

**SUBSTITUTE FOR  
SENATE BILL NO. 227**

A bill to amend 1973 PA 116, 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 prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending sections 1, 2b, and 2c (MCL 722.111, 722.112b, and 722.112c), section 1 as amended by 2022 PA 208, section 2b as amended by 2007 PA 217, and section 2c as amended by 2017 PA 257.

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

- 1           Sec. 1. (1) As used in this act:
- 2           (a) "Child care staff member" means an individual who is 16
- 3 years of age or older to whom 1 or more of the following apply:



1 (i) The individual is employed by a child care center, group  
2 child care home, or family child care home for compensation,  
3 including a contract employee or a self-employed individual.

4 (ii) An individual whose activities involve the unsupervised  
5 care or supervision of children for a child care center, group  
6 child care home, or family child care home.

7 (iii) An individual who has unsupervised access to children who  
8 are cared for or supervised by a child care center, group child  
9 care home, or family child care home.

10 (iv) An individual who acts in the role of a licensee designee  
11 or program director.

12 (b) "Child care organization" means a governmental or  
13 nongovernmental organization having as its principal function  
14 receiving minor children for care, maintenance, training, and  
15 supervision, notwithstanding that educational instruction may be  
16 given. Child care organization includes organizations commonly  
17 described as child caring institutions, child placing agencies,  
18 children's camps, children's campsites, children's therapeutic  
19 group homes, child care centers, day care centers, nursery schools,  
20 parent cooperative preschools, foster homes, group homes, or child  
21 care homes. Child care organization does not include a governmental  
22 or nongovernmental organization that does either of the following:

23 (i) Provides care exclusively to minors who have been  
24 emancipated by court order under section 4(3) of 1968 PA 293, MCL  
25 722.4.

26 (ii) Provides care exclusively to ~~persons~~**individuals** who are  
27 18 years of age or older and to minors who have been emancipated by  
28 court order under section 4(3) of 1968 PA 293, MCL 722.4, at the  
29 same location.



1 (c) "Child caring institution" means a child care facility  
2 that is organized for the purpose of receiving minor children for  
3 care, maintenance, and supervision, usually on a 24-hour basis, in  
4 buildings maintained by the child caring institution for that  
5 purpose, and operates throughout the year. An educational program  
6 may be provided, but the educational program shall not be the  
7 primary purpose of the facility. Child caring institution includes  
8 a maternity home for the care of unmarried mothers who are minors  
9 and an agency group home, that is described as a small child caring  
10 institution, owned, leased, or rented by a licensed agency  
11 providing care for more than 4 but less than 13 minor children.  
12 Child caring institution also includes an institution for  
13 developmentally disabled or emotionally disturbed minor children.  
14 Child caring institution does not include a hospital, nursing home,  
15 or home for the aged licensed under article 17 of the public health  
16 code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school  
17 licensed under section 1335 of the revised school code, 1976 PA  
18 451, MCL 380.1335, a hospital or facility operated by the state or  
19 licensed under the mental health code, 1974 PA 258, MCL 330.1001 to  
20 330.2106, or an adult foster care family home or an adult foster  
21 care small group home licensed under the adult foster care facility  
22 licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a  
23 child has been placed under section 5(6).

24 (d) "Child caring institution staff member" means an  
25 individual who is 18 years of age or older to whom 1 or more of the  
26 following apply:

27 (i) The individual is employed by a child caring institution  
28 for compensation, including an adult who does not work directly  
29 with children.



1           (ii) The individual is a contract employee or self-employed  
2 individual with a child caring institution.

3           (iii) The individual is an intern or other individual who  
4 provides specific services under the rules promulgated under this  
5 act.

6           (e) "Child placing agency" means a governmental organization  
7 or an agency organized under the nonprofit corporation act, 1982 PA  
8 162, MCL 450.2101 to 450.3192, for the purpose of receiving  
9 children for placement in private family homes for foster care or  
10 for adoption. The function of a child placing agency may include  
11 investigating applicants for adoption and investigating and  
12 certifying foster family homes and foster family group homes as  
13 provided in this act. The function of a child placing agency may  
14 also include supervising children who are at least 16 but less than  
15 21 years of age and who are living in unlicensed residences as  
16 provided in section 5(4).

17           (f) "Children's camp" means a residential, day, troop, or  
18 travel camp that provides care and supervision and is conducted in  
19 a natural environment for more than 4 children, apart from the  
20 children's parents, relatives, or legal guardians, for 5 or more  
21 days in a 14-day period.

22           (g) "Children's campsite" means the outdoor setting where a  
23 children's residential or day camp is located.

24           (h) "Children's therapeutic group home" means a child caring  
25 institution receiving ~~not more than 6 minor~~ children who are  
26 diagnosed with a developmental disability as defined in section  
27 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a  
28 serious emotional disturbance as defined in section 100d of the  
29 mental health code, 1974 PA 258, MCL 330.1100d, and that meets all



1 of the following requirements:

2 (i) Provides care, maintenance, and supervision, usually on a  
3 24-hour basis.

4 (ii) **Has a capacity of not more than 6 children.**

5 (iii) ~~(ii)~~ Complies with the rules for child caring institutions.  
6 ~~, except that behavior management rooms, personal restraint,~~  
7 ~~mechanical restraint, or seclusion, which is allowed in certain~~  
8 ~~circumstances under licensing rules, are prohibited in a children's~~  
9 ~~therapeutic group home.~~ **Emergency safety intervention in the form of**  
10 **physical management is allowed but must comply with the mental**  
11 **health code, 1974 PA 258, MCL 330.1001 to 330.2106, and associated**  
12 **administrative rules.**

13 (iv) ~~(iii)~~ Is not a private home.

14 (v) ~~(iv)~~ Is not located on a campus with other licensed  
15 facilities.

16 (i) "Child care center" means a facility, other than a private  
17 residence, receiving 1 or more children under 13 years of age for  
18 care for periods of less than 24 hours a day, where the parents or  
19 guardians are not immediately available to the child. Child care  
20 center includes a facility that provides care for not less than 2  
21 consecutive weeks, regardless of the number of hours of care per  
22 day. The facility is generally described as a child care center,  
23 day care center, day nursery, nursery school, parent cooperative  
24 preschool, play group, before- or after-school program, or drop-in  
25 center. Child care center does not include any of the following:

26 (i) A Sunday school, a vacation bible school, or a religious  
27 instructional class that is conducted by a religious organization  
28 where children are attending for not more than 3 hours per day for  
29 an indefinite period or for not more than 8 hours per day for a



1 period not to exceed 4 weeks during a 12-month period.

2 (ii) A facility operated by a religious organization where  
3 children are in the religious organization's care for not more than  
4 3 hours while ~~persons~~**individuals** responsible for the children are  
5 attending religious services.

6 (iii) A program that is primarily supervised, school-age-child-  
7 focused training in a specific subject, including, but not limited  
8 to, dancing, drama, music, or religion. This exclusion applies only  
9 to the time a child is involved in supervised, school-age-child-  
10 focused training.

11 (iv) A program that is primarily an incident of group athletic  
12 or social activities for school-age children sponsored by or under  
13 the supervision of an organized club or hobby group, including, but  
14 not limited to, youth clubs, scouting, and school-age recreational  
15 or supplementary education programs. This exclusion applies only to  
16 the time the school-age child is engaged in the group athletic or  
17 social activities and if the school-age child can come and go at  
18 will.

19 (v) A program that primarily provides therapeutic services to  
20 a child.

21 (j) "Conviction" means a final conviction, the payment of a  
22 fine, a plea of guilty or nolo contendere if accepted by the court,  
23 a finding of guilt for a criminal law violation or a juvenile  
24 adjudication or disposition by the juvenile division of probate  
25 court or family division of circuit court for a violation that if  
26 committed by an adult would be a crime, or a conviction in a tribal  
27 court or a military court.

28 (k) "Criminal history check" means a fingerprint-based  
29 criminal history record information background check through the



1 department of state police and the Federal Bureau of Investigation.

2 (l) "Criminal history record information" means that term as  
3 defined in section 1a of 1925 PA 289, MCL 28.241a.

4 (m) "Department" means the department of health and human  
5 services and the department of licensing and regulatory affairs or  
6 a successor agency or department responsible for licensure under  
7 this act. The department of licensing and regulatory affairs is  
8 responsible for licensing and regulatory matters for child care  
9 centers, group child care homes, family child care homes,  
10 children's camps, and children's campsites. The department of  
11 health and human services is responsible for licensing and  
12 regulatory matters for child caring institutions, child placing  
13 agencies, children's therapeutic group homes, foster family homes,  
14 and foster family group homes.

15 (n) "Eligible" means that the individual obtained the checks  
16 and clearances described in sections 5n and 5q and is considered  
17 appropriate to obtain a license, to be a member of the household of  
18 a group child care home or family child care home, or to be a child  
19 care staff member.

20 (o) "Ineligible" means that the individual obtained the checks  
21 and clearances as described in sections 5n and 5q and is not  
22 considered appropriate to obtain a license, to be a member of the  
23 household of a group child care home or family child care home, or  
24 to be a child care staff member due to violation of section 5n, 5q,  
25 or 5r.

26 (p) "Increased capacity" means 1 additional child added to the  
27 total number of minor children received for care and supervision in  
28 a family child care home or 2 additional children added to the  
29 total number of minor children received for care and supervision in



1 a group child care home.

2 (q) "Private home" means a private residence in which the  
3 licensee permanently resides, which residency is not contingent  
4 upon caring for children or employment by a child placing agency.  
5 Private home includes a full-time foster family home, a full-time  
6 foster family group home, a group child care home, or a family  
7 child care home, as follows:

8 (i) "Foster family home" means the private home of an  
9 individual who is licensed to provide 24-hour care for 1 but not  
10 more than 4 minor children who are placed away from their parent,  
11 legal guardian, or legal custodian in foster care. The licensed  
12 individual providing care is required to comply with the reasonable  
13 and prudent parenting standard as defined in section 1 of chapter  
14 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

15 (ii) "Foster family group home" means the private home of an  
16 individual who has been licensed by the department to provide 24-  
17 hour care for more than 4 but fewer than 7 minor children who are  
18 placed away from their parent, legal guardian, or legal custodian  
19 in foster care. The licensed individual providing care is required  
20 to comply with the reasonable and prudent parenting standard as  
21 defined in section 1 of chapter XIIIA of the probate code of 1939,  
22 1939 PA 288, MCL 712A.1.

23 (iii) "Family child care home" means a private home in which 1  
24 but fewer than 7 minor children are received for care and  
25 supervision for compensation for periods of less than 24 hours a  
26 day, unattended by a parent or legal guardian, except children  
27 related to an adult member of the household. Family child care home  
28 includes a home in which care is given to an unrelated minor child  
29 for more than 4 weeks during a calendar year. A family child care





1 home does not include an individual providing babysitting services  
2 for another individual. As used in this subparagraph, "providing  
3 babysitting services" means caring for a child on behalf of the  
4 child's parent or guardian if the annual compensation for providing  
5 those services does not equal or exceed \$600.00 or an amount that  
6 would according to the internal revenue code of 1986 obligate the  
7 child's parent or guardian to provide a form 1099-MISC to the  
8 individual for compensation paid during the calendar year for those  
9 services. Family child care home includes a private home with  
10 increased capacity.

11 (iv) "Group child care home" means a private home in which more  
12 than 6 but not more than 12 minor children are given care and  
13 supervision for periods of less than 24 hours a day unattended by a  
14 parent or legal guardian, except children related to an adult  
15 member of the household. Group child care home includes a home in  
16 which care is given to an unrelated minor child for more than 4  
17 weeks during a calendar year. Group child care home includes a  
18 private home with increased capacity.

19 (r) "Legal custodian" means an individual who is at least 18  
20 years of age in whose care a minor child remains or is placed after  
21 a court makes a finding under section 13a(5) of chapter XIIA of the  
22 probate code of 1939, 1939 PA 288, MCL 712A.13a.

23 (s) "Legal entity" means a sole proprietorship, partnership,  
24 corporation, limited liability company, or any other entity.

25 (t) "Licensee" means a person, legal entity organized under a  
26 law of this state, state or local government, or trust that has  
27 been issued a license under this act to operate a child care  
28 organization.

29 (u) "Listed offense" means that term as defined in section 2



1 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

2 (v) "Member of the household" means any individual who resides  
 3 in a family child care home, group child care home, foster family  
 4 home, or foster family group home on an ongoing basis, or who has a  
 5 recurrent presence in the home, including, but not limited to,  
 6 overnight stays. For foster family homes and foster family group  
 7 homes, a member of the household does not include a foster child.  
 8 For group child care homes and family child care homes, a member of  
 9 the household does not include a child to whom child care is being  
 10 provided.

11 (w) "Original license" means a license issued to a child care  
 12 organization during the first 6 months of operation indicating that  
 13 the organization is in compliance with all rules promulgated by the  
 14 department under this act.

15 (x) "Provisional license" means a license issued to a child  
 16 care organization that is temporarily unable to conform to the  
 17 rules promulgated under this act.

18 (y) **"Psychiatric residential treatment facility" or "PRTF"**  
 19 **means a facility other than a hospital that provides psychiatric**  
 20 **services, as described in 42 CFR 441.150 to 441.184, in an**  
 21 **inpatient setting to individuals under the age of 21. Emergency**  
 22 **safety intervention in the form of physical management is allowed**  
 23 **but must comply with the mental health code, 1974 PA 258, MCL**  
 24 **330.1001 to 330.2106, and associated administrative rules.**

25 (z) ~~(y)~~—"Qualified residential treatment program" or "QRTP"  
 26 means a program within a child caring institution to which all of  
 27 the following apply:

28 (i) The program has a trauma-informed treatment model,  
 29 evidenced by the inclusion of trauma awareness, knowledge, and



1 skills into the program's culture, practices, and policies.

2 (ii) The program has registered or licensed nursing and other  
3 licensed clinical staff on-site or available 24 hours a day, 7 days  
4 a week, who provide care in the scope of their practice as provided  
5 in parts 170, 172, 181, 182, 182A, and 185 of the public health  
6 code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to  
7 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237,  
8 333.18251 to 333.18267, and 333.18501 to 333.18518.

9 (iii) The program integrates families into treatment, including  
10 maintaining sibling connections.

11 (iv) The program provides aftercare services for at least 6  
12 months post discharge.

13 (v) The program is accredited by an independent not-for-profit  
14 organization as described in 42 USC 672(k)(4)(G).

15 (vi) The program does not include a detention facility,  
16 forestry camp, training school, or other facility operated  
17 primarily for detaining minor children who are determined to be  
18 delinquent.

19 (aa) ~~(z)~~ "Regular license" means a license issued to a child  
20 care organization indicating that the organization is in  
21 substantial compliance with all rules promulgated under this act  
22 and, if there is a deficiency, has entered into a corrective action  
23 plan.

24 (bb) ~~(aa)~~ "Guardian" means the **individual's** guardian. ~~of the~~  
25 ~~person.~~

26 (cc) ~~(bb)~~ "Minor child" means any of the following:

27 (i) ~~A person~~ **An individual** less than 18 years of age.

28 (ii) ~~A person~~ **An individual** who is a resident in a child caring  
29 institution, foster family home, or foster family group home, who



1 is at least 18 but less than 21 years of age, and who meets the  
 2 requirements of the young adult voluntary foster care act, 2011 PA  
 3 225, MCL 400.641 to 400.671.

4 (iii) ~~A person~~**An individual** who is a resident in a child caring  
 5 institution, children's camp, foster family home, or foster family  
 6 group home; who becomes 18 years of age while residing in a child  
 7 caring institution, children's camp, foster family home, or foster  
 8 family group home; and who continues residing in a child caring  
 9 institution, children's camp, foster family home, or foster family  
 10 group home to receive care, maintenance, training, and supervision.  
 11 A minor child under this subparagraph does not include ~~a person~~**an**  
 12 **individual** 18 years of age or older who is placed in a child caring  
 13 institution, foster family home, or foster family group home under  
 14 an adjudication under section 2(a) of chapter XIIA of the probate  
 15 code of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of  
 16 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
 17 769.1. This subparagraph applies only if the number of those  
 18 residents who become 18 years of age does not exceed the following:

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

20 (B) Three, if the total number of residents is not less than  
 21 11 and not more than 14.

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

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

25 (iv) ~~A person~~**An individual** 18 years of age or older who is  
 26 placed in an unlicensed residence under section 5(4) or a foster  
 27 family home under section 5(7).

28 (dd) ~~(ee)~~"Related" means 1 of the following:

29 (i) Except as provided in subparagraph (ii), a relative as



1 defined in section 13a of chapter XIIA of the probate code of 1939,  
2 1939 PA 288, MCL 712A.13a.

3 (ii) For licensing by the department related to a child care  
4 center, children's camp, children's campsite, family child care  
5 home, foster family home, foster family group home, or group child  
6 care home, in the relationship by blood, marriage, or adoption, as  
7 parent, grandparent, great-grandparent, great-great-grandparent,  
8 aunt or uncle, great-aunt or great-uncle, great-great-aunt or  
9 great-great-uncle, sibling, stepsibling, nephew or niece, first  
10 cousin or first cousin once removed, and the spouse of any of the  
11 individuals described in this definition, even after the marriage  
12 has ended by death or divorce.

13 (ee) ~~(dd)~~ "Religious organization" means a church,  
14 ecclesiastical corporation, or group, not organized for pecuniary  
15 profit, that gathers for mutual support and edification in piety or  
16 worship of a supreme deity.

17 (ff) ~~(ee)~~ "School-age child" means a child who is eligible to  
18 attend a grade of kindergarten or higher, but is less than 13 years  
19 of age. A child is considered to be a school-age child on the first  
20 day of the school year in which he or she is eligible to attend  
21 school.

22 (gg) ~~(ff)~~ "Severe physical injury" means serious physical harm  
23 as that term is defined in section 136b of the Michigan penal code,  
24 1931 PA 328, MCL 750.136b.

25 (hh) ~~(gg)~~ "Licensee designee" means the individual designated  
26 in writing by the board of directors of the corporation or by the  
27 owner or person with legal authority to act on behalf of the  
28 company or organization on licensing matters. The individual must  
29 agree in writing to be designated as the licensee designee. All



1 license applications must be signed by the licensee in the case of  
2 the individual or by a member of the corporation, company, or  
3 organization.

4 (2) A family child care home or group child care home is  
5 automatically eligible for increased capacity after satisfying all  
6 of the following criteria:

7 (a) Holds a current license.

8 (b) Has been licensed to operate for at least 29 consecutive  
9 months.

10 (c) Has received 1 or more unrelated minor children for care  
11 and supervision during the licensed period under subdivision (b).

12 (d) Has received a renewed regular license after at least 29  
13 months of licensed operation under subdivision (b).

14 (3) The department may rescind increased capacity due to 1 or  
15 more of the following:

16 (a) Corrective action.

17 (b) Licensing action.

18 (c) Determination by the department that increased capacity is  
19 not conducive to the welfare of children as that term is defined in  
20 section 5m.

21 (4) If the department rescinds increased capacity as outlined  
22 in subsection (3), the family child care home or group child care  
23 home may be considered for increased capacity not less than 22  
24 months after rescinding increased capacity in a form and manner  
25 determined by the department.

26 (5) A family child care home or group child care home may  
27 appeal rescission of increased capacity under a hearing held in the  
28 manner provided under section 11(2).

29 Sec. 2b. (1) As used in this section and sections 2c, 2d, and



1 2e, unless the context requires otherwise:

2 (a) "Adaptive device" means a mechanical device incorporated  
3 in the individual plan of services that is intended to provide  
4 anatomical support or to assist the minor child with adaptive  
5 skills.

6 (b) "Chemical restraint" means a drug that meets all of the  
7 following criteria:

8 (i) Is administered to manage a minor child's behavior in a way  
9 that reduces the safety risk to the minor child or others.

10 (ii) Has the temporary effect of restricting the minor child's  
11 freedom of movement.

12 (iii) Is not a standard treatment for the minor child's medical  
13 or psychiatric condition.

14 (c) "Emergency safety intervention" means use of personal  
15 restraint or seclusion as an immediate response to an emergency  
16 safety situation. **Use of personal restraint as an emergency safety  
17 intervention is not child abuse or child neglect unless it meets  
18 the definition of child abuse or child neglect as defined under  
19 section 2 of the child protection law, 1975 PA 238, MCL 722.622.**

20 (d) "Emergency safety situation" means the onset of an  
21 unanticipated, severely aggressive, or destructive behavior that  
22 places the minor child or others at serious threat of violence or  
23 injury if no intervention occurs and that calls for an emergency  
24 safety intervention.

25 (e) "Individual plan of services" means that term as defined  
26 in section 100b of the mental health code, 1974 PA 258, MCL  
27 330.1100b.

28 (f) "Licensed practitioner" means an individual who has been  
29 trained in the use of personal restraint and seclusion, who is



1 knowledgeable of the risks inherent in the implementation of  
2 personal restraint and seclusion, and who is 1 of the following:

3 (i) A physician licensed under article 15 of the public health  
4 code, 1978 PA 368, MCL 333.16101 to 333.18838.

5 (ii) An individual who has been issued a specialty  
6 certification as a nurse practitioner under article 15 of the  
7 public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

8 (iii) A physician's assistant licensed under article 15 of the  
9 public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

10 (iv) A registered nurse licensed under article 15 of the public  
11 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

12 (v) A psychologist and a limited licensed psychologist  
13 licensed under article 15 of the public health code, 1978 PA 368,  
14 MCL 333.16101 to 333.18838.

15 (vi) A counselor and a limited licensed counselor licensed  
16 under article 15 of the public health code, 1978 PA 368, MCL  
17 333.16101 to 333.18838.

18 (vii) A licensed master's social worker licensed under article  
19 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
20 333.18838.

21 (g) "Mechanical restraint" means a device attached or adjacent  
22 to the minor child's body that he or she cannot easily remove and  
23 that restricts freedom of movement or normal access to his or her  
24 body. Mechanical restraint does not include the use of a protective  
25 or adaptive device or a device primarily intended to provide  
26 anatomical support. Mechanical restraint does not include use of a  
27 mechanical device to ensure security precautions appropriate to the  
28 condition and circumstances of a minor child placed in the child  
29 caring institution as a result of an order of the family division





1 of circuit court under section 2(a) of chapter XIIIA of the probate  
2 code of 1939, 1939 PA 288, MCL 712A.2.

3 (h) "Personal restraint" means the application of physical  
4 force without the use of a device, for the purpose of restraining  
5 the free movement of a minor child's body. Personal restraint does  
6 not include:

7 (i) The use of a protective or adaptive device.

8 (ii) Briefly holding a minor child without undue force in order  
9 to calm or comfort him or her.

10 (iii) Holding a minor child's hand, wrist, shoulder, or arm to  
11 safely escort him or her from 1 area to another.

12 (iv) The use of a protective or adaptive device or a device  
13 primarily intended to provide anatomical support.

14 (i) "Protective device" means an individually fabricated  
15 mechanical device or physical barrier, the use of which is  
16 incorporated in the individualized written plan of service. The use  
17 of a protective device is intended to prevent the minor child from  
18 causing serious self-injury associated with documented, frequent,  
19 and unavoidable hazardous events.

20 (j) "Seclusion" means the involuntary placement of a minor  
21 child in a room alone, where the minor child is prevented from  
22 exiting by any means, including the physical presence of a staff  
23 person if the sole purpose of that staff person's presence is to  
24 prevent the minor child from exiting the room. **Seclusion does not**  
25 **include techniques for therapeutic de-escalation.** Seclusion does  
26 not include the use of a sleeping room during regular sleeping  
27 hours to ensure security precautions appropriate to the condition  
28 and circumstances of a minor child placed in the child caring  
29 institution as a result of an order of the family division of



1 circuit court under section 2(a) and (b) of chapter XIIIA of the  
 2 probate code of 1939, 1939 PA 288, MCL 712A.2, if the minor child's  
 3 individual case treatment plan indicates that the security  
 4 precautions would be in the minor child's best interest.

5 (k) "Serious injury" means any significant impairment of the  
 6 physical condition of the minor child as determined by qualified  
 7 medical personnel that results from an emergency safety  
 8 intervention. This includes, but is not limited to, burns,  
 9 lacerations, bone fractures, substantial hematoma, and injuries to  
 10 internal organs, whether self-inflicted or inflicted by someone  
 11 else.

12 (2) The provisions of this section and sections 2c, 2d, and 2e  
 13 only apply to a child caring institution that contracts with or  
 14 receives payment from a community mental health services program or  
 15 prepaid inpatient health plan for the care, treatment, maintenance,  
 16 and supervision of a minor child in that child caring institution.

17 Sec. 2c. ~~(1)~~ If a child caring institution contracts with and  
 18 receives payment from a community mental health services program or  
 19 prepaid inpatient health plan for the care, treatment, maintenance,  
 20 and supervision of a minor child in a child caring institution, the  
 21 child caring institution ~~may place a minor child in personal~~  
 22 ~~restraint or seclusion only as provided in this section and~~  
 23 ~~sections 2d and 2e but shall not use mechanical restraint or~~  
 24 ~~chemical restraint.~~ **must comply with the rules for child caring**  
 25 **institutions. Emergency safety intervention in the form of physical**  
 26 **management is allowed but must comply with the mental health code,**  
 27 **1974 PA 258, MCL 330.1001 to 330.2106, and associated**  
 28 **administrative rules.**

29 ~~(2) A child caring institution shall require its staff to have~~



1 ~~ongoing education, training, and demonstrated knowledge of all of~~  
 2 ~~the following:~~

3 ~~(a) Techniques to identify minor children's behaviors, events,~~  
 4 ~~and environmental factors that may trigger emergency safety~~  
 5 ~~situations.~~

6 ~~(b) The use of nonphysical intervention skills, such as de-~~  
 7 ~~escalation, mediation conflict resolution, active listening, and~~  
 8 ~~verbal and observational methods to prevent emergency safety~~  
 9 ~~situations.~~

10 ~~(c) The safe use of personal restraint or seclusion, including~~  
 11 ~~the ability to recognize and respond to signs of physical distress~~  
 12 ~~in minor children who are in personal restraint or seclusion or who~~  
 13 ~~are being placed in personal restraint or seclusion.~~

14 ~~(3) A child caring institution's staff shall be trained in the~~  
 15 ~~use of personal restraint and seclusion, shall be knowledgeable of~~  
 16 ~~the risks inherent in the implementation of personal restraint and~~  
 17 ~~seclusion, and shall demonstrate competency regarding personal~~  
 18 ~~restraint or seclusion before participating in the implementation~~  
 19 ~~of personal restraint or seclusion. A child caring institution's~~  
 20 ~~staff shall demonstrate their competencies in these areas on a~~  
 21 ~~semiannual basis. The department shall review and determine the~~  
 22 ~~acceptability of the child caring institutions' staff education,~~  
 23 ~~training, knowledge, and competency requirements required by this~~  
 24 ~~subsection and the training and knowledge required of a licensed~~  
 25 ~~practitioner in the use of personal restraint and seclusion.~~

