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BILL ANALYSIS

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Senate Bills 242 and 243 (as introduced 2-21-07)  
Sponsor: Senator Gilda Z. Jacobs  
Committee: Families and Human Services

Date Completed: 6-25-07

### **CONTENT**

**Senate Bill 242 would amend the Michigan Zoning Enabling Act to refer to a "family child care home" and a "group child care home", rather than a family day care home and a group day care home.**

**Senate Bill 243 would amend the Code of Criminal Procedure to replace references in the sentencing guidelines to family day care homes and group day care homes with "family child care homes" and "group child care homes".**

The two bills are tie-barred to Senate Bill 241, which would make the same change in terminology (and other revisions) in the child care licensing Act.

### **Senate Bill 242**

The Michigan Zoning Enabling Act includes provisions for the zoning of a family day care home and a group day care home. A county or township must consider a family day care home a residential use of property for zoning purposes.

A group day care home must be issued a special use permit, conditional use permit, or other similar permit if the group day care home meets standards specified in the Act.

The Act provides that "family day care home" and "group day care home" mean those terms as defined in the child care licensing Act, and only apply to a bona fide private residence of the operator of the family or group day care home. Under the bill, "family child care home" and "group child care home" would replace those terms, and would have the same definition.

(Under the child care licensing Act, "family day care home" means a private home in which at least one but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, are received for care and supervision for less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

The definition of "group day care home" is similar, except that it refers to a private home in which more than six but not more than 12 minor children are given care and supervision.

## **Senate Bill 243**

Under the child care licensing Act, a person with a license or registration to operate a family day care home or a group day care home must notify the Department of Human Services within three business days if he or she has been arraigned for one or more specific crimes, or within three business days after he or she knows or reasonably should know that an employee or an adult residing in the home has been arraigned for any of those crimes. Failure to report a misdemeanor that is a "listed offense" or any felony is a felony punishable by a maximum fine of \$2,000 and/or imprisonment for up to two years.

Under the Code of Criminal Procedure, this offense is a class G felony against public safety with a statutory maximum of two years.

The bill would refer to family child care homes and group child care homes, rather than family day care homes and group day care homes, in the guidelines' description of the offense.

MCL 125.3102 (S.B. 242)  
777.15g (S.B. 243)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.