

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

In the matter of

License #: DF410360652  
SIR #: 2015D0601039

Terri Kowalczyk

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ORDER OF SUMMARY SUSPENSION  
AND NOTICE OF INTENT TO REVOKE CERTIFICATE OF REGISTRATION

The Michigan Department of Licensing and Regulatory Affairs, by Mark C. Jansen, Division Director, Child Care Licensing Division, Bureau of Community and Health Systems, orders the summary suspension and provides notice of the intent to revoke the certificate of registration of Registrant, Terri Kowalczyk, to operate a family child care home pursuant to the authority of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq., for the following reasons:

1. On or about April 29, 2014, Registrant was issued a certificate of registration to operate a family child care home with a registered capacity of six at 3584 Leonard Street NW, Walker, Michigan 49534.

Previous Licensing Violations

2. In May 2014, *Special Investigation #2015D1077018* was initiated, and Registrant was cited, in part, for the following violations:

- a. Registrant exceeded her registered capacity of six children, a violation of Rule 400.1908(1). Registrant acknowledged having eight or nine children in care on approximately 12 occasions.
- b. Registrant failed to assure appropriate care and supervision of children, as required by Rule 400.1911(1). Registrant's husband, Michael Kowalczyk, referred to one of the children in care as being "bitchy." This remark was made in front of another child in care. Registrant also left children unsupervised in the lower level of the home and in the yard outside.

On October 16, 2014, Registrant submitted an acceptable corrective action plan that addressed these violations.

3. On July 8, 2014, Licensing Consultant Renee Kasprzak conducted a 90-day inspection and cited Registrant, in part, for failing to have documentation from the Department of Health and Human Services verifying that Assistant Caregiver Ruth Simon has not been substantiated for child abuse and/or neglect, a violation of Rule 400.1906(1)(f). On July 8, 2014, Registrant submitted an acceptable corrective action plan that addressed this violation.

#### **Current Licensing Allegations**

4. Registrant frequently leaves child care children alone or without adult supervision. Specifically:
  - a. On or about July 24, 2015, at approximately 10:30 p.m., Registrant left the home to go to the bar, leaving Child A (male; age 1 year) with Minor Household Member (MHM) 2 (female; age 14 years). No other adults were in the home at the time.

- b. During an interview on September 28, 2015, MHM 1 (male; age 10 years) told Michigan Department of Health and Human Services Worker Ann Goodfellow that Registrant has left him alone with the children in care for up to an hour and a half to two hours. He indicated that he was left alone to care for Child A, Child C (male age 4 years), Child D (male; age 3 years), and Child E (female; age 7 years), and that during that time, he played video games while the children watched.
  - c. During an interview with Ms. Goodfellow on September 28, 2015, MHM 2 stated that Registrant frequently leaves children in her care with no other adults present. She indicated that this usually occurs on Saturdays and that Registrant is gone for approximately 20 minutes. MHM 2 also stated that Registrant goes to the bar every Friday and Saturday night, often leaving before Child A and Child B (male; age 1 year) have been picked up by a parent. MHM 2 reported that she watches TV on the couch with the children until they fall asleep.
  - d. During an interview with Ms. Goodfellow, Brooke Humphrey, Registrant's friend, stated that on one occasion, Registrant picked her up and brought her to the child care home so she could watch the children in care for Registrant. When they arrived at Registrant's home, Ms. Humphrey observed two children napping with no other adults present.
5. Registrant frequently exceeds her registered capacity of six children, as demonstrated by the following:

- a. On September 28, 2015, Registrant acknowledged to Licensing Consultant Jaime Byerly that she sometimes has seven or eight children in care during shift changes.
  - b. During an interview with Ms. Byerly, Michael Kowalczyk stated that Registrant frequently operates with more than six children in care and that they have argued about it in the past. He stated that she has had between seven and ten children in care on many occasions.
  - c. During an onsite inspection on September 30, 2015, Ms. Byerly observed seven children in care at Registrant's home, with Ms. Simon as the only caregiver present.
6. During onsite inspections at Registrant's home on September 28 and 30, 2015, Ms. Byerly and Ms. Goodfellow observed Registrant's home to be in disrepair and in an unsafe and unclean condition. Specifically:
- a. The kitchen was cluttered, and there was a hanging plastic bag filled with several plastic bags accessible to children.
  - b. The carpet was stained, and there was a section of carpet that was ripped, exposing the carpet pad and sub-floor.
  - c. Both Mr. Kowalczyk and MHM 2 told Ms. Byerly that the home is usually cluttered and dirty. MHM 1 stated that they recently had to dispose of all of their furniture due to fleas or bed bugs and have since gotten new furniture.

- d. There was dog feces in the yard where the children play, and there was a large quantity of apples in the yard that had fallen from a tree that posed a choking hazard for young children.
7. Registrant failed to place infants in cribs or portable cribs when sleeping and failed to follow safe sleep licensing rules. Specifically:
  - a. During an interview with Ms. Byerly on September 28, 2015, Registrant stated that she placed infants in their car seats or on sleeping bags on the on the living room flooring while sleeping. She indicated that she owned pack-n-play cribs but used them for the older children.
  - b. During an interview with Ms. Byerly, Mr. Christiansen indicated that infants sleep in their car seats or in rocking seats.
  - c. On September 30, 2015, during an onsite inspection, Ms. Byerly and Ms. Goodfellow observed Child H (female; age three months) and Child I (female; age nine months) sleeping on the floor. Child I was laid directly onto the carpet, and Child H was on a blanket on top of the carpet. Both infants were covered with blankets, and there was a burp cloth positioned near Child H's face.
8. On September 30, 2015, during the onsite inspection, the sliding door to the backyard was left open allowing children to go in and out of the home without having to open the door. Ms. Byerly and Ms. Goodfellow observed Child C (male; age 4 years), Child F (female; age 2 years), and Child G (male; age 2 years) playing in the yard without any supervision. Ms. Goodfellow observed Child D sticking her hand through a fence attempting to pet a neighbor dog. Child B

(male; age 1 year) walked outside unsupervised and hurt himself while playing on a slide. Child B went to Ms. Byerly crying with his arms extended to her, as there were no other caregivers outside.

9. During interviews with Ms. Byerly on September 28 and September 30, 2015, Registrant and Mr. Christiansen admitted that they kiss, touch, and hold hands on the couch while children are in care.
10. During an interview with Ms. Byerly, Registrant acknowledged that on September 27, 2015, she got into an argument with MHM 2 and grabbed her by the hair, pulled her out of the bathroom, and knocking her to the floor. Registrant stated that MHM 2 had a history of cutting herself and that she had not sought treatment for her. Despite this knowledge, Registrant left children with MHM 2 without supervision on numerous occasions.
11. During the onsite inspections, Ms. Byerly requested verification of criminal history and protective services background checks for Ms. Humphrey and Rita Simon, as Registrant had identified both of them as assistant caregivers. Registrant was unable to provide any evidence that she had completed criminal history checks and protective services checks for either Ms. Humphrey or Ms. Simon.

#### COUNT I

The conduct of Registrant, as set forth in paragraphs 4(a) through (d), 6, 7(a) through (c), 8, 9, 10, and 11 above, evidences a violation of:

**R 400.1902**

**Caregiver and child care home family.**

- (2) An applicant or the caregiver shall be of responsible character and shall be suitable and able to meet the needs

of children and provide for their care, supervision, and protection.

#### COUNT II

The conduct of Registrant, as set forth in paragraphs 4(a) through (d), 7(a) through (c), 8, and 9 above, evidences a violation of:

**R 400.1911          Supervision.**

- (1) The caregiver shall assure appropriate care and supervision of children at all times.

[NOTE: By this reference, paragraph 2(b) is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

#### COUNT III

The conduct of Registrant, as set forth in paragraphs 4(a) through 4(d) above, evidences a violation of:

**R 400.1911          Supervision.**

- (2) A caregiver or adult assistant caregiver shall be present in the home at all times when children are in care.

#### COUNT IV

The conduct of Registrant, as set forth in paragraphs 5(a) through (c) above, evidences a violation of:

**R 400.1908          Capacity.**

- (1) The family child care registrant shall assure that the actual

number of unrelated children in care at any 1 time does not exceed the number of children for which the home is registered, not to exceed a total of 6.

[NOTE: By this reference, paragraph 2(a) is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

#### COUNT V

The conduct of Registrant, as set forth in paragraph 11 above, evidences a violation of:

**R 400.1906                      Records of caregiving staff and child care home family; record maintenance.**

- (1) The caregiver shall maintain a file for the caregiver and each assistant caregiver including all of the following:
  - (f) Documentation from the department of human services that the assistant caregiver has not been involved in substantiated child abuse or neglect.

[NOTE: By this reference, paragraph 3 is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

#### COUNT VI

The conduct of Registrant, as set forth in paragraphs 7(a) through (c) above, evidences a violation of:

**R 400.1916                      Bedding and sleeping equipment.**

- (5) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib or porta-crib. A crib shall have all of the following:
  - (a) A firm, tight-fitting mattress.
  - (b) No loose, missing, or broken hardware or slats.
  - (c) Not more than 2 3/8" between the slats.
  - (d) No corner posts over 1/16" high.
  - (e) No cutout designs in the headboard or footboard.
  - (f) A tightly fitted bottom sheet shall cover a firm mattress

with no additional padding placed between the sheet and mattress.

#### COUNT VII

The conduct of Registrant, as set forth in paragraphs 7(a) and 7(c) above, evidences a violation of:

**R 400.1916          Bedding and sleeping equipment.**

- (7) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.

#### COUNT VIII

The conduct of Registrant, as set forth in paragraphs 6(a) through (d) above, evidences a violation of:

**R 400.1932          Home maintenance and safety.**

- (1) The structure, premises, and furnishings of a child care home shall be in good repair and maintained in a clean, safe, and comfortable condition.

DUE TO THE serious nature of the above violations and the potential risk it represents to vulnerable children in Registrant's care, emergency action is required.

Therefore the provision of MCL 24.292 of the Administrative Procedures Act of 1969, as amended, is invoked. Registrant is hereby notified that the certificate of registration to operate a family child care home is summarily suspended.

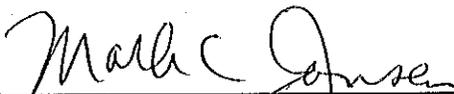
EFFECTIVE 6:00 p.m., on October 2, 2015, Registrant is ordered not to operate a family child care home at 3584 Leonard Street NW, Walker, Michigan 49534, or at any other location or address. Registrant is not to receive children for care after that time or date. Registrant is responsible for informing parents or guardians of children in care that certificate of registration has been suspended and that Registrant can no longer provide care.

HOWEVER, BECAUSE THE Department has summarily suspended Registrant's certificate of registration, an administrative hearing will be scheduled before an Administrative Law Judge. Registrant will be notified of the hearing date.

Registrant MUST NOTIFY the Department in writing or by phone no later than 5 days before the administrative hearing whether or not Registrant plans to attend. MCL 24.272 of the Administrative Procedures Act of 1969 permits the Department to proceed with the administrative hearing even if Registrant does not appear. Registrant may be represented by an attorney at the administrative hearing.

DATED: \_\_\_\_\_

10/2/15

  
\_\_\_\_\_  
Mark C. Jansen, Division Director  
Child Care Licensing Division

Bureau of Community and Health Systems

This is the last and final page of the ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT in the matter of Terri Kowalczyk, DF410360652, consisting of 10 pages, this page included.

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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

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Terrl Kowalczyk

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PROOF OF SERVICE

The undersigned certifies that a copy of the Order of Summary Suspension and Notice of Intent was personally served upon the person below on:

10/2/15 at 4:33 pm at 3584 Leonard, Walker, MI 49534  
Date Time Place

*Terrl Kowalczyk*

Terrl Kowalczyk  
3584 Leonard Street NW  
Walker, Michigan 49534

*Quinn Byrly*

Child Care Licensing Division  
Bureau of Community and Health Systems