

## EXPAND DEFINITION OF “MINOR CHILD” IN THE CHILD CARE LICENSING ACT

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**House Bill 6140 as introduced**  
**Sponsor: Rep. John Roth**  
**Committee: Families, Children and Seniors**  
**Complete to 6-6-22**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 6140 would amend 1973 PA 116, the child care licensing act, to modify the definition of *minor child* for purposes of the act to additionally include an individual who is at least 18 but less than 21 years old; who is a resident in a child caring institution, foster family home, or foster family group home; and who is homeless as defined in 34 USC 11279(3).<sup>1</sup>

Currently under the act, *minor child* means any of the following:

- A person who is less than 18 years old.
- A person who is at least 18 but less than 21 years old; who is a resident in a child caring institution, foster family home, or foster family group home; and who meets the requirements of the Young Adult Voluntary Foster Care Act.
- A person who is a resident in a child caring institution, children's camp, foster family home, or foster family group home who becomes 18 years of age while residing there and continues residing there to receive care, maintenance, training, and supervision. However, a minor child under this provision does not include a person 18 years of age or older who is placed in a child caring institution, foster family home, or foster family group home under an adjudication under section 2(a) of the juvenile code (Chapter XIIA of the Probate Code) or under section 1 of Chapter IX of the Code of Criminal Procedure. In addition, this provision applies only if the number of those residents who become 18 years of age does not exceed the following:
  - Two, if the total number of residents is 10 or fewer.
  - Three, if the total number of residents is from 11 to 14.
  - Four, if the total number of residents is from 15 to 20.
  - Five, if the total number of residents is 21 or more.
- A person 18 years of age or older who is placed in an unlicensed residence under section 5(4) of the act or a foster family home under section 5(7) of the act.

The term *minor child* is used in eight sections of the act: section [111](#) (definitions); sections [112b](#), [112c](#), [112d](#), and [112e](#) (personal restraint and seclusion); section [115r](#) (criminal history checks); section [124a](#) (consent to medical treatment); and section [127a](#) (use of inhaler or epinephrine auto-injector at a children's camp).

MCL 722.111

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<sup>1</sup> That section provides that “homeless,” with respect to a youth, means an individual for whom it is not possible to live in a safe environment with a relative, who has no other safe alternative living arrangement, and who is a specified age for purposes of the federal provisions. See <https://www.law.cornell.edu/uscode/text/34/11279>

**FISCAL IMPACT:**

House Bill 6140 would have no direct state or local fiscal impact but could increase state expenditures to the Department of Health and Human Services (DHHS) and local units of government to the degree in which DHHS or a county decides to reimburse child caring institutions that have chosen to provide services to homeless youth between the ages of 18 and 21 years old.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.