

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 the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts,"

by amending section 5 (MCL 722.115), as amended by 1995 PA 81.

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

1       Sec. 5. (1) A person, partnership, firm, corporation, asso-  
2 ciation, or nongovernmental organization shall not establish or  
3 maintain a child care organization unless licensed or registered  
4 by the department. Application for a license or certificate of  
5 registration shall be made on forms provided, and in the manner  
6 prescribed, by the department. Before issuing or renewing a  
7 license, the department shall investigate the activities and  
8 proposed standards of care of the applicant and shall make an

1 on-site visit of the proposed or established organization. If  
2 the department is satisfied as to the need for a child care  
3 organization, its financial stability, the good moral character  
4 of the applicant, and that the services and facilities are condu-  
5 cive to the welfare of the children, the department shall issue  
6 or renew the license. As used in this subsection, "good moral  
7 character" means good moral character as defined and determined  
8 pursuant to ~~Act No. 381 of the Public Acts of 1974, being sec-~~  
9 ~~tions 338.41 to 338.47 of the Michigan Compiled Laws~~ 1974 PA  
10 381, MCL 338.41 TO 338.47.

11 (2) The department shall issue a certificate of registration  
12 to a person who has successfully completed an orientation session  
13 offered by the department, and who certifies to the department  
14 that the family day care home has complied with and will continue  
15 to comply with the rules promulgated under this act, and will  
16 provide services and facilities, as determined by the department,  
17 conducive to the welfare of children. The department shall make  
18 available an orientation session to applicants for registration  
19 regarding this act, the rules promulgated under this act, and the  
20 needs of children in family day care before issuing a certificate  
21 of registration. The department shall issue a certificate of  
22 registration to a specific person at a specific location. A cer-  
23 tificate of registration is nontransferable and remains the prop-  
24 erty of the department. Within 90 days after initial registra-  
25 tion, the department shall make an on-site visit of the family  
26 day care home.

1           (3) The department may authorize a licensed child placing  
2 agency or an approved governmental unit to investigate a foster  
3 family home or a foster family group home pursuant to subsection  
4 (1) and to certify that the foster family home or foster family  
5 group home meets the licensing requirements prescribed by this  
6 act. A foster family home or a foster family group home shall be  
7 certified for licensing by the department by only 1 child placing  
8 agency or approved governmental unit. Other child placing agen-  
9 cies may place children in a foster family home or foster family  
10 group home only upon the approval of the certifying agency or  
11 governmental unit.

12           (4) The department may authorize a licensed child placing  
13 agency or an approved governmental unit to place a child who is  
14 16 or 17 years of age in his or her own unlicensed residence, or  
15 in the unlicensed residence of an adult who has no supervisory  
16 responsibility for the child, if a child placing agency or gov-  
17 ernmental unit retains supervisory responsibility for the child.

18           (5) A licensed child placing agency, child caring institu-  
19 tion, and an approved governmental unit shall provide the state  
20 court administrative office and a local foster care review board  
21 established under ~~Act No. 422 of the Public Acts of 1984, being~~  
22 ~~sections 722.131 to 722.139a of the Michigan Compiled Laws~~ 1984  
23 PA 422, MCL 722.131 TO 722.139A, such records as may be requested  
24 pertaining to children in foster care placement for more than 6  
25 months.

26           (6) The department may authorize a licensed child placing  
27 agency or an approved governmental unit to place a child who is

1 16 or 17 years old in an adult foster care family home or an  
2 adult foster care small group home licensed under the adult  
3 foster care facility licensing act, ~~Act No. 218 of the Public~~  
4 ~~Acts of 1979, being sections 400.701 to 400.737 of the Michigan~~  
5 ~~Compiled Laws~~ 1979 PA 218, MCL 400.701 TO 400.737, if a licensed  
6 child placing agency or approved governmental unit retains super-  
7 visory responsibility for the child and certifies to the depart-  
8 ment all of the following:

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

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

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

14 (d) The child placing agency or approved governmental unit  
15 will periodically reevaluate the placement of an individual under  
16 this subsection to determine that the criteria for placement in  
17 subdivisions (a) through (c) continue to be met.

18 (7) The director of the department, or his or her designee,  
19 may authorize, on an exception basis, a licensed child placing  
20 agency or an approved governmental unit to place an adult in a  
21 foster family home, if a licensed child placing agency or  
22 approved governmental unit certifies to the department all of the  
23 following:

24 (a) The adult is a person with a developmental disability as  
25 defined by section ~~600~~ 100A of the mental health code, ~~Act~~  
26 ~~No. 258 of the Public Acts of 1974, being section 330.1600 of the~~  
27 ~~Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1100A, or a person

1 who is otherwise neurologically ~~handicapped~~ DISABLED, and the  
2 person is also physically limited to such a degree as to require  
3 complete physical assistance with mobility and activities of  
4 daily living.

5 (b) The placement is in the best interest of the adult and  
6 will not adversely affect the interest of the foster child or  
7 children residing in the foster family home.

8 (c) The identified needs of the adult can be met by the  
9 foster family home.

10 (d) The adult will be compatible with other residents of the  
11 foster family home.

12 (e) The child placing agency or approved governmental unit  
13 will periodically reevaluate the placement of an adult under this  
14 subsection to determine that the criteria for placement in subdi-  
15 visions (a) through (d) continue to be met and document that the  
16 adult is receiving care consistent with the administrative rules  
17 for a child placing agency.

18 (8) The director of the department, or his or her designee,  
19 may authorize, on an exception basis, a licensed child placing  
20 agency or an approved governmental unit to place a child in an  
21 adult foster care family home or an adult foster care small group  
22 home licensed under ~~Act No. 218 of the Public Acts of 1979~~ THE  
23 ADULT FOSTER CARE LICENSING ACT, 1979 PA 218, MCL 400.701 TO  
24 400.737, if the licensed child placing agency or approved govern-  
25 mental unit certifies to the department all of the following:

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

1 (b) The placement has the concurrence of the parent or  
2 guardian of the child.

3 (c) The identified needs of the child can be met adequately  
4 by the adult foster care family home or small group home.

5 (d) The psychosocial and clinical needs of the child are  
6 compatible with those of other residents of the adult foster care  
7 family home or small group home.

8 (e) The clinical treatment of the child's condition is simi-  
9 lar to that of the other residents of the adult foster care  
10 family home or small group home.

11 (f) The child's cognitive level is consistent with the cog-  
12 nitive level of the other residents of the adult foster care  
13 family home or small group home.

14 (g) The child is neurologically ~~handicapped~~ DISABLED and  
15 is also physically limited to such a degree as to require com-  
16 plete physical assistance with mobility and activities of daily  
17 living.

18 (h) The child placing agency or approved governmental unit  
19 will periodically reevaluate the placement of a child under this  
20 subsection to determine that the criteria for placement in subdi-  
21 visions (a) to (g) continue to be met.