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Senate Bill 241 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Gilda Z. Jacobs  
Committee: Families and Human Services

## **CONTENT**

The bill would amend the child care licensing Act to do the following:

- Require a children's therapeutic group home to meet specific criteria, and provide that certain restraints or seclusion otherwise permitted under licensing rules would be prohibited in a children's therapeutic group home.
- Require each individual over the age of 18 residing in a family day care home or group day care home to undergo a criminal history check with the Department of State Police, rather than a check using the State Police's Internet Criminal History Access Tool (ICHAT), as currently required.
- Set a beginning date of October 1, 2007, on requirements that a renewal certificate of registration be issued within six months of application.
- Include in the definition of "children's camp" an outdoor campsite located where the children's camp is operated.
- Replace references to "group day care home" or "family day care home" with "group child care home" or "family child care home".
- Revise the definitions of "foster family home" and "foster family group home" to refer to a home in which children, who are not related to an adult member, are unattended by a legal custodian (as well as a parent or legal guardian).
- Define "legal custodian" as an individual who is at least 18 years of age in whose care a minor child remains or is placed after a court makes a finding under Section 13a(5) of the juvenile code (which deals with allegations of abuse by a parent, guardian, custodian, nonparent adult, or other person residing in a child's home).
- Redefine "related" as individual at least 18 years of age and related to the child by blood, marriage, or adoption as a relative listed in the definition, and the spouse of any of listed relatives, even after the marriage has ended by death or divorce.

MCL 722.111 et al.

Legislative Analyst: Curtis Walker

## **FISCAL IMPACT**

The bill would have an indeterminate impact on State government. The DHS Office of Children and Adult Licensing (OCAL) will license the children's therapeutic group homes at \$75 per home for a three-year period and \$25 per home for license renewal, which is the rate for one- to six-bed child caring institutions (CCIs). There were approximately 220 CCIs in FY 2005-06; however, it is anticipated that there will be a small number of children's therapeutic group homes due to the residency size restriction. It is necessary for the homes to be licensed in order to be eligible for Medicaid reimbursement. Medicaid reimbursement for these homes would reduce the amount of General Fund support needed to provide these services.

The statutory definition of "legal custodian", although the person does not require a license, is necessary for a legal placement ordered by the probate court. It is not clear to what degree the costs for custodial care are the total responsibility of the State. Any costs incurred are not eligible for Federal Title IV-E claims, unless the placement is licensed. However, the State could use other available Federal funds if this is a time-limited emergency foster care placement. Otherwise, the costs will be paid with State funds.

No additional administrative costs are expected for the issuance of a renewal certificate of registration.

Date Completed: 7-24-07

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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.