

The Child Care Organizations Act PA116 provides the legal basis for allowing temporary relocation of child care centers, child care group homes, and child care family homes in case of disaster. MCL722.121(c) allows for temporary operations at an unlicensed location.

DEFINITION OF DISASTER

A sudden event that brings great damage, loss, or destruction to a child care facility. Events include, but are not limited to, natural or man-made events, such as fire, flood, storm damage, terrorist act, or serious environmental hazard. The damage, loss, or destruction to the facility must be so that the operation of the facility is not conducive to the welfare of the children by not complying with the Act and the administrative rules promulgated by the Act.

DETERMINING THE DISASTER

1. Once the licensing consultant is notified that the facility has had damage, loss or destruction, the licensing consultant will make contact with the licensee within 24 hours to determine that it is a possible disaster.
2. The licensing consultant will obtain an incident report (CCL-4605) from the licensee, file it in the facility SharePoint file, and make a BITS entry for Incident Report Received.
3. Immediately after speaking with the licensee, the licensing consultant will discuss the incident with their Area Manager to determine if it meets the definition of disaster.

NOT ELIGIBLE

- The licensing consultant will notify the licensee that they are not eligible to temporarily relocate to an unlicensed facility.
- The licensing consultant will then discuss the options for operation in the current location.

ELIGIBLE

- If the incident is determined to meet the definition of a disaster, the licensing consultant will notify the licensee that they are eligible to temporarily relocate to an unlicensed location.
- The licensing consultant will notify the licensee that an onsite inspection must occur before care can be provided at the temporary location.
- The licensing consultant will complete a Notice of Serious Incident/Critical Incident report following policy item 260 for Serious Incident/Critical Incident Reports.

- Once the licensing consultant has learned a temporary location has been identified, the licensing consultant will complete an onsite inspection within two business days.
- Once onsite, the licensing consultant will determine if the facility and outdoor play area are safe.
- If playground equipment is on the premises, the licensing consultant will get a written statement from the licensee stating the children will not use the equipment until a playground inspection is completed.
- To determine if care may begin at the temporary location, the licensing consultant will determine compliance with, at a minimum, the following rules:
 - **Homes:** 1915(1), 1917(1), 1921(1), 1932(1) & (2), 1933(3) & (4), 1934(1) & (6), 1941(1) & (2), 1942(1), (2), & (3), 1943(1)-(12), 1944(1)-(3)
 - **Centers:** 8161(1)-(4), 8164(2), 8167(1)-(3), 8350(1)(a) & (b), (5), (7), 8365(1)-(3), 8380(1), (3) & (4), 8385, 8525(1)-(6), & (13) 8530(9) & (10), 8540(3), 8545(1), 8550(1), (5), 8560(2).

NOT SAFE

- If the licensing consultant determines the identified temporary location is not safe for care, the licensing consultant will verbally notify the licensee at the time of the onsite inspection.
- The licensing consultant will then follow up with a confirming letter within five business days.
- The confirming letter will notify the licensee of the following:
 - The date the licensing consultant was onsite at the proposed temporary location.
 - The reason the proposed temporary location was not approved.
 - The expectation that child care will not be provided at the proposed temporary location.
 - The licensing consultant will continue working with the licensee if different temporary locations are identified.
- The licensing consultant will file a copy of the confirming letter in the facility SharePoint file and make a BITS entry according to the BITS event sheet for Temporary Operation.

SAFE

- If the licensing consultant determines the identified temporary location is safe for care, the licensing consultant will notify the licensee verbally at the time of the onsite inspection.
- The licensing consultant will then follow up with a confirming letter within five business days.
- The confirming letter will inform the licensee of the following:
 - Within 45 days the following inspections must be conducted:

- Center: Fire safety, environmental health, lead hazard risk assessment if necessary.
- Homes: Environmental health, if necessary
- If any of the inspections determine the facility is unsafe, operation must be discontinued.
- Specify the start and end date for the temporary operation.
 - The end date cannot exceed one year from the start date.
- If the licensee decides to remain at the temporary location, an application and fee must be submitted, and the license issued before the end date.
- The licensee must stop caring for children if the license has not been issued by the end date.
- If the child care facility will remain at the new location, the licensee must apply for and obtain a new license within one year of moving to the new location.
- The licensee must post the confirming letter in place of the license to show department approval of the temporary location.

TEMPORARY OPERATIONS AND SUBSIDY

- If the licensee is receiving child care subsidy payments, the licensing consultant should contact the central office contact for the Michigan Department of Education (MDE) for notification of the approved temporary operation and the date operation starts at the temporary location.
- The licensing consultant must add the temporary location mailing address in BITS through the following procedure:
 - On the facility screen, under Mail Code, the licensing consultant changes the code to “Mailing” by clicking on the drop-down box and choosing the “Mailing” option.
NOTE: A box will come up indicating that mailing address will need to be added.
 - On the licensee screen, the licensing consultant will add the address of the temporary operation.

TEMPORARY OPERATIONS AND GREAT START TO QUALITY AND/OR THE FOOD PROGRAM (CACFP)

- The licensing consultant should remind the licensee that if they participate with Great Start to Quality and/or the Food Program, they need to contact their Resource Center and Food Program Representative.

TEMPORARY OPERATIONS AND INTERIMS/RENEWALS THAT ARE DUE

- Licensing consultants will complete interim or renewal inspections that are due while the licensee is operating at the approved temporary location.
- The inspections will be completed at the approved temporary location and all applicable rules will be reviewed.
- The licensing consultant will note in the Licensing Study Report (LSR) or Interim Report that the inspection was completed at the approved temporary location.
 - The note will be added to the reports after the first paragraph on the LSR cover page or after the first paragraph on the Interim Report as a NOTE:.

TEMPORARY OPERATIONS AND THE ONE YEAR TIMEFRAME**When the licensee is ready to return to the licensed location.**

- The licensing consultant will request and obtain documentation indicating that the premises is safe (e.g., documentation from a restoration company, fire safety, the health department, occupancy permit, etc.).
- The licensing consultant must go onsite to ensure the structure, premises and furnishings are in a clean and safe condition and do not pose a threat to health and safety based on applicable rules for the situation.
- When the licensee returns to the licensed facility, the licensing consultant will change the mailing code in BITS on the facility screen back to the original mailing code.
- The licensing consultant will delete the address of the temporary operation in the licensee screen.
- The licensing consultant will send a confirming letter to the licensee indicating that the temporary operation approval ended and the date it ended.
- The licensing consultant will enter a BITS event for Confirming Letter Sent with a comment stating the temporary operation approval ended and state the date it ended.

When the licensee does not submit an application and fee to be licensed at the temporary operation location.

- The licensing consultant must contact the licensee 90 days before the expiration of the temporary operation approval to determine whether or not the licensee will be applying for licensure at that location.
- The licensing consultant must remind the licensee of the expiration date of the temporary approval.
- If no application and fee have been received by the expiration date, a confirming letter must be sent indicating that the temporary operations ended.

- The licensing consultant will enter a BITS event for Confirming Letter Sent with a comment stating that the temporary operation approval ended and there was not an application or fee submitted.
- The licensing consultant must go onsite to determine whether operations have ceased.
NOTE: The licensing consultant may take the confirming letter and give to the licensee onsite, if they wish.
- If operations have not ceased, the licensing consultant must discuss this with their area manager and an intake for unlicensed care must be opened (See Policy 880 Unlicensed Facilities).
- The licensing consultant must contact the central office contact for MDE to notify them that the temporary operations ended.