

**SUBSTITUTE FOR  
SENATE BILL NO. 1100**

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, 5, 5c, 5d, and 9 (MCL 722.111, 722.115, 722.115c, 722.115d, and 722.119), section 1 as amended by 2009 PA 155, section 5 as amended by 2007 PA 218, section 5c as amended by 2006 PA 580, section 5d as added by 2005 PA 133, and section 9 as added by 2002 PA 674.

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

1           Sec. 1. (1) As used in this act:

2           (a) "Child care organization" means a governmental or  
3 nongovernmental organization having as its principal function  
4 receiving minor children for care, maintenance, training, and

1 supervision, notwithstanding that educational instruction may be  
2 given. Child care organization includes organizations commonly  
3 described as child caring institutions, child placing agencies,  
4 children's camps, children's campsites, children's therapeutic  
5 group homes, child care centers, day care centers, nursery schools,  
6 parent cooperative preschools, foster homes, group homes, or child  
7 care homes. Child care organization does not include a governmental  
8 or nongovernmental organization that does either of the following:

9 (i) Provides care exclusively to minors who have been  
10 emancipated by court order under section 4(3) of 1968 PA 293, MCL  
11 722.4.

12 (ii) Provides care exclusively to persons who are 18 years of  
13 age or older and to minors who have been emancipated by court order  
14 under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

15 (b) "Child caring institution" means a child care facility  
16 that is organized for the purpose of receiving minor children for  
17 care, maintenance, and supervision, usually on a 24-hour basis, in  
18 buildings maintained by the child caring institution for that  
19 purpose, and operates throughout the year. An educational program  
20 may be provided, but the educational program shall not be the  
21 primary purpose of the facility. Child caring institution includes  
22 a maternity home for the care of unmarried mothers who are minors  
23 and an agency group home, that is described as a small child caring  
24 institution owned, leased, or rented by a licensed agency providing  
25 care for more than 4 but less than 13 minor children. Child caring  
26 institution also includes institutions for mentally retarded or  
27 emotionally disturbed minor children. Child caring institution does

1 not include a hospital, nursing home, or home for the aged licensed  
2 under article 17 of the public health code, 1978 PA 368, MCL  
3 333.20101 to 333.22260, a boarding school licensed under section  
4 1335 of the revised school code, 1976 PA 451, MCL 380.1335, a  
5 hospital or facility operated by the state or licensed under the  
6 mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or an  
7 adult foster care family home or an adult foster care small group  
8 home licensed under the adult foster care facility licensing act,  
9 1979 PA 218, MCL 400.701 to 400.737, in which a child has been  
10 placed under section 5(6).

11 (c) "Child placing agency" means a governmental organization  
12 or an agency organized under the nonprofit corporation act, 1982 PA  
13 162, MCL 450.2101 to 450.3192, for the purpose of receiving  
14 children for placement in private family homes for foster care or  
15 for adoption. The function of a child placing agency may include  
16 investigating applicants for adoption and investigating and  
17 certifying foster family homes and foster family group homes as  
18 provided in this act. The function of a child placing agency may  
19 also include supervising children who are 16 or 17 years of age and  
20 who are living in unlicensed residences as provided in section  
21 5(4).

22 (d) "Children's camp" means a residential, day, troop, or  
23 travel camp that provides care and supervision and is conducted in  
24 a natural environment for more than 4 children, apart from the  
25 children's parents, relatives, or legal guardians, for 5 or more  
26 days in a 14-day period.

27 (e) "Children's campsite" means the outdoor setting where a

1 children's residential or day camp is located.

2 (f) "Children's therapeutic group home" means a child caring  
3 institution receiving not more than 6 minor children who are  
4 diagnosed with a developmental disability as defined in section  
5 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a  
6 serious emotional disturbance as defined in section 100d of the  
7 mental health code, 1974 PA 258, MCL 330.1100d. A children's  
8 therapeutic group home meets all of the following requirements:

9 (i) Provides care, maintenance, and supervision, usually on a  
10 24-hour basis.

11 (ii) Complies with the rules for child caring institutions,  
12 except that behavior management rooms, personal restraint,  
13 mechanical restraint, or seclusion which is allowed in certain  
14 circumstances under licensing rules are prohibited in a children's  
15 therapeutic group home.

16 (iii) Is not a private home.

17 (iv) Is not located on a campus with other licensed facilities.

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

1 center or day care center does not include any of the following:

2 (i) A Sunday school, a vacation bible school, or a religious  
3 instructional class that is conducted by a religious organization  
4 where children are attending for not more than 3 hours per day for  
5 an indefinite period or for not more than 8 hours per day for a  
6 period not to exceed 4 weeks during a 12-month period.

7 (ii) A facility operated by a religious organization where  
8 children are in the religious organization's care for not more than  
9 3 hours while persons responsible for the children are attending  
10 religious services.

11 (iii) A program that is primarily supervised, school-age-child-  
12 focused training in a specific subject, including, but not limited  
13 to, dancing, drama, music, or religion. This exclusion applies only  
14 to the time a child is involved in supervised, school-age-child-  
15 focused training.

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

24 (h) "Department" means the department of human services or a  
25 successor agency or department responsible for licensure and  
26 registration under this act.

27 (i) "Private home" means a private residence in which the

1 licensee or registrant permanently resides as a member of the  
2 household, which residency is not contingent upon caring for  
3 children or employment by a licensed or approved child placing  
4 agency. Private home includes a full-time foster family home, a  
5 full-time foster family group home, a group child care home, or a  
6 family child care home, as follows:

7 (i) "Foster family home" is a private home in which 1 but not  
8 more than 4 minor children, who are not related to an adult member  
9 of the household by blood or marriage, or who are not placed in the  
10 household under the Michigan adoption code, chapter X of the  
11 probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given  
12 care and supervision for 24 hours a day, for 4 or more days a week,  
13 for 2 or more consecutive weeks, unattended by a parent, legal  
14 guardian, or legal custodian.

15 (ii) "Foster family group home" means a private home in which  
16 more than 4 but fewer than 7 minor children, who are not related to  
17 an adult member of the household by blood or marriage, or who are  
18 not placed in the household under the Michigan adoption code,  
19 chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to  
20 710.70, are provided care for 24 hours a day, for 4 or more days a  
21 week, for 2 or more consecutive weeks, unattended by a parent,  
22 legal guardian, or legal custodian.

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 family by blood, marriage, or

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

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

19 (j) "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 (k) "Licensee" means a person, partnership, firm, corporation,  
24 association, nongovernmental organization, or local or state  
25 government child care organization that has been issued a license  
26 under this act to operate a child care organization.

27 (l) "Provisional license" means a license issued to a child

1 care organization that is temporarily unable to conform to all of  
2 the rules promulgated under this act.

3 (m) "Regular license" means a license issued to a child care  
4 organization indicating that the organization is in compliance with  
5 all rules promulgated under this act.

6 (n) "Guardian" means the guardian of the person.

7 (o) "Minor child" means any of the following:

8 (i) A person less than 18 years of age.

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

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

25 (B) Three, if the total number of residents is not less than  
26 11 and not more than 14.

27 (C) Four, if the total number of residents is not less than 15



1 and not more than 20.

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

3 (iii) A person 18 years of age or older who is placed in a  
4 foster family home under section 5(7).

5 (p) "Registrant" means a person who has been issued a  
6 certificate of registration under this act to operate a family  
7 child care home.

8 (q) "Registration" means the process by which the department  
9 regulates family child care homes, and includes the requirement  
10 that a family child care home certify to the department that the  
11 family child care home has complied with and will continue to  
12 comply with the rules promulgated under this act.

13 (r) "Certificate of registration" means a written document  
14 issued under this act to a family child care home through  
15 registration.

16 (s) "Related" means a parent, grandparent, brother, sister,  
17 stepparent, stepsister, stepbrother, uncle, aunt, cousin, great  
18 aunt, great uncle, or stepgrandparent related by marriage, blood,  
19 or adoption.

20 (t) "Religious organization" means a church, ecclesiastical  
21 corporation, or group, not organized for pecuniary profit, that  
22 gathers for mutual support and edification in piety or worship of a  
23 supreme deity.

24 (u) "School-age child" means a child who is eligible to be  
25 enrolled in a grade of kindergarten or above, but is less than 13  
26 years of age.

27 (V) **"LICENSEE DESIGNEE" MEANS THE INDIVIDUAL DESIGNATED IN**

1 WRITING BY THE BOARD OF DIRECTORS OF THE CORPORATION OR BY THE  
2 OWNER OR PERSON WITH LEGAL AUTHORITY TO ACT ON BEHALF OF THE  
3 COMPANY OR ORGANIZATION ON LICENSING MATTERS. ALL LICENSE  
4 APPLICATIONS MUST BE SIGNED BY THE LICENSEE IN THE CASE OF THE  
5 INDIVIDUAL OR BY A MEMBER OF THE CORPORATION, COMPANY, OR  
6 ORGANIZATION.

7 (2) A facility or program for school-age children that is  
8 currently operated and has been in operation and licensed or  
9 approved as provided in this act for a minimum of 2 years may apply  
10 to the department to be exempt from inspections and on-site visits  
11 required under section 5. The department shall respond to a  
12 facility or program requesting exemption from inspections and on-  
13 site visits required under section 5 as provided under this  
14 subsection within 45 days from the date the completed application  
15 is received. The department may grant exemption from inspections  
16 and on-site visits required under section 5 to a facility or  
17 program that meets all of the following criteria:

18 (a) The facility or program has been in operation and licensed  
19 or approved under this act for a minimum of 2 years immediately  
20 preceding the application date.

21 (b) During the 2 years immediately preceding the application  
22 date, the facility or program has not had a substantial violation  
23 of this act, rules promulgated under this act, or the terms of a  
24 licensure or an approval under this act.

25 (c) The school board, board of directors, or governing body  
26 adopts a resolution supporting the application for exemption from  
27 inspections and on-site visits required under section 5 as provided

1 for in this subsection.

2 (3) A facility or program granted exemption from inspections  
3 and on-site visits required under section 5 as provided under  
4 subsection (2) is required to maintain status as a licensed or  
5 approved program under this act and must continue to meet the  
6 requirements of this act, the rules promulgated under this act, or  
7 the terms of a license or approval under this act. A facility or  
8 program granted exemption from inspections and on-site visits  
9 required under section 5 as provided under subsection (2) is  
10 subject to an investigation by the department if a violation of  
11 this act or a violation of a rule promulgated under this act is  
12 alleged.

13 (4) A facility or program granted exemption from inspections  
14 and on-site visits required under section 5 as provided under  
15 subsection (2) is not subject to interim or annual licensing  
16 reviews. A facility or program granted exemption from inspections  
17 and on-site visits required under section 5 as provided under  
18 subsection (2) is required to submit documentation annually  
19 demonstrating compliance with the requirements of this act, the  
20 rules promulgated under this act, or the terms of a license or  
21 approval under this act.

22 (5) An exemption provided under subsection (2) may be  
23 rescinded by the department if the facility or program willfully  
24 and substantially violates this act, the rules promulgated under  
25 this act, or the terms of a license or approval granted under this  
26 act.

27 Sec. 5. (1) A person, partnership, firm, corporation,

1 association, or nongovernmental organization shall not establish or  
2 maintain a child care organization unless licensed or registered by  
3 the department. Application for a license or certificate of  
4 registration shall be made on forms provided, and in the manner  
5 prescribed, by the department. Before issuing or renewing a  
6 license, the department shall investigate the applicant's  
7 activities and proposed standards of care and shall make an on-site  
8 visit of the proposed or established organization. ~~If~~**EXCEPT AS**  
9 **OTHERWISE PROVIDED IN THIS SUBSECTION, IF** the department is  
10 satisfied as to the need for a child care organization, its  
11 financial stability, the applicant's good moral character, and that  
12 the services and facilities are conducive to the welfare of the  
13 children, the department shall issue or renew the license. If a  
14 county juvenile agency as defined in section 2 of the county  
15 juvenile agency act, 1998 PA 518, MCL 45.622, certifies to the  
16 department that it intends to contract with an applicant for a new  
17 license, the department shall issue or deny the license within 60  
18 days after it receives a complete application as provided in  
19 section 5b. **THE DEPARTMENT SHALL NOT ISSUE A LICENSE TO OR RENEW A**  
20 **LICENSE OF AN APPLICANT IF ANY OF THE FOLLOWING PERSONS HAVE BEEN**  
21 **CONVICTED OF CHILD ABUSE UNDER SECTION 136B OF THE MICHIGAN PENAL**  
22 **CODE, 1931 PA 328, MCL 750.136B, OR NEGLECT UNDER SECTION 145 OF**  
23 **THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145:**

24 (A) THE INDIVIDUAL APPLICANT.

25 (B) THE OWNER, PARTNER, OR DIRECTOR OF THE APPLYING  
26 ORGANIZATION, IF OTHER THAN AN INDIVIDUAL.

27 (2) The department shall issue a certificate of registration

1 to a person who has successfully completed an orientation session  
2 offered by the department and who certifies to the department that  
3 the family child care home has complied with and will continue to  
4 comply with the rules promulgated under this act and will provide  
5 services and facilities, as determined by the department, conducive  
6 to the welfare of children. The department shall make available to  
7 applicants for registration an orientation session regarding this  
8 act, the rules promulgated under this act, and the needs of  
9 children in family child care before issuing a certificate of  
10 registration. The department shall issue a certificate of  
11 registration to a specific person at a specific location. A  
12 certificate of registration is nontransferable and remains the  
13 property of the department. Within 90 days after initial  
14 registration, the department shall make an on-site visit of the  
15 family child care home.

16 (3) The department may authorize a licensed child placing  
17 agency or an approved governmental unit to investigate a foster  
18 family home or a foster family group home according to subsection  
19 (1) and to certify that the foster family home or foster family  
20 group home meets the licensing requirements prescribed by this act.  
21 Before certifying to the department that a foster family home or  
22 foster family group home meets the licensing requirements  
23 prescribed by this act, the licensed child placing agency or  
24 approved governmental unit shall receive and review a medical  
25 statement for each member of the household indicating that he or  
26 she does not have a known condition that would affect the care of a  
27 foster child. The medical statement required under this section

1 shall be signed and dated by a physician licensed under article 15  
2 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,  
3 a physician's assistant licensed under article 15 of the public  
4 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or a  
5 certified nurse practitioner licensed as a registered professional  
6 nurse under part 172 of the public health code, 1978 PA 368, MCL  
7 333.17201 to 333.17242, who has been issued a specialty  
8 certification as a nurse practitioner by the board of nursing under  
9 section 17210 of the public health code, 1978 PA 368, MCL  
10 333.17210, within the 12 months immediately preceding the date of  
11 the initial evaluation. This subsection does not require new or  
12 additional third party reimbursement or worker's compensation  
13 benefits for services rendered. A foster family home or a foster  
14 family group home shall be certified for licensing by the  
15 department by only 1 child placing agency or approved governmental  
16 unit. Other child placing agencies may place children in a foster  
17 family home or foster family group home only upon the approval of  
18 the certifying agency or governmental unit.

19 (4) The department may authorize a licensed child placing  
20 agency or an approved governmental unit to place a child who is 16  
21 or 17 years of age in his or her own unlicensed residence, or in  
22 the unlicensed residence of an adult who has no supervisory  
23 responsibility for the child, if a child placing agency or  
24 governmental unit retains supervisory responsibility for the child.

25 (5) A licensed child placing agency, child caring institution,  
26 and an approved governmental unit shall provide the state court  
27 administrative office and a local foster care review board

1 established under 1984 PA 422, MCL 722.131 to 722.139a, those  
2 records requested pertaining to children in foster care placement  
3 for more than 6 months.

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

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

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

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

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

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

26 (a) The adult is a person with a developmental disability as  
27 defined by section 100a of the mental health code, 1974 PA 258, MCL

1 330.1100a, or a person who is otherwise neurologically disabled and  
2 is also physically limited to a degree that requires complete  
3 physical assistance with mobility and activities of daily living.

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

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

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

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

17 (8) On an exception basis, the director of the department, or  
18 his or her designee, may authorize a licensed child placing agency  
19 or an approved governmental unit to place a child in an adult  
20 foster care family home or an adult foster care small group home  
21 licensed under the adult foster care facility licensing act, 1979  
22 PA 218, MCL 400.701 to 400.737, if the licensed child placing  
23 agency or approved governmental unit certifies to the department  
24 all of the following:

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

26 (b) The placement has the concurrence of the parent or  
27 guardian of the child.



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

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

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

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

12 (g) The child is neurologically disabled and is also  
13 physically limited to ~~such a degree as to require~~ **THAT REQUIRES**  
14 complete physical assistance with mobility and activities of daily  
15 living.

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

20 (9) Except as provided in subsection (1) and section 5b, the  
21 department shall issue an initial or renewal license or  
22 registration under this act for child care centers, group child  
23 care homes, and family child care homes not later than 6 months  
24 after the applicant files a completed application. Receipt of the  
25 application is considered the date the application is received by  
26 any agency or department of this state. If the application is  
27 considered incomplete by the department, the department shall

1 notify the applicant in writing or make notice electronically  
2 available within 30 days after receipt of the incomplete  
3 application, describing the deficiency and requesting additional  
4 information. This subsection does not affect the time period within  
5 which an on-site visit to a family child care home shall be made.  
6 If the department identifies a deficiency or requires the  
7 fulfillment of a corrective action plan, the 6-month period is  
8 tolled until either of the following occurs:

9 (a) Upon notification by the department of a deficiency, until  
10 the date the requested information is received by the department.

11 (b) Upon notification by the department that a corrective  
12 action plan is required, until the date the department determines  
13 the requirements of the corrective action plan have been met.

14 (10) The determination of the completeness of an application  
15 is not an approval of the application for the license and does not  
16 confer eligibility on an applicant determined otherwise ineligible  
17 for issuance of a license.

18 (11) Except as provided in subsection (1) and section 5b, if  
19 the department fails to issue or deny a license or registration to  
20 a child care center, group child care home, or family child care  
21 home within the time required by this section, the department shall  
22 return the license or registration fee and shall reduce the license  
23 or registration fee for the applicant's next renewal application,  
24 if any, by 15%. Failure to issue or deny a license to a child care  
25 center, group child care home, or family child care home within the  
26 time period required under this section does not allow the  
27 department to otherwise delay the processing of the application. A

1 completed application shall be placed in sequence with other  
2 completed applications received at that same time. The department  
3 shall not discriminate against an applicant in the processing of an  
4 application based on the fact that the application fee was refunded  
5 or discounted under this subsection.

6 (12) If, on a continual basis, inspections performed by a  
7 local health department delay the department in issuing or denying  
8 licenses or registrations for child care centers, group day care  
9 homes, and family child care homes under this act within the 6-  
10 month period, the department may use department staff to complete  
11 the inspections instead of the local health department causing the  
12 delays.

13 (13) ~~Beginning October 1, 2008, the~~ **THE** director of the  
14 department shall submit a report by December 1 of each year to the  
15 standing committees and appropriations subcommittees of the senate  
16 and house of representatives concerned with human services and  
17 children's issues. The director shall include all of the following  
18 information regarding applications for licenses and registrations  
19 only for child care centers, group child care homes, and family  
20 child care homes filed under this act in the report concerning the  
21 preceding fiscal year:

22 (a) The number of initial and renewal applications the  
23 department received and completed within the 6-month time period  
24 described in subsection (9).

25 (b) The number of applications requiring a request for  
26 additional information.

27 (c) The number of applications rejected.

1 (d) The number of licenses and registrations not issued within  
2 the 6-month period.

3 (e) The average processing time for initial and renewal  
4 licenses and registrations granted after the 6-month period.

5 (14) Except as provided in section 5c(8), the department shall  
6 not issue to or renew the license of a child care ~~center or day~~  
7 ~~care center~~ **ORGANIZATION** under this act without requesting a  
8 criminal history check and criminal records check as required by  
9 section 5c. If a criminal history check or criminal records check  
10 performed under section 5c or information obtained as a result of  
11 notification from the department of state police under section 5k  
12 reveals that an applicant for a license under this act has been  
13 convicted of a listed offense, the department shall not issue a  
14 license to that applicant. If a criminal history check or criminal  
15 records check performed under section 5c or information obtained as  
16 a result of notification from the department of state police under  
17 section 5k reveals that an applicant for renewal of a license under  
18 this act has been convicted of a listed offense, the department  
19 shall not renew that license. If a criminal history check or  
20 criminal records check performed under section 5c or information  
21 obtained as a result of notification from the department of state  
22 police under section 5k reveals that a current licensee has been  
23 convicted of a listed offense, the department shall revoke the  
24 license of that licensee.

25 (15) Except as provided in section 5f(13), the department  
26 shall not issue or renew a certificate of registration to a family  
27 child care home or a license to a group child care home under this

1 act without requesting a criminal history check and criminal  
2 records check as required by sections 5f and 5g. If a criminal  
3 history check or criminal records check performed under section 5f  
4 or 5g or information obtained as a result of notification from the  
5 department of state police under section 5k reveals that an  
6 applicant for a certificate of registration or license under this  
7 act or a person over 18 years of age residing in that applicant's  
8 home has been convicted of a listed offense, the department shall  
9 not issue a certificate of registration or license to that  
10 applicant. If a criminal history check or criminal records check  
11 performed under section 5f or 5g or information obtained as a  
12 result of notification from the department of state police under  
13 section 5k reveals that an applicant for renewal of a certificate  
14 of registration or license under this act or a person over 18 years  
15 of age residing in that applicant's home has been convicted of a  
16 listed offense, the department shall not renew a certificate of  
17 registration or license to that applicant. If a criminal history  
18 check or criminal records check performed under section 5f or 5g or  
19 information obtained as a result of notification from the  
20 department of state police under section 5k reveals that a current  
21 registrant or licensee under this act or a person over 18 years of  
22 age residing in that registrant's or licensee's home has been  
23 convicted of a listed offense, the department shall revoke that  
24 registrant's certificate of registration or licensee's license.

25 (16) Except as provided in section 5h(7), the department shall  
26 not issue or renew a license to operate a foster family home or  
27 foster family group home under this act without requesting a

1 criminal history check and criminal records check as required by  
2 sections 5h and 5j. If a criminal history check or criminal records  
3 check performed under section 5h or 5j or information obtained as a  
4 result of notification from the department of state police under  
5 section 5k reveals that an applicant for a license to operate a  
6 foster family home or foster family group home under this act or a  
7 person over 18 years of age residing in that applicant's home has  
8 been convicted of a listed offense, the department shall not issue  
9 a license to that applicant. If a criminal history check or  
10 criminal records check performed under section 5h or 5j or  
11 information obtained as a result of notification from the  
12 department of state police under section 5k reveals that an  
13 applicant for renewal of a license to operate a foster family home  
14 or foster family group home under this act or a person over 18  
15 years of age residing in that applicant's home has been convicted  
16 of a listed offense, the department shall not renew a license to  
17 that applicant. If a criminal history check or criminal records  
18 check performed under section 5h or 5j or information obtained as a  
19 result of notification from the department of state police under  
20 section 5k reveals that a current licensee under this act of a  
21 foster family home or foster family group home or a person over 18  
22 years of age residing in that licensee's foster family home or  
23 foster family group home has been convicted of a listed offense,  
24 the department shall revoke that licensee's license.

25 (17) As used in this section:

26 (a) "Completed application" means an application complete on  
27 its face and submitted with any applicable licensing or

1 registration fees as well as any other information, records,  
 2 approval, security, or similar item required by law or rule from a  
 3 local unit of government, a federal agency, or a private entity but  
 4 not from another department or agency of this state. A completed  
 5 application does not include a health inspection performed by a  
 6 local health department.

7 (b) "Good moral character" means that term as defined in and  
 8 determined under 1974 PA 381, MCL 338.41 to 338.47.

9 (c) "Member of the household" means any individual, other than  
 10 a foster child, who resides in a foster family home or foster  
 11 family group home on an ongoing or recurrent basis.

12 Sec. 5c. (1) Except as provided in subsection (8), when a  
 13 person ~~—OR partnership, OR LICENSEE DESIGNEE IF THE APPLICANT IS A~~  
 14 **LIMITED LIABILITY CORPORATION**, firm, corporation, association, or  
 15 nongovernmental organization applies for or **APPLIES** to renew a  
 16 license for a child care center ~~or day care center~~ **ORGANIZATION**  
 17 under section 5, the department shall request the department of  
 18 state police to perform both of the following on the person, ~~or~~  
 19 ~~each partner, officer, or manager of the child care center or day~~  
 20 ~~care center applying for the license~~ **LICENSEE DESIGNEE, CHIEF**  
 21 **ADMINISTRATOR, AND PROGRAM DIRECTOR OF A CHILD CARE ORGANIZATION:**

22 (a) Conduct a criminal history check on the person.

23 (b) Conduct a criminal records check through the federal  
 24 bureau of investigation on the person.

25 (2) Except as provided in subsection (7), each person applying  
 26 for a license to operate a child care center ~~or day care center~~  
 27 **ORGANIZATION** shall give written consent at the time of the license

1 application for the department of state police to conduct the  
2 criminal history check and criminal records check required under  
3 this section. The department shall require the person to submit his  
4 or her fingerprints to the department of state police for the  
5 criminal history check and criminal records check described in  
6 subsection (1).

7 (3) The department shall request a criminal history check and  
8 criminal records check required under this section on a form and in  
9 the manner prescribed by the department of state police.

10 (4) Within a reasonable time after receiving a complete  
11 request by the department for a criminal history check on a person  
12 under this section, the department of state police shall conduct  
13 the criminal history check and provide a report of the results to  
14 the department. The report shall contain any criminal history  
15 record information on the person maintained by the department of  
16 state police.

17 (5) Within a reasonable time after receiving a proper request  
18 by the department for a criminal records check on a person under  
19 this section, the department of state police shall initiate the  
20 criminal records check. After receiving the results of the criminal  
21 records check from the federal bureau of investigation, the  
22 department of state police shall provide a report of the results to  
23 the department.

24 (6) The department of state police may charge the department a  
25 fee for a criminal history check or a criminal records check  
26 required under this section that does not exceed the actual and  
27 reasonable cost of conducting the check. The department may pass



1 along to the licensee or applicant the actual cost or fee charged  
2 by the department of state police for performing a criminal history  
3 check or a criminal records check required under this section.

4 (7) When a person, partnership, firm, corporation,  
5 association, or nongovernmental organization applies for or renews  
6 a license under section 5 for a child care center or day care  
7 center that is established and operated by an intermediate school  
8 board, the board of a local school district, or by the board or  
9 governing body of a state-approved nonpublic school, the criminal  
10 history check and criminal records check required under subsection  
11 (1) shall be performed in compliance with the provisions of  
12 sections 1230 to 1230h of the revised school code, 1976 PA 451, MCL  
13 380.1230 to 380.1230h. Before issuing or renewing a license to a  
14 child care center or day care center described in this subsection,  
15 the department shall verify that the intermediate school board, the  
16 board of a local school district, or the board or governing body of  
17 a state-approved nonpublic school has obtained the required  
18 criminal history checks and criminal records checks.

19 ~~(8) Beginning January 1, 2006, if~~ **IF** a person, ~~partnership,~~  
20 ~~firm, corporation, association, or nongovernmental organization~~  
21 **LICENSEE DESIGNEE, CHIEF ADMINISTRATOR, OR PROGRAM DIRECTOR OF A**  
22 **CHILD CARE ORGANIZATION** applying to renew a license to operate a  
23 ~~child care center or day care center~~ **ORGANIZATION** has previously  
24 undergone a criminal history check and criminal records check  
25 required under subsection (1) and has remained continuously  
26 licensed after the criminal history check and criminal records  
27 check have been performed, that person, ~~partnership, firm,~~

1 ~~corporation, association, or nongovernmental organization~~ **LICENSEE**  
2 **DESIGNEE, CHIEF ADMINISTRATOR, OR PROGRAM DIRECTOR OF A CHILD CARE**  
3 **ORGANIZATION** is not required to submit to another criminal history  
4 check or criminal records check upon renewal of the license  
5 obtained under section 5.

6 (9) As used in this section and sections 5, 5d, 5e, 5f, and  
7 5g:

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

10 (b) "Listed offense" means that term as defined in section 2  
11 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

12 Sec. 5d. (1) Before a child care ~~center or day care center~~  
13 **ORGANIZATION** makes an offer of employment to a person or allows a  
14 person to regularly and continuously work under contract at the  
15 child care ~~center or day care center~~ **ORGANIZATION**, the child care  
16 ~~center or day care center~~ **ORGANIZATION** shall perform a criminal  
17 history check on that person using the department of state police's  
18 internet criminal history access tool (ICHAT) **OR EQUIVALENT CHECK**  
19 **ON THAT PERSON FROM THE STATE OR PROVINCE OF RESIDENCE.**

20 (2) If a search of the department of state police's ICHAT **OR**  
21 **EQUIVALENT CHECK ON THE PERSON FROM THE STATE OR PROVINCE OF**  
22 **RESIDENCE** reveals that the person described in subsection (1) has  
23 been convicted of a listed offense, the child care ~~center or day~~  
24 ~~care center~~ **ORGANIZATION** shall not make an offer of employment to  
25 that person or allow that person to regularly and continuously work  
26 under contract at the child care ~~center or day care center~~  
27 **ORGANIZATION**. If a search of the department of state police's ICHAT

1 reveals that a current employee has been convicted of a listed  
2 offense, the child care ~~center or day care center~~ **ORGANIZATION**  
3 shall not continue to employ that person. If a search of the  
4 department of state police's **ICHAT OR EQUIVALENT CHECK ON THAT**  
5 **PERSON FROM THE STATE OR PROVINCE OF RESIDENCE** reveals that a  
6 person who regularly and continuously works under contract at the  
7 child care ~~center or day care center~~ **ORGANIZATION** has been  
8 convicted of a listed offense, the child care ~~center or day care~~  
9 ~~center~~ **ORGANIZATION** shall not allow that person to regularly or  
10 continuously work under contract at the child care ~~center or day~~  
11 ~~care center~~ **ORGANIZATION**.

12 (3) Not later than 1 year after the effective date of the **2010**  
13 amendatory act that ~~added~~ **AMENDED** this section, the child care  
14 ~~center or day care center~~ **ORGANIZATION** shall conduct a criminal  
15 history check on all current employees using the department of  
16 state police's **ICHAT OR EQUIVALENT CHECK ON THE PERSON FROM THE**  
17 **STATE OR PROVINCE OF RESIDENCE**.

18 (4) A child care ~~center or day care center~~ **ORGANIZATION** may  
19 pass along the actual cost of a search of the department of state  
20 police's **ICHAT OR EQUIVALENT CHECK ON THAT PERSON FROM THE STATE OR**  
21 **PROVINCE OF RESIDENCE** to the employee or applicant on whom the  
22 search is being performed.

23 Sec. 9. (1) A ~~staff member~~ **LICENSEE OR REGISTRANT, ADULT**  
24 **HOUSEHOLD MEMBER, LICENSEE DESIGNEE, CHIEF ADMINISTRATOR, OR**  
25 **PROGRAM DIRECTOR OF A CHILD CARE ORGANIZATION** shall not be present  
26 in a child care ~~center, child caring institution, or child placing~~  
27 ~~agency~~ **ORGANIZATION** if he or she has been convicted of either of

1 the following:

2 (a) Child abuse ~~or child neglect~~ **UNDER SECTION 136B OF THE**  
 3 **MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B, OR NEGLECT UNDER**  
 4 **SECTION 145 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145.**

5 (b) A felony involving harm or threatened harm to an  
 6 individual within the 10 years immediately preceding the date of  
 7 hire **OR APPOINTMENT.**

8 (2) A **STAFF MEMBER OR UNSUPERVISED** volunteer shall not have  
 9 ~~unsupervised~~ contact with children who are in the care of a child  
 10 care center, ~~child caring institution, or child placing agency~~  
 11 **ORGANIZATION** if he or she has been convicted of either of the  
 12 following:

13 (a) Child abuse ~~or child neglect~~ **UNDER SECTION 136B OF THE**  
 14 **MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B, OR NEGLECT UNDER**  
 15 **SECTION 145 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145.**

16 (b) A felony involving harm or threatened harm to an  
 17 individual within the 10 years immediately preceding the date of  
 18 ~~offering to volunteer at the child care center, child caring~~  
 19 ~~institution, or child placing agency~~ **HIRE OR APPOINTMENT.**

20 (3) ~~Before a~~ **EXCEPT AS PROVIDED IN SUBSECTION (5), A LICENSEE,**  
 21 **REGISTRANT, ADULT HOUSEHOLD MEMBER, LICENSEE DESIGNEE, CHIEF**  
 22 **ADMINISTRATOR,** staff member, or unsupervised volunteer may **NOT** have  
 23 contact with a child who is in the care of a child care center,  
 24 ~~child caring institution, or child placing agency,~~ **ORGANIZATION,**  
 25 **UNTIL** the **LICENSEE, REGISTRANT, ADULT HOUSEHOLD MEMBER, LICENSEE**  
 26 **DESIGNEE, CHIEF ADMINISTRATOR,** staff member, or volunteer shall  
 27 ~~provide~~ **PROVIDES** the child care center, ~~child caring institution,~~

1 ~~or child placing agency~~ **ORGANIZATION** with documentation from the  
 2 ~~family independence agency~~ **DEPARTMENT** that he or she has not been  
 3 named in a central registry case as the perpetrator of child abuse  
 4 or child neglect. ~~For individuals who are employed by or volunteer~~  
 5 ~~at a~~ **UPON REQUEST BY THE DEPARTMENT, THE LICENSEE, REGISTRANT,**  
 6 **ADULT HOUSEHOLD MEMBER, LICENSEE DESIGNEE, CHIEF ADMINISTRATOR,**  
 7 **STAFF MEMBER, OR UNSUPERVISED VOLUNTEER SHALL PROVIDE THE**  
 8 **DEPARTMENT WITH AN UPDATED AUTHORIZATION FOR CENTRAL REGISTRY**  
 9 **CLEARANCE. IF AN UPDATED CENTRAL REGISTRY CLEARANCE DOCUMENTS THAT**  
 10 **A LICENSEE, REGISTRANT, ADULT HOUSEHOLD MEMBER, LICENSEE DESIGNEE,**  
 11 **CHIEF ADMINISTRATOR, STAFF MEMBER, OR UNSUPERVISED VOLUNTEER IS**  
 12 **NAMED AS A PERPETRATOR IN A CENTRAL REGISTRY CASE, HE OR SHE MAY**  
 13 **NOT BE PRESENT IN THE CHILD CARE ORGANIZATION. A child care center,**  
 14 ~~child caring institution, or child placing agency, the child care~~  
 15 ~~center, child caring institution, or child placing agency~~  
 16 **ORGANIZATION** shall comply with this subsection not later than the  
 17 date on which that child care center's, ~~child caring institution's,~~  
 18 ~~or child placing agency's~~ **ORGANIZATION'S** license **OR CERTIFICATE OF**  
 19 **REGISTRATION** is issued or first renewed after the effective date of  
 20 the 2010 amendatory act that ~~added~~ **AMENDED** this section. As used in  
 21 this subsection, "child abuse" and "child neglect" mean those terms  
 22 as defined in section 2 of the child protection law, 1975 PA 238,  
 23 MCL 722.622.

24 (4) Each child care ~~center, child caring institution, or child~~  
 25 ~~placing agency~~ **ORGANIZATION** shall establish and maintain a policy  
 26 regarding supervision of volunteers including volunteers who are  
 27 parents of a child receiving care at the child care ~~center, child~~

1 ~~earing institution, or child placing agency~~ ORGANIZATION.

2           (5) STAFF MEMBERS OR UNSUPERVISED VOLUNTEERS IN CHILDREN'S  
3 CAMPS OR CHILDREN'S CAMPSITES WHO ARE 21 YEARS OF AGE OR OLDER MAY  
4 NOT HAVE CONTACT WITH A CHILD WHO IS IN THE CARE OF A CHILDREN'S  
5 CAMP UNTIL THE STAFF MEMBER OR VOLUNTEER PROVIDES THE CHILDREN'S  
6 CAMP WITH DOCUMENTATION FROM THE DEPARTMENT THAT HE OR SHE HAS NOT  
7 BEEN NAMED IN A CENTRAL REGISTRY CASE AS THE PERPETRATOR OF CHILD  
8 ABUSE OR CHILD NEGLECT.