

SENATE BILL No. 984

February 12, 2004, Introduced by Senators HAMMERSTROM, GOSCHKA, LELAND, SCHAUER and HARDIMAN and referred to the Committee on Health Policy.

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 section 5 (MCL 722.115), as amended by 1998 PA 519.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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1 organization, and shall receive and review a medical statement
2 for each member of the household indicating that he or she does
3 not have a known condition that would affect the care of others
4 in the child caring organization. The medical statement required
5 under this section shall be signed and dated by a physician or a
6 certified nurse practitioner within the 12 months immediately
7 preceding the date of the application and shall be submitted with
8 the application. If the department is satisfied as to the need
9 for a child care organization, its financial stability, the
10 applicant's good moral character, and that the services and
11 facilities are conducive to the welfare of the children, the
12 department shall issue or renew the license. ~~As used in this~~
13 ~~subsection, "good moral character" means that term as defined in~~
14 ~~and determined under 1974 PA 381, MCL 338.41 to 338.47.~~ If a
15 county juvenile agency as defined in section 2 of the county
16 juvenile agency act, **1998 PA 518, MCL 45.622**, certifies to the
17 department that it intends to contract with an applicant for a
18 new license, the department shall issue or deny the license
19 within 60 days after it receives a complete application as
20 provided in section 5b.

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 to applicants for registration an orientation session
2 to applicants for registration regarding this act, the rules
3 promulgated under this act, and the needs of children in family
4 day care before issuing a certificate of registration. The
5 department shall issue a certificate of registration to a
6 specific person at a specific location. A certificate of
7 registration is nontransferable and remains the property of the
8 department. Within 90 days after initial registration, the
9 department shall make an on-site visit of the family day care
10 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 agency
21 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 child placing agency or
27 governmental unit retains supervisory responsibility for the

1 child.

2 (5) A licensed child placing agency, child caring
3 institution, and an approved governmental unit shall provide the
4 state court administrative office and a local foster care review
5 board established under 1984 PA 422, MCL 722.131 to 722.139a,
6 those records requested pertaining to children in foster care
7 placement for more than 6 months.

8 (6) The department may authorize a licensed child placing
9 agency or an approved governmental unit to place a child who is
10 16 or 17 years old in an adult foster care family home or an
11 adult foster care small group home licensed under the adult
12 foster care facility licensing act, 1979 PA 218, MCL 400.701 to
13 400.737, if a licensed child placing agency or approved
14 governmental unit retains supervisory responsibility for the
15 child and certifies to the department all of the following:

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

17 (b) The child's needs can be adequately met by the adult
18 foster care family home or small group home.

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

21 (d) The child placing agency or approved governmental unit
22 will periodically reevaluate the placement of a child under this
23 subsection to determine that the criteria for placement in
24 subdivisions (a) through (c) continue to be met.

25 (7) On an exception basis, the director of the department, or
26 his or her designee, may authorize a licensed child placing
27 agency or an approved governmental unit to place an adult in a

1 foster family home if a licensed child placing agency or approved
2 governmental unit certifies to the department all of the
3 following:

4 (a) The adult is a person with a developmental disability as
5 defined by section 100a of the mental health code, 1974 PA 258,
6 MCL 330.1100a, or a person who is otherwise neurologically
7 disabled and is also physically limited to such a degree as to
8 require complete physical assistance with mobility and activities
9 of daily living.

10 (b) The placement is in the best interests of the adult and
11 will not adversely affect the interests of the foster child or
12 children residing in the foster family home.

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

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

17 (e) The child placing agency or approved governmental unit
18 will periodically reevaluate the placement of an adult under this
19 subsection to determine that the criteria for placement in
20 subdivisions (a) through (d) continue to be met and document that
21 the adult is receiving care consistent with the administrative
22 rules for a child placing agency.

23 (8) On an exception basis, the director of the department, or
24 his or her designee, may authorize a licensed child placing
25 agency or an approved governmental unit to place a child in an
26 adult foster care family home or an adult foster care small group
27 home licensed under the adult foster care licensing act, 1979

1 PA 218, MCL 400.701 to 400.737, if the licensed child placing
2 agency or approved governmental unit certifies to the department
3 all of the following:

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

5 (b) The placement has the concurrence of the parent or
6 guardian of the child.

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

9 (d) The child's psychosocial and clinical needs are
10 compatible with those of other residents of the adult foster care
11 family home or small group home.

12 (e) The clinical treatment of the child's condition is
13 similar to that of the other residents of the adult foster care
14 family home or small group home.

15 (f) The child's cognitive level is consistent with the
16 cognitive level of the other residents of the adult foster care
17 family home or small group home.

18 (g) The child is neurologically disabled and is also
19 physically limited to such a degree as to require complete
20 physical assistance with mobility and activities of daily
21 living.

22 (h) The child placing agency or approved governmental unit
23 will periodically reevaluate the placement of a child under this
24 subsection to determine that the criteria for placement in
25 subdivisions (a) to (g) continue to be met.

26 **(9) As used in this section:**

27 **(a) "Good moral character" means that term as defined in and**

1 determined under 1974 PA 381, MCL 338.41 to 338.47.

2 (b) "Member of the household" means any individual, other
3 than a foster child, who resides in a child care organization on
4 an ongoing or recurrent basis.