

SENATE BILL No. 438

June 14, 2011, Introduced by Senators MOOLENAAR, CASWELL, JANSEN, PROOS, NOFS and EMMONS and referred to the Committee on Appropriations.

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 and 5 (MCL 722.111 and 722.115), as amended by 2010 PA 379.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

(a) "Child care organization" means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly

1 described as child caring institutions, child placing agencies,
2 children's camps, children's campsites, children's therapeutic
3 group homes, child care centers, day care centers, nursery schools,
4 parent cooperative preschools, foster homes, group homes, or child
5 care homes. Child care organization does not include a governmental
6 or nongovernmental organization that does either of the following:

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

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

13 (b) "Child caring institution" means a child care facility
14 that is organized for the purpose of receiving minor children for
15 care, maintenance, and supervision, usually on a 24-hour basis, in
16 buildings maintained by the child caring institution for that
17 purpose, and operates throughout the year. An educational program
18 may be provided, but the educational program shall not be the
19 primary purpose of the facility. Child caring institution includes
20 a maternity home for the care of unmarried mothers who are minors
21 and an agency group home, that is described as a small child caring
22 institution, owned, leased, or rented by a licensed agency
23 providing care for more than 4 but less than 13 minor children.
24 Child caring institution also includes institutions for mentally
25 retarded or emotionally disturbed minor children. Child caring
26 institution does not include a hospital, nursing home, or home for
27 the aged licensed under article 17 of the public health code, 1978

1 PA 368, MCL 333.20101 to 333.22260, a boarding school licensed
2 under section 1335 of the revised school code, 1976 PA 451, MCL
3 380.1335, a hospital or facility operated by the state or licensed
4 under the mental health code, 1974 PA 258, MCL 330.1001 to
5 330.2106, or an adult foster care family home or an adult foster
6 care small group home licensed under the adult foster care facility
7 licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a
8 child has been placed under section 5(6).

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

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

25 (e) "Children's campsite" means the outdoor setting where a
26 children's residential or day camp is located.

27 (f) "Children's therapeutic group home" means a child caring

1 institution receiving not more than 6 minor children who are
2 diagnosed with a developmental disability as defined in section
3 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a
4 serious emotional disturbance as defined in section 100d of the
5 mental health code, 1974 PA 258, MCL 330.1100d, ~~---A children's~~
6 ~~therapeutic group home~~ **AND THAT** meets all of the following
7 requirements:

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

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

15 (iii) Is not a private home.

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

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

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

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

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

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

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

26 (i) "Private home" means a private residence in which the
27 licensee or registrant permanently resides as a member of the

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

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

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

22 (iii) "Family child care home" means a private home in which 1
23 but fewer than 7 minor children are received for care and
24 supervision for compensation for periods of less than 24 hours a
25 day, unattended by a parent or legal guardian, except children
26 related to an adult member of the family by blood, marriage, or
27 adoption. Family child care home includes a home in which care is

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

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

18 (j) "Legal custodian" means an individual who is at least 18
19 years of age in whose care a minor child remains or is placed after
20 a court makes a finding under section 13a(5) of chapter XIIIA of the
21 probate code of 1939, 1939 PA 288, MCL 712A.13a.

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

26 (l) "Provisional license" means a license issued to a child
27 care organization that is temporarily unable to conform to all of

the rules promulgated under this act.

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

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

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

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

(ii) A PERSON WHO IS A RESIDENT IN A CHILDREN'S CAMP; WHO BECOMES 18 YEARS OF AGE WHILE RESIDING IN THE CHILDREN'S CAMP; AND WHO CONTINUES TO RESIDE IN THE CHILDREN'S CAMP TO RECEIVE CARE, MAINTENANCE, TRAINING, AND SUPERVISION.

(iii) ~~(ii)~~ A person who is a resident in a child caring institution, ~~children's camp,~~ foster family home, or foster family group home; who ~~becomes 18~~ IS AT LEAST 18 BUT LESS THAN 21 years of age while residing in the child caring institution, ~~children's camp,~~ foster family home, or foster family group home; and who ~~continues residing in the child caring institution, children's camp, foster family home, or foster family group home to receive care, maintenance, training, and supervision~~ MEETS THE REQUIREMENTS OF THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT. A minor child under this subparagraph does not include a person 18 years of age or older who is placed in a child caring institution, foster family home, or foster family group home under an adjudication under section 2(a) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, AND WHO IS NOT ELIGIBLE FOR FOSTER CARE MAINTENANCE PAYMENTS UNDER PART 3 OF TITLE IV OF THE SOCIAL SECURITY ACT, 42 USC 670 TO 679C, or UNDER section 1 of chapter IX

1 of the code of criminal procedure, 1927 PA 175, MCL 769.1. This
 2 subparagraph applies only if the number of those residents who
 3 become 18 years of age does not exceed the following:

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

5 (B) Three, if the total number of residents is not less than
 6 11 and not more than 14.

7 (C) Four, if the total number of residents is not less than 15
 8 and not more than 20.

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

10 (iv) ~~(iii)~~ A person 18 years of age or older who is placed in **AN**
 11 **UNLICENSED RESIDENCE UNDER SECTION 5(4) OR** a foster family home
 12 under section 5(7).

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

16 (q) "Registration" means the process by which the department
 17 regulates family child care homes, and includes the requirement
 18 that a family child care home certify to the department that the
 19 family child care home has complied with and will continue to
 20 comply with the rules promulgated under this act.

21 (r) "Certificate of registration" means a written document
 22 issued under this act to a family child care home through
 23 registration.

24 (s) "Related" means ~~a~~ **IN THE RELATIONSHIP OF** parent,
 25 grandparent, brother, sister, stepparent, stepsister, stepbrother,
 26 uncle, aunt, cousin, great aunt, great uncle, or stepgrandparent
 27 ~~related~~ by marriage, blood, or adoption.

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

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

8 (v) "Licensee designee" means the individual designated in
9 writing by the board of directors of the corporation or by the
10 owner or person with legal authority to act on behalf of the
11 company or organization on licensing matters. All license
12 applications must be signed by the licensee in the case of the
13 individual or by a member of the corporation, company, or
14 organization.

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

26 (a) The facility or program has been in operation and licensed
27 or approved under this act for a minimum of 2 years immediately

1 preceding the application date.

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

6 (c) The school board, board of directors, or governing body
7 adopts a resolution supporting the application for exemption from
8 inspections and on-site visits required under section 5 as provided
9 for in this subsection.

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

21 (4) A facility or program granted exemption from inspections
22 and on-site visits required under section 5 as provided under
23 subsection (2) is not subject to interim or annual licensing
24 reviews. ~~A-SUCH A facility or program granted exemption from~~
25 ~~inspections and on-site visits required under section 5 as provided~~
26 ~~under subsection (2)~~ is required to submit documentation annually
27 demonstrating compliance with the requirements of this act, the

1 rules promulgated under this act, or the terms of a license or
2 approval under this act.

3 (5) An exemption provided under subsection (2) may be
4 rescinded by the department if the facility or program willfully
5 and substantially violates this act, the rules promulgated under
6 this act, or the terms of a license or approval granted under this
7 act.

8 Sec. 5. (1) A person, partnership, firm, corporation,
9 association, or nongovernmental organization shall not establish or
10 maintain a child care organization unless licensed or registered by
11 the department. Application for a license or certificate of
12 registration shall be made on forms provided, and in the manner
13 prescribed, by the department. Before issuing or renewing a
14 license, the department shall investigate the applicant's
15 activities and proposed standards of care and shall make an on-site
16 visit of the proposed or established organization. Except as
17 otherwise provided in this subsection, if the department is
18 satisfied as to the need for a child care organization, its
19 financial stability, the applicant's good moral character, and that
20 the services and facilities are conducive to the welfare of the
21 children, the department shall issue or renew the license. If a
22 county juvenile agency as defined in section 2 of the county
23 juvenile agency act, 1998 PA 518, MCL 45.622, certifies to the
24 department that it intends to contract with an applicant for a new
25 license, the department shall issue or deny the license within 60
26 days after it receives a complete application as provided in
27 section 5b. The department shall not issue a license to or renew a

1 license of an applicant if any of the following persons have been
2 convicted of child abuse under section 136b of the Michigan penal
3 code, 1931 PA 328, MCL 750.136b, or neglect under section 145 of
4 the Michigan penal code, 1931 PA 328, MCL 750.145:

5 (a) The individual applicant.

6 (b) The owner, partner, or director of the applying
7 organization, if other than an individual.

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

24 (3) The department may authorize a licensed child placing
25 agency or an approved governmental unit to investigate a foster
26 family home or a foster family group home according to subsection
27 (1) and to certify that the foster family home or foster family

1 group home meets the licensing requirements prescribed by this act.
2 Before certifying to the department that a foster family home or
3 foster family group home meets the licensing requirements
4 prescribed by this act, the licensed child placing agency or
5 approved governmental unit shall receive and review a medical
6 statement for each member of the household indicating that he or
7 she does not have a known condition that would affect the care of a
8 foster child. The medical statement required under this section
9 shall be signed and dated by a physician licensed under article 15
10 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
11 a physician's assistant licensed under article 15 of the public
12 health code, 1978 PA 368, MCL 333.16101 to 333.18838, or a
13 certified nurse practitioner licensed as a registered professional
14 nurse under part 172 of the public health code, 1978 PA 368, MCL
15 333.17201 to 333.17242, who has been issued a specialty
16 certification as a nurse practitioner by the board of nursing under
17 section 17210 of the public health code, 1978 PA 368, MCL
18 333.17210, within the 12 months immediately preceding the date of
19 the initial evaluation. This subsection does not require new or
20 additional third party reimbursement or worker's compensation
21 benefits for services rendered. A foster family home or a foster
22 family group home shall be certified for licensing by the
23 department by only 1 child placing agency or approved governmental
24 unit. Other child placing agencies may place children in a foster
25 family home or foster family group home only upon the approval of
26 the certifying agency or governmental unit.

27 (4) The department may authorize a licensed child placing

1 agency or an approved governmental unit to place a child who is 16
2 ~~or 17~~ **AT LEAST 16 BUT LESS THAN 21** years of age in his or her own
3 unlicensed residence, or in the unlicensed residence of an adult
4 who has no supervisory responsibility for the child, if a child
5 placing agency or governmental unit retains supervisory
6 responsibility for the child. **IF THE CHILD IS AT LEAST 18 BUT LESS**
7 **THAN 21 YEARS OF AGE, HE OR SHE MUST MEET THE REQUIREMENTS OF THE**
8 **YOUNG ADULT VOLUNTARY FOSTER CARE ACT.**

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

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

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

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

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

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

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

10 (a) The adult is a person with a developmental disability as
11 defined by section 100a of the mental health code, 1974 PA 258, MCL
12 330.1100a, or a person who is otherwise neurologically disabled and
13 is also physically limited to a degree that requires complete
14 physical assistance with mobility and activities of daily living.

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

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

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

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

1 (8) On an exception basis, the director of the department, or
2 his or her designee, may authorize a licensed child placing agency
3 or an approved governmental unit to place a child in an adult
4 foster care family home or an adult foster care small group home
5 licensed under the adult foster care facility licensing act, 1979
6 PA 218, MCL 400.701 to 400.737, if the licensed child placing
7 agency or approved governmental unit certifies to the department
8 all of the following:

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

10 (b) The placement has the concurrence of the parent or
11 guardian of the child.

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

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

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

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

23 (g) The child is neurologically disabled and is also
24 physically limited to a degree that requires complete physical
25 assistance with mobility and activities of daily living.

26 (h) The child placing agency or approved governmental unit
27 will periodically reevaluate the placement of a child under this

1 subsection to determine that the criteria for placement in
2 subdivisions (a) to (g) continue to be met.

3 (9) Except as provided in subsection (1) and section 5b, the
4 department shall issue an initial or renewal license or
5 registration under this act for child care centers, group child
6 care homes, and family child care homes not later than 6 months
7 after the applicant files a completed application. Receipt of the
8 application is considered the date the application is received by
9 any agency or department of this state. If the application is
10 considered incomplete by the department, the department shall
11 notify the applicant in writing or make notice electronically
12 available within 30 days after receipt of the incomplete
13 application, describing the deficiency and requesting additional
14 information. This subsection does not affect the time period within
15 which an on-site visit to a family child care home shall be made.
16 If the department identifies a deficiency or requires the
17 fulfillment of a corrective action plan, the 6-month period is
18 tolled until either of the following occurs:

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

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

24 (10) The determination of the completeness of an application
25 is not an approval of the application for the license and does not
26 confer eligibility on an applicant determined otherwise ineligible
27 for issuance of a license.

1 (11) Except as provided in subsection (1) and section 5b, if
2 the department fails to issue or deny a license or registration to
3 a child care center, group child care home, or family child care
4 home within the time required by this section, the department shall
5 return the license or registration fee and shall reduce the license
6 or registration fee for the applicant's next renewal application,
7 if any, by 15%. Failure to issue or deny a license to a child care
8 center, group child care home, or family child care home within the
9 time period required under this section does not allow the
10 department to otherwise delay the processing of the application. A
11 completed application shall be placed in sequence with other
12 completed applications received at that same time. The department
13 shall not discriminate against an applicant in the processing of an
14 application based on the fact that the application fee was refunded
15 or discounted under this subsection.

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

23 (13) The **DEPARTMENT** director ~~of the department~~ shall submit a
24 report by December 1 of each year to the standing committees and
25 appropriations subcommittees of the senate and house of
26 representatives concerned with human services and children's
27 issues. The **DEPARTMENT** director shall include **IN THE REPORT** all of

1 the following information regarding applications for licenses and
2 registrations only for child care centers, group child care homes,
3 and family child care homes filed under this act ~~in the report~~
4 ~~concerning~~ **DURING** the preceding fiscal year:

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

8 (b) The number of applications requiring a request for
9 additional information.

10 (c) The number of applications rejected.

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

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

15 (14) Except as provided in section 5c(8), the department shall
16 not issue to or renew the license of a child care organization
17 under this act without requesting a criminal history check and
18 criminal records check as required by section 5c. If a criminal
19 history check or criminal records check performed under section 5c
20 or information obtained as a result of notification from the
21 department of state police under section 5k reveals that an
22 applicant for a license under this act has been convicted of a
23 listed offense, the department shall not issue a license to that
24 applicant. If a criminal history check or criminal records check
25 performed under section 5c or information obtained as a result of
26 notification from the department of state police under section 5k
27 reveals that an applicant for renewal of a license under this act

1 has been convicted of a listed offense, the department shall not
2 renew that license. If a criminal history check or criminal records
3 check performed under section 5c or information obtained as a
4 result of notification from the department of state police under
5 section 5k reveals that a current licensee has been convicted of a
6 listed offense, the department shall revoke the license of that
7 licensee.

8 (15) Except as provided in section 5f(13), the department
9 shall not issue or renew a certificate of registration to a family
10 child care home or a license to a group child care home under this
11 act without requesting a criminal history check and criminal
12 records check as required by sections 5f and 5g. If a criminal
13 history check or criminal records check performed under section 5f
14 or 5g or information obtained as a result of notification from the
15 department of state police under section 5k reveals that an
16 applicant for a certificate of registration or license under this
17 act or a person over 18 years of age residing in that applicant's
18 home has been convicted of a listed offense, the department shall
19 not issue a certificate of registration or license to that
20 applicant. If a criminal history check or criminal records check
21 performed under section 5f or 5g or information obtained as a
22 result of notification from the department of state police under
23 section 5k reveals that an applicant for renewal of a certificate
24 of registration or license under this act or a person over 18 years
25 of age residing in that applicant's home has been convicted of a
26 listed offense, the department shall not renew a certificate of
27 registration or license to that applicant. If a criminal history

1 check or criminal records check performed under section 5f or 5g or
2 information obtained as a result of notification from the
3 department of state police under section 5k reveals that a current
4 registrant or licensee under this act or a person over 18 years of
5 age residing in that registrant's or licensee's home has been
6 convicted of a listed offense, the department shall revoke that
7 registrant's certificate of registration or licensee's license.

8 (16) Except as provided in section 5h(7), the department shall
9 not issue or renew a license to operate a foster family home or
10 foster family group home under this act without requesting a
11 criminal history check and criminal records check as required by
12 sections 5h and 5j. If a criminal history check or criminal records
13 check performed under section 5h or 5j or information obtained as a
14 result of notification from the department of state police under
15 section 5k reveals that an applicant for a license to operate a
16 foster family home or foster family group home under this act or a
17 person over 18 years of age residing in that applicant's home has
18 been convicted of a listed offense, the department shall not issue
19 a license to that applicant. If a criminal history check or
20 criminal records check performed under section 5h or 5j or
21 information obtained as a result of notification from the
22 department of state police under section 5k reveals that an
23 applicant for renewal of a license to operate a foster family home
24 or foster family group home under this act or a person over 18
25 years of age residing in that applicant's home has been convicted
26 of a listed offense, the department shall not renew a license to
27 that applicant. If a criminal history check or criminal records

1 check performed under section 5h or 5j or information obtained as a
2 result of notification from the department of state police under
3 section 5k reveals that a current licensee under this act of a
4 foster family home or foster family group home or a person over 18
5 years of age residing in that licensee's foster family home or
6 foster family group home has been convicted of a listed offense,
7 the department shall revoke that licensee's license.

8 (17) As used in this section:

9 (a) "Completed application" means an application complete on
10 its face and submitted with any applicable licensing or
11 registration fees as well as any other information, records,
12 approval, security, or similar item required by law or rule from a
13 local unit of government, a federal agency, or a private entity but
14 not from another department or agency of this state. A completed
15 application does not include a health inspection performed by a
16 local health department.

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

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

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. 435

24 of the 96th Legislature is enacted into law.