SUBSECTION. AT THE END OF THE 6 MONTHS OF OPERATION BY THE CHILD  
 14 CARE ORGANIZATION, THE DEPARTMENT SHALL EITHER ISSUE A REGULAR  
 15 LICENSE OR RENEW OR REFUSE TO RENEW THE PROVISIONAL LICENSE AS  
 16 PROVIDED IN SUBSECTION (3) AND SECTION 11.

17 (3) A provisional license shall expire 6 months from the  
 18 date of issuance and may be ~~issued~~ RENEWED not more than ~~4~~ 2  
 19 CONSECUTIVE times. The issuance of a provisional license shall  
 20 be contingent upon the submission to the department of an accept-  
 21 able plan to overcome the deficiency present in the child care  
 22 organization within the time limitations ~~of~~ ESTABLISHED BY THE  
 23 DEPARTMENT THAT SHALL NOT EXCEED the provisional ~~licensing~~  
 24 LICENSE period.

25 Sec. 8. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN  
 26 SUBSECTION (2), A regular license shall be ~~effective~~ VALID for  
 27 ~~2~~ 3 years after the date of issuance unless revoked pursuant to

1 section 11 or modified to a provisional status based on evidence  
2 of noncompliance with this act or the rules promulgated under  
3 this act. The license shall be ~~reinstated biennially~~ RENEWED  
4 TRIENIALLY on application and approval. A license shall specify  
5 in general terms the kind of child care program the licensee may  
6 undertake, and the number, and ages of children that can be  
7 received and maintained.

8 (2) A REGULAR LICENSE FOR A CHILDREN'S CAMP SHALL BE VALID  
9 FOR THE SPECIFIC DATES OF OPERATION STATED IN THE LICENSE UNLESS  
10 REVOKED PURSUANT TO SECTION 11 OR MODIFIED TO A PROVISIONAL  
11 STATUS BASED ON EVIDENCE OF NONCOMPLIANCE WITH THIS ACT OR THE  
12 RULES PROMULGATED UNDER THIS ACT. A REGULAR LICENSE FOR A  
13 CHILDREN'S CAMP SHALL NOT EXCEED A 12-MONTH PERIOD.

14 Sec. 8a. (1) The department ~~shall~~ MAY periodically  
15 ~~assess a child care organization's~~ CONDUCT AN ON-SITE INSPEC-  
16 TION WITHOUT PRIOR NOTICE TO THE CHILD CARE ORGANIZATION TO  
17 ACCESS continued compliance with this act and the rules promul-  
18 gated under this act. The department shall ~~make an on-site~~  
19 ~~evaluation~~ CONDUCT NOT LESS THAN 1 ON-SITE INSPECTION of ~~a~~  
20 EACH child care organization ~~at least once a year~~ WITHOUT PRIOR  
21 NOTICE DURING THE REGULAR LICENSE PERIOD.

22 (2) ~~The department may authorize a~~ A licensed child plac-  
23 ing agency ~~or an approved governmental unit to~~ SHALL periodi-  
24 cally assess a licensed foster family home or a licensed foster  
25 family group home pursuant to subsection (1) and to certify that  
26 the foster family home or the foster family group home continues  
27 to comply with this act and the rules promulgated under this

1 act. ~~A periodic assessment of a licensed foster family home or~~  
2 ~~a licensed foster family group home pursuant to this subsection~~  
3 ~~may include an on site evaluation of the child care~~  
4 ~~organization.~~

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

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

22       Sec. 13. ~~When there is a violation of this act or a rule~~  
23 ~~promulgated thereunder, and the unlawful activity or condition of~~  
24 ~~the child care organization is likely to result in serious harm~~  
25 ~~to the children under care, the department may seek injunctive~~  
26 ~~action against the child care organization in the circuit court~~  
27 ~~through proceedings instituted by the attorney general on behalf~~

1 ~~of the department.~~ THE DEPARTMENT MAY SEEK INJUNCTIVE RELIEF  
2 AGAINST A CHILD CARE ORGANIZATION IN THE CIRCUIT COURT THROUGH  
3 PROCEEDINGS INSTITUTED BY THE ATTORNEY GENERAL ON BEHALF OF THE  
4 DEPARTMENT IF EITHER OF THE FOLLOWING CIRCUMSTANCES EXISTS:

5 (A) THE CHILD CARE ORGANIZATION IS BEING OPERATED WITHOUT A  
6 VALID LICENSE OR CERTIFICATE OF REGISTRATION AS PRESCRIBED BY  
7 THIS ACT.

8 (B) THERE IS A VIOLATION OF THIS ACT OR RULES PROMULGATED  
9 UNDER THIS ACT THAT IS LIKELY TO RESULT IN HARM TO CHILDREN UNDER  
10 THE CARE OF THE CHILD CARE ORGANIZATION.

11 Section 2. Section 6 of Act No. 116 of the Public Acts of  
12 1973, being section 722.116 of the Michigan Compiled Laws, is  
13 repealed.