LICENSING RULES FOR FAMILY AND GROUP CHILD CARE HOMES

With Updates Effective April 27, 2026

OFFICE OF EARLY EDUCATION
CHILD CARE LICENSING

MiLEAP
Michigan Department of Lifelong Education, Advancement, and Potential

www.michigan.gov/michildcare

Acknowledgement of Licensing Rules for

Family and Group Child Care Homes

Each license or licensee designee for a licensed family or group child care home in the State of Michigan must acknowledge he/she has received and reviewed the *Licensing Rules for Family and Group Child Care Homes – Effective April 27, 2026*. Use the QR code below or visit Michigan.gov/MiChildCare to access the rules.

↓QR Code to Licensing Rules ↓

To acknowledge your receipt and review of the child care licensing rules, complete the short online form. To access the form, use the QR code below, or https://forms.cloud.microsoft/g/3yw4hfMcie.

↓QR Code for Acknowledgement↓

MiLEAP
Michigan Department of Lifelong Education, Advancement, and Potential

TABLE OF CONTENTS

PART 1. DEFINITIONS, LISCENSING PROCESS, PROCEDURES, AND RECORDS

R400.1901 Definitions; A through YY. 1
R400.1901a Adoption of federal standards. 4
R400.1902 Applicant; licensee; requirements. 5
R400.1903 Licensee requirements. 5
R400.1904 Rescinded. 8
R400.1904a Rescinded. 8
R400.1904b Rescinded. 8
R400.1905 Concurrent licensing. 8
R400.1906 Child care home records. 9
R400.1907 Child's Record. 10
R400.1908 Rule Variance. 11

PART 2. SPACE AND EQUIPMENT

R400.1909 Indoor space; play equipment and materials. 11
R400.1910 Bedding and sleeping equipment. 12
R400.1911 Telephone. 13
R400.1912 Outdoor play area and equipment. 14
R400.1913 Child care home maintenance and safety. 14
R400.1914 Water supply; sewage disposal; water temperature. 15
R400.1915 Heating; ventilation; lighting; radon. 15
R400.1916 Firearms. 16
R400.1917 Animals and pets. 16
R400.1918 Smoking or vaping. 17

PART 3. STAFFING

R400.1919 Comprehensive background check; fingerprinting. 17
R400.1920 Child care staff member; employment requirements. 19
R400.1921 Child care assistant; requirements. 19
R400.1922 MiRegistry. 20
R400.1923 Child care home new hire training. 20
R400.1924 Professional development. 21
R400.1925 Capacity. 22
R400.1926 Rescinded. 22
R400.1927 Ratio of staff to children in family child care homes. 23
R400.1928 Ratio of staff to children in group child care homes. 23
R400.1929 Care; supervision; children. 23
R400.1930 Infant; child; resting; sleeping; supervision. 24

PART 4. GENERAL HEALTH AND SAFETY

R400.1931 Medication; administration; procedures. 24
R400.1932 Biocontaminants. 25
R400.1933 Communicable disease; immunization; mental and physical health; physician attestation. 25
R400.1934 Water hazards; water activities. 26
R400.1935 Diapering and toilet learning. 27
R400.1936 Hand washing. 28
R400.1937 Food allergy plan. 28
R400.1938 Food preparation and service. 29
R400.1939 Emergency preparedness and response planning procedures. 30
R400.1940 Parent notification required; incidents; accidents; illness; disease; isolation. 31
R400.1941 Department notification required; incidents; injury; accident, illness, death or fire. 32

PART 5. PROGRAM AND CARE

R400.1942 Discipline. 32
R400.1943 Daily activity program. 33
R400.1944 Nighttime care. 34

PART 6. FIRE SAFETY

R400.1945 Heat-producing equipment. 35
R400.1946 Electrical service; maintenance. 35
R400.1947 Exit requirements for each floor level used by children. 35
R400.1948 Smoke detectors; fire extinguishers. 37

PART 7. TRANSPORTATION

R400.1951 Transportation. 37
R400.1952 Child transportation; parent permission; child information card; required when off-premises.. 38
R400.1961 Rescinded. 38
R400.1962 Rescinded. 38
R400.1963 Rescinded. 38

APPENDICES

A. Family Home Ratio Examples

B. Promulgation process/suggested changes

DEPARTMENT OF LIFELONG EDUCATION, ADVANCEMENT, AND POTENTIAL

CHILD CARE LICENSING BUREAU

LICENSING FAMILY AND GROUP CHILD CARE HOMES

(By authority conferred on the director of the department of lifelong education, advancement, and potential by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, 2015-1, and 2023-6, MCL 330.3101, 445.2001, 445.2011, 400.226, 400.227, and 388.1283)

PART 1. DEFINITIONS, LICENSING PROCESS, PROCEDURES, AND RECORDS

R 400.1901 Definitions.

Rule 1. (1) As used in these rules:

(a) “Act” means 1973 PA 116, MCL 722.111 to 722.128.

(b) “Adult” means an individual 18 years of age or older.

(c) “Applicant” means an individual who applies for a license to operate a family or group child care home.

(d) “Basement" means a story of a building or structure having 1/2 or more of its clear height below average grade for not less than 50% of the perimeter.

(e) “Before and after school hours” means the hours before school hours or the hours after school hours during weekdays of the school year.

(f) “Biocontaminant” means bodily fluids such as urine, feces, saliva, vomit, blood, nasal discharge, eye discharge, and injury or tissue discharge.

(g) “Child care assistant” means an individual who is 14 to 15 years of age, participates in child care activities in a family or group child care home, and does not have unsupervised access to or provide unsupervised care or supervision of children. A child care assistant cannot be a child care staff member pursuant to the age requirement of a child care staff member as defined in section 1a of the act, MCL 722.111a.

(h) “Child care background check system” means the database maintained by the department to document comprehensive background checks and eligibility determinations, pursuant to section 5n of the act, MCL 722.115n.

(i) “Child care home” means a family child care home and a group child care home.

(j) “Child passenger restraint device" means a device that is used to restrain, seat, or position a child weighing 65 pounds or less that meets the requirements as specified in R 400.1901a(a).

(k) “Child-use space" means the rooms and floor levels of the child care home approved by the department for child care.

(l) “Clean” means removing dirt, food, soil, and other types of debris by scrubbing and washing with a detergent solution and rinsing with water.

(m) “Combustible" means materials that ignite and burn when subjected to a fire or excessive heat.

(n) “Comprehensive background check” means a department review of an individual as required in sections 5n and 5q of the act, MCL 722.115n and 722.115q.

(o) “Department" means the department of lifelong education, advancement, and potential.

(p) “Disinfect” means destroying any remaining germs on surfaces after cleaning using a stronger bleach solution or a United States Environmental Protection Agency-registered disinfectant as described on the label.

(q) “Field trip" means children and staff leaving the child care home premises for an excursion, trip, or program activity.

(r) "Foster child" means an individual who resides in a foster home, was placed in the foster home by a placing agent, is not living with a parent or legal guardian, is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and is not related to an adult member of the foster family by blood, adoption, or marriage.

(s) “Fuel-fired” means a device that burns solid, liquid, or gaseous fuel, or a combination thereof.

(t) “Heat detector" means a single or multiple station alarm responsive to heat.

(u) “Independent service provider” means an individual who is not a child care staff member, but who renders professional, therapeutic, or enrichment services within a child care home. Independent service providers include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed healthcare professionals, intermediate school district staff, local school district staff, departmental staff other than those responsible for inspecting child care homes, maintenance personnel, electricians, plumbers and photographers, and other outside service providers. Independent service providers are not considered contract employees or self-employed as described in the act if supervised at all times while at the child care home when children are present, by an eligible child care staff member.

(v) “Infant” means birth until 1 year of age.

(w) "Means of egress" means the exit route from any point in the home to the outside at ground level.

(x) “Media” means use of electronic devices with a screen, including, but not limited to, televisions, computers, tablets, multi-touch screens, interactive white boards, mobile devices, cameras, movie players, e-book readers, and electronic game consoles.

(y) “Minor" means an individual less than 18 years of age.

(z) “MiRegistry” is the electronic data system for child care providers that is maintained by the department to verify and track employment, training, and educational accomplishments.

(aa) “Nighttime care” means child care provided between midnight to 5:00 a.m.

(bb) "Nonprescription medication" means any over-the-counter medication that may be orally ingested or applied to the skin, including, but not limited to, aspirin, acetaminophen, cold and flu medicines, mosquito repellants, antiseptics, ointments, powders, and diaper rash products.

(cc) “On file” means accessible at the child care home, as specified in these rules, via hard copy or electronically, unless otherwise stipulated in the rule.

(dd) “Parent" means a child's natural or adoptive parent who is legally responsible for the child or the child's legal guardian.

(ee) “Permanently reside” means the address is the individual’s primary residence and the individual’s presence in the child care home is not contingent on caring for children.

(ff) “Personnel” means a licensee, child care staff member, and child care assistant. It does not include therapeutic professionals and independent service providers.

(gg) “Play yard” means a framed enclosure that includes a floor and has mesh or fabric sided panels primarily intended to provide a play or sleeping environment for children. It may fold for storage or travel.

(hh) “Portable crib” means a crib that can be folded or collapsed, without disassembly, to occupy a space less than it occupies when it is used. Products with mesh, fabric, or non-rigid sides, such as a bassinet or play yard, are not considered portable cribs.

(ii) “Premises" means the location of the child care home where the licensee and family reside and includes the attached yard, garage, basement, non-child-use space, and other outbuildings.

(jj) “Routine transportation” means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.

(kk) “Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

(ll) “Sanitized” means reducing the number of germs on surfaces after cleaning the item by using heat, sanitizing sprays as directed on the label, or a weakened bleach solution.

(mm) “School hours” means the hours when school is in session during weekdays of the school year. It does not include summer months, holidays, closure days, or early dismissal days.

(nn) “Serious injury” means means an injury that occurred while the child was in care that resulted in a child receiving medical attention by a healthcare provider.

(oo) “Smoke detector" means a device that detects visible or invisible particles of combustion.

(pp) “Staff” means personnel and unsupervised volunteers.

(qq) “Standard precautions” means the use of barriers to handle potential exposure to biocontaminants, the process to clean and disinfect contaminated surfaces, and the process to dispose of biocontaminants.

(rr) “Supervised volunteer” means an individual who is 16 years of age or older, provides services for a child care home that is not compensated, and who is supervised at all times when children are in care. A supervised volunteer cannot be counted in staff to child ratios.

(ss) “Therapeutic professionals” means an independent service provider who provides therapeutic services in a child care home, including, but not limited to, speech therapists, nutritionists, early interventionists, nurses and other licensed healthcare professionals who are employed by an intermediate school district or local school district to provide services in a child care home to a child with a disability that has an individualized education program or individualized family service plan.

(tt) “Toddler” means 1 year of age until 30 months of age.

(uu) "Transportation" means the taking of children by means of a vehicle to or from a family or group child care home and to and from all other activities planned by or through the family or group child care home.

(vv) “Unsupervised volunteer” means an individual who is 16 years of age or older, who provides services for a child care home that is not compensated, who was determined eligible by the department to be unsupervised with children, and may be counted in staff to child ratios.

(ww) "Vehicle" means an automobile, truck, or van that transports individuals on a highway or road.

(xx) “Volunteers” means a supervised volunteer and an unsupervised volunteer.

(yy) “Water activities” mean activities in residential pools, lakes, ponds, or other bodies of water. Water activities do not include water play activities such as water table play, slip and slide activities, wading pools, or playing in sprinklers.

(2) A term defined in the act has the same meaning when used in these rules.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1901a Adoption of federal standards.

Rule 1a. The following standards are incorporated by reference in these rules:

(a) “Child restraint systems,” 49 CFR 571.213. Copies of these standards may be obtained without charge from the Code of Federal Regulations at www.ecfr.gov and the National Highway Traffic Safety Administration, United States Department of Transportation, at www.nhtsa.gov. They are also available for inspection and distribution without charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

(b) “Safety Standard for Full-Size Baby Cribs,” 16 CFR 1219; “Safety Standard for Non-Full-Size Baby Cribs,” 16 CFR 1220; and “Safety Standard for Play Yards,”16 CFR 1221. Copies of these standards may be obtained without

charge from the Code of Federal Regulations at www.ecfr.gov and the United States Consumer Product Safety Commission at www.cpsc.gov. They are also available for inspection and distribution without charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1902 Applicant; licensee; requirements.

Rule 2. (1) An applicant and a licensee shall meet all of the following requirements:

(a) Be 18 years of age or older.

(b) Have a high school diploma, general educational development diploma, or approved training track and hours for child care home providers through MiRegistry.

(c) Permanently reside in the child care home as a member of the household.

(d) Have proof of certification in pediatric first aid and pediatric, infant, child, and adult cardiopulmonary resuscitation (CPR) training.

(e) Have documentation of completed training in both of the following:

(i) Recognition and reporting of child abuse and neglect.

(ii) Prevention and control of infectious disease, including immunizations.

(f) Attend an orientation provided by the department.

(2) The applicant or licensee shall be of responsible character and be suitable and able to meet the needs of children and provide for the children's care, supervision, and protection.

(3) All individuals, including minors, residing in the child care home shall meet all of the following requirements:

(a) Be suitable to meet the needs of children.

(b) Be able to ensure that services and facilities are conducive to the welfare of children.

(c) Act in a manner that is conducive to the welfare of children.

(d) Demonstrate a willingness and ability to comply with the act and these rules.

(4) The applicant and licensee shall submit all required information, reports, and the application, along with the applicable fee listed under section 5m of the act, MCL 722.115m, in the manner prescribed by the department.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1903 Licensee requirements.

Rule 3. (1) A licensee shall do all of the following:

(a) Be present in the child care home on a daily basis when the child care home is in operation and provide direct care and supervision for the majority of time children are in care with either of the following exceptions:

(i) When the licensee is on vacation or takes personal leave, which must not exceed 20 days within a calendar year. The 20 days of vacation or personal leave means the licensee is absent the entire day or not less than 51% of the day when the child care home is operating. A licensee may have a short periodic absence from the child care home.

(ii) When the licensee is undergoing medical treatment and subsequent recovery.

(b) Provide for a child care staff member, who has valid CPR and first aid certifications, to act on behalf of the licensee when the licensee is unable or unavailable to provide direct care.

(c) Inform parents when a child care staff member is providing care in the absence of the licensee.

(d) Maintain a record of the dates of licensee absences.

(e) Post the current license in a conspicuous place within the child care home during the hours of operation.

(f) Report to the department within 3 business days in the manner prescribed by the department any changes in the household composition or when any new or existing member of the household or staff has any of the following:

(i) An arrest.

(ii) A conviction.

(iii) An arraignment for an offense that if convicted would lead to that individual's ineligibility to be connected with a child care home.

(iv) Is being investigated by the department of health and human services for an allegation of child abuse or neglect.

(v) Is under court supervised parole or probation.

(vi) Was admitted to, or released from, a correctional facility.

(vii) Was admitted to, or released from, a health facility or agency that was providing mental health or substance use disorder treatment services to the individual.

(g) Notify staff of the staff's duty to report to the licensee any actions listed in this rule.

(h) Ensure all staff complete the child care home new hire training as specified in R 400.1923 and professional development training as specified in R 400.1924.

(i) Ensure that a child is released only to individuals authorized in writing by the parent.

(j) Allow parents of enrolled children who are in attendance to visit the child at the child care home at any time during hours of operation, as required in section 3a of the act, MCL 722.113a.

(k) Cooperate with the department in connection with an inspection or investigation, as required in section 10(1) of the act, MCL 722.120. Cooperation includes, but is not limited to, all of the following:

(i) Admit authorized members of the department into the approved child caring areas of the child care home and provide access to all records, individuals, and other materials necessary to determine compliance with the act and these rules.

(ii) Allow the department to perform routine investigative functions during the course of an investigation, inspection, or examination. Routine investigative functions include, but are not limited to, both of the following:

(A) Interviewing potential witnesses, such as child care staff members, members of the household, and volunteers.

(B) Taking photographs to assess and document the conditions of the child care home and its compliance with the act and these rules.

(iii) Provide accurate and truthful information to the department, and encourage witnesses to provide accurate and truthful information to the department.

(l) Ensure that all personnel, members of the household, and volunteers conduct themselves in a manner that is conducive to the welfare of children.

(m) Ensure that all personnel, members of the household and volunteers that use a controlled substance outside of child-use space that is prescribed to the individual, does not impair the individual's ability to supervise, care and protect the children in care.

(n) Have present at all times at least 1 individual who has access to and understands all of the following information:

(i) The act, these rules, and any additional communications from the department.

(ii) Child information cards.

(iii) Written directions about a child's care.

(iv) Information about food, cleaning, and chemical labels that can impact a child's well-being.

(v) Written medication directions for a child.

(vi) Information needed to effectively implement emergency procedures.

(o) Cooperate with the department by ensuring that all individuals requiring a comprehensive background check are entered into the child care background check system and processed for eligibility as required by sections 5n and 5q of the act, MCL 722.115n and 722.115q, and R 400.1919.

(p) Provide identifying information to the department in a manner as prescribed by the department on both of the following individuals who are associated with the child care license:

(i) A licensee.

(ii) An adult household member.

(q) Ensure that the personnel, volunteers, and adult members of the household do all of the following:

(i) Make an immediate verbal report to the department of health and human services, children's protective services, by telephone at 1-855-444-3911, on reasonable cause to suspect child abuse or child neglect. The verbal report must be followed by submission of the written report within 72 hours of the verbal report.

(ii) Sign and date a written statement at the time of initial license application, on hiring or before volunteering, and indicate all of the following information:

(A) The individual is aware that abuse and neglect of children is against the law.

(B) The individual is informed of the child care home's policies on child abuse and neglect.

(C) The individual knows they are mandated reporters of child abuse and child neglect and are required by law to immediately report suspected abuse and neglect to the department of health and human services and children's protective services, as described in paragraph (i) of this subdivision.

(r) Ensure that all supervised volunteers and child care assistants receive a public sex offender registry clearance by the licensee against the state sex offender registry or the national sex offender registry before having any contact with a child in care. A copy of this clearance must be maintained on file at the child care home.

(s) Have a written policy regarding screening and supervision of personnel and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any personnel or volunteer registered on either the state sex offender registry or the national sex offender registry is prohibited from having contact with any child in care.

(2) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the child care home.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1904 Rescinded.

History: 2005 AACS; 2009 AACS; 2019 AACS.

R 400.1904a Rescinded.

History: 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1904b Rescinded.

History: 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1905 Concurrent licensing.

Rule 5. (1) A licensee who is concurrently licensed as a children's foster home provider shall so inform the parents of the children in care.

(2) A licensee who provides care for both child care and foster care children shall not care for more than 12 children, including all of the following:

(a) Children who are under 17 years of age and who are related to the licensee by blood, marriage, adoption, or legal guardianship.

(b) The capacity of foster children identified on the foster care license.

(c) All other children who are cared for on a part-time or full-time basis.

(3) A licensee shall notify the department when applying for a foster care license.

(4) The department has the right to refuse concurrent licensing for child care if the health and safety of child care children could be at risk.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1906 Child care home records.

Rule 6. (1) A licensee shall maintain a file for each staff and driver that includes all of the following:

(a) The individual's first and last name, address, telephone number, and date of hire.

(b) Daily records detailing arrival times and departure times at the child care home.

(c) A statement signed by a licensed physician or the physician's designee that attests to the individual's mental and physical health must be updated as follows:

(i) For an applicant or licensee, within 1 year before issuance of the initial license and at the time of subsequent renewals.

(ii) For a child care staff member and a child care assistant, within 1 year before caring for children and at the time of subsequent renewals of the child care home's license.

(d) Other physician attestations and records as required in R 400.1933.

(e) A written statement, signed and dated by the child care staff member or child care assistant at the time of hiring, indicating all of the following information:

(i) The individual is aware that abuse and neglect of children is unlawful.

(ii) The individual knows that they are mandated by law to report child abuse and neglect.

(iii) The individual has received and read a copy of the licensee's discipline policy.

(2) The records in this rule must be retained for the duration of the individual's employment and a minimum of 2 years after the individual has left the employment of the licensee.

(3) There must be a current licensing notebook that includes all licensing inspections, special investigation reports, corrective action plans, approval letters for the last 3 calendar years, and a summary sheet outlining the documents contained in the notebook. The notebook must be in a place accessible to parents and prospective parents during the child care home's normal hours of operation, or if internet is available at the home, access may be provided through the department's electronic database of licensing records for the entity.

(4) The licensing notebook must be maintained and retained until the license is closed.

(5) The records required by the act and these rules must be retained for a minimum of 2 years or longer as specified in these rules and made available to the department on request.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1907 Child's record.

Rule 7. (1) Before a child's initial attendance, a licensee shall obtain the following documents:

(a) A completed child information card on a form provided by the department or a comparable substitute approved by the department that must be maintained on file via hard-copies at the child care home.

(b) A child in care statement or receipt using a form provided by the department and signed by the parent certifying all of the following:

(i) Receipt of a written disciplinary policy.

(ii) Condition of the child's health.

(iii) Acknowledgement that the parent was offered either a copy of the licensing rules for a child care home or given the website for an electronic copy of these rules.

(iv) Agreement as to who will provide food for the child.

(v) Acknowledgement that firearms are on the premises, if applicable.

(vi) If the child care home was built before 1978, the licensee shall inform the parents of each child in care and all personnel and volunteers of the potential presence of lead-based paint or lead dust hazards, unless the licensee maintains documentation from a lead testing professional that the child care home is lead safe.

(vii) Notice of the availability of the child care home's licensing notebook and that it contains the items described in R 400.1906 (3).

(c) Documentation that immunizations and boosters, as recommended by the department of health and human services, include any of the following:

(i) Have been completed.

(ii) Are in progress.

(iii) Are not being administered due to religious, medical, or other reasons based on a waiver signed by the parent.

(d) If a parent objects to emergency medical treatment on religious grounds, the parent shall provide a signed statement that they assume responsibility for all emergency care.

(2) Records in subrule (1) of this rule must be reviewed and updated annually or when information changes.

(3) A child care home shall keep on file at the child care home an accurate record of daily attendance at the child care home that includes each child's first and last name and each child's arrival and departure time.

(4) Children's records required by the department must be maintained on file as indicated in this rule, immediately accessible, and stored in a location known to all personnel.

(5) The records in this rule must be retained on file for a minimum of 2 years after the date a child is no longer being cared for in the child care home.

(6) A child care home that enrolls a homeless child pursuant to section 722 of the McKinney-Vento homeless education assistance improvements act of 2001, as amended by section 9102 of the every student succeeds act, 42 USC 11432,

shall not be cited for noncompliance when a homeless child is unable to produce immunization records. The licensee shall keep on file at the child care home any documentation of referring a child to the local educational agency liaison for homeless children and youths.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1908 Rule Variance.

Rule 8. (1) On written request of an applicant or licensee, the department may grant a variance from a rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department, including the conditions under which the variance was granted, must be maintained on file at the child care home.

(3) The granted variance remains in effect for as long as the licensee continues to comply with the conditions of the variance or may be time limited.

(4) Variances must not be granted from statutory requirements.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

PART 2. SPACE AND EQUIPMENT

R 400.1909 Indoor space; play equipment and materials.

Rule 9. (1) A child care home shall provide not less than 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.

(2) Only space that has received prior approval for child-use by the department may be used for child care.

(3) A variety of easily accessible activity choices must be available to a child that are safe and appropriate for a child at the child's stage of development. The number of choices must be based on the number of children who are allowed to attend the licensed child care home. All of the following apply to activity choices available:

(a) Materials may include, but are not limited to, any of the following:

(i) Books.

(ii) Art supplies.

(iii) Blocks and accessories.

(iv) Large muscle equipment.

(v) Manipulative toys.

(vi) Musical equipment.

(vii) Dramatic play materials.

(b) All materials and equipment must remain clean, free of hazards, and in good repair.

(c) Toys and other play equipment soiled by secretion or excretion must be cleaned with soap and water, rinsed, and sanitized before being used by a child.

(4) A licensee shall not use any equipment, toys, materials, or furnishings recalled or identified by the United States Consumer Product Safety Commission (CPSC) as being hazardous. These products are identified on the CPSC's website at http://www.cpsc.gov.

(5) The current list of unsafe children's products must be conspicuously posted in the child care home as an actual hard copy or electronic access to the CPSC or it's successor's list of recalled children's products, as required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.

(6) All children shall be protected from materials that could be swallowed or present a choking hazard. Toys or objects with removable parts less than 1 1/4 inches in diameter and less than 2 1/4 inches in length, and balls smaller than 1 3/4 inches in diameter are prohibited for children under 3 years of age.

(7) Trampolines and bounce houses must not be used indoors by children in care.

(8) Teething necklaces, bracelets, or beads must not be used by children in care, indoors or outdoors.

(9) Specialized equipment prohibited by these rules may be used by a child if specified in the child's individualized family service plan or individualized education program and in the manner described in the child's individualized family service plan or individualized education program.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1910 Bedding and sleeping equipment.

Rule 10. (1) All bedding and sleeping equipment must be in accordance with CPSC standards as approved for the age of the child using the equipment and be clean, comfortable, safe, and in good repair. The standards are available at http://www.cpsc.gov.

(2) All bedding and sleeping equipment must be cleaned before being used by another child.

(3) All bedding used by children must be washed when soiled and weekly at a minimum.

(4) All cribs, play yards, or portable cribs must be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the CPSC.

(5) Play yard mattresses must be purchased from the manufacturer of the play yard and be manufactured after February 19, 2014. Play yards must meet the CPSC safety standards for play yards, 16 CFR part 1221.

(6) Infants shall rest or sleep alone in an approved crib, play yard, or portable cribs. This equipment must meet all of the following requirements:

(a) Cribs, portable cribs, and play yards must comply with the standards as specified in R 400.1901a(b).

(b) A tightly fitted or snug bottom sheet must cover the crib or portable crib mattress with no additional padding placed between the sheet and the mattress.

(c) Stacking cribs must not be used.

(7) An infant's head shall remain uncovered during sleep.

(8) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant must not be placed with, under, or within reach of a resting or sleeping infant.

(9) An infant who is less than 2 months of age may be swaddled with a sleeping sack swaddle attachment.

(10) If an infant who is older than 2 months of age has a health issue or special need that requires the child to use a sleeping sack swaddle attachment, documentation of this health issue or special need from the child's healthcare provider is required. This documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

(11) Blankets must not be draped over cribs, portable cribs, or play yards while they are in use.

(12) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, portable crib, play yard, or on a cot or mat sufficient for the child's length, size, and movement.

(13) None of the following are approved sleeping equipment for children 24 months of age or younger:

(a) Infant car seats.
(b) Infant seats.
(c) Infant swings.
(d) Bassinets.
(e) High chairs.
(f) Water beds.
(g) Adult beds.
(h) Soft mattresses.
(i) Sofas.
(j) Bean bags.
(k) Other soft surfaces.

(14) Children 24 months of age or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for the children’s size and age.

(15) Children over 24 months of age shall have an individual, age-appropriate, clean, comfortable, and safe place to sleep or rest. The floor may be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1911 Telephone.

Rule 11. (1) Personnel and volunteers shall have immediate access to an operable telephone within the child care home at all times.

(2) The telephone number must be made available to the department, personnel, volunteers, and parents.

(3) The licensee shall inform the department, personnel, volunteers, and parents of any change in telephone number.

History: 2005 AACS; 2019 AACS 2019; 2026 MR 8, Eff. April 27, 2026.

R 400.1912 Outdoor play area and equipment.

Rule 12. (1) A child care home shall provide a clean, safe, and hazard free outdoor play area on the premises or within a reasonable walking distance of the child care home.

(2) The play area size must be either of the following:

(a) Not less than 400 square feet for a family child care home.

(b) Not less than 600 square feet for a group child care home.

(3) A licensee shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture that is all of the following:

(a) Appropriate to the developmental needs and interests of children.

(b) Appropriate to the number of children.

(c) Safe and in good repair.

(4) The outdoor play area and equipment must be organized to meet all of the following requirements:

(a) To separate active and quiet activities.

(b) For a clear and unobstructed view of the whole play area.

(c) To ensure that there are safe distances between equipment.

(5) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they must comply with the following:

(a) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.

(b) Be safe, in good repair, and age-appropriate.

(c) Be placed not less than 6 feet from the perimeter of other play structures or obstacles.

(6) Trampolines must not be used outdoors by children in care.

(7) Bounce houses are permissible outdoors with direct supervision by a licensee or child care staff member, and pursuant to the manufacturer's recommendations.

(8) Children in care shall not be allowed to ride all-terrain vehicles, motor bikes, go-carts, recreational, or other motorized vehicles.

(9) The outdoor play area must be protected from hazards like vehicular traffic or bodies of water by using a fence or natural barrier that does not prevent the observation of children by staff or unsupervised volunteers.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1913 Child care home maintenance and safety.

Rule 13. (1) The structure, premises, and furnishings of a child care home must be in good repair and maintained in a clean, safe, and comfortable condition.

(2) All dangerous and hazardous materials or items must be stored securely and out of the reach of children.

(3) All steps, stairs, porches, and elevated structures that children in care have access to must be protected to prevent falls and be free of ice and snow accumulation.

(4) A handrail is required for 3 or more steps, or a total rise of 24 inches or more.

(5) Parents shall be notified before pesticide or fertilizer treatments.

(6) There must be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.

(7) If the child care home was built before 1978, the licensee shall inform parents of each child in care and all personnel and volunteers in writing, before any remodeling, renovating or re-painting that could potentially disturb lead-based paint or produce lead dust. Providers are encouraged to use Environmental Protection Agency renovation, repair, and painting trained and certified individuals when remodeling child care areas to ensure lead safety for children in care.

(8) Open-flame devices and candles must not be used, except for birthdays or religious celebrations, and must be inaccessible to children and extinguished when done.

(9) Alcohol, tobacco products, marijuana and marijuana products, vaping products, and any controlled substance must be stored securely and be inaccessible to children.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1914 Water supply; sewage disposal; water temperature.

Rule 14. (1) The water supply must be from a municipal water supply or an onsite well approved by the local health department.

(2) All sewage must be disposed of through a public system or, in the absence thereof, in a manner approved by the local health department.

(3) A child care home shall have a minimum of 1 flush toilet and 1 handwashing sink with hot and cold running water.

(4) Hot water temperature must not exceed 120 degrees Fahrenheit at water faucets accessible to children.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1915 Heating; ventilation; lighting; radon.

Rule 15. (1) Each room that is used by children in care must have adequate ventilation and be maintained at a safe and comfortable temperature so children do not become overheated, chilled, or cold. Both of the following apply:

(a) The indoor temperature must be not less than 65 degrees Fahrenheit at a point 2 feet above the floor.

(b) Measures must be taken to cool the children when the indoor temperature exceeds 82 degrees Fahrenheit.

(2) Windows and doors that are used for ventilation must be screened and in good repair.

(3) An operational carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory, such as Underwriters Laboratories or Electrotechnical Laboratory, must be placed on all levels approved for child care.

(4) A licensee shall test the child care home for the concentration of radon gas before the initial license is issued and every 4 years at the time of license renewal.

(5) The lowest level of the child care home must not have levels of radon gases that exceed 4 picocuries per liter of air, except as provided in subrule (6) of this rule. Documentation of the results must be maintained on file in the child care home.

(6) If the levels of radon gases exceed 4 picocuries per liter of air in the lowest level of the child care home, the licensee shall notify the parents of children in care and have a radon mitigation system installed. The licensee has up to 12 months after the date of the first measurement to meet the standard in subrule (5) of this rule.

(7) All child-use areas must have adequate natural or artificial lighting.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1916 Firearms.

Rule 16. (1) All firearms must be unloaded and properly stored in a secure, safe, locked environment inaccessible to children during hours of operation or while children are in care at a child care home. A secure and locked environment means a locked commercial gun safe, or a trigger lock installed and locked according to the manufacturer's recommendations to prevent discharge.

(2) Ammunition must be stored in a separate locked location inaccessible to children during hours of operation or while children are in care at a child care home.

(3) Firearms must not be traded or sold on the premises during hours of operation or while children are in care.

(4) Law enforcement officers who are required to keep their firearms loaded and ready for use at all times, may do so, as long as the firearm is inaccessible to children.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1917 Animals and pets.

Rule 17. (1) A licensee shall notify parents of any animals and pets in the child care home.

(2) Animals and pets that are potentially aggressive or in poor health shall be separated from children in care at all times.

(3) Children having contact with animals and pets shall be supervised by a child care staff member who is physically close enough to remove a child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.

(5) Litter boxes, pet food, pet dishes, and pet toys must be inaccessible to children.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1918 Smoking or vaping.

Rule 18. (1) Smoking and vaping must not occur in any of the following situations:

(a) On the premises of the child care home during hours of operation.

(b) On field trips with children in care.

(c) In vehicles when children in care are present.

(2) The child care home shall post a notice in a place accessible and visible to parents, personnel, volunteers, and visitors stating that smoking and vaping are prohibited on the premises of the child care home during hours of operation.

(3) The child care home shall notify parents if smoking or vaping occurs on the premises of the child care home when children are not in care.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

PART 3. STAFFING

R 400.1919 Comprehensive background check; fingerprinting.

Rule 19. (1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual having any unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:

(a) A licensee.

(b) An adult member of the household.

(c) A child care staff member.

(d) An unsupervised volunteer.

(2) An applicant or licensee shall do all of the following:

(a) Ensure that each individual who requires an eligibility determination pursuant to subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the department's website for the child care background check system, www.michigan.gov/ccbc. The form or forms must be signed and dated before the individual's appointment to be fingerprinted.

(b) Maintain a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.

(c) Provide the department, on request, a copy of the individual's completed and signed form or forms.

(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.

(e) Within the department's child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.

(f) Immediately disconnect each individual from the system once they are no longer a licensee, adult member of the household, child care assistant, child care staff member, or an unsupervised volunteer under the license.

(3) An individual may serve as a child care staff member pending an eligibility determination by the department, in accordance with section 5n(8) of the act, MCL 722.115n, and shall be supervised at all times by the licensee or a child care staff member who is determined eligible.

(4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:

(a) Prohibit the individual from being on the premises of the child care home.

(b) Prohibit the individual from having any contact with children in care.

(c) Disconnect the individual from the child care background check system.

(5) An individual who requires a comprehensive background check pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:

(a) Full legal name.

(b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.

(c) Suffix, if applicable.

(d) Social Security number.

(e) Date of birth.

(f) Place of birth.

(g) Country of citizenship.

(h) Height.

(i) Weight.

(j) Hair color.

(k) Eye color.

(l) Sex.

(m) Race.

(n) Current address.

(o) If the individual resided outside this state during the last 5 years, provide each of those addresses.

(p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.

(q) Phone number.

(r) Email address, if available.

(s) Other information determined reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

(6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent allowed by law.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1920 Child care staff member; employment requirements.

Rule 20. (1) An individual who is employed as a child care staff member in a child care home shall be 16 years of age or older, pursuant to section 1 of the act, MCL 722.111.

(2) Before contact with children, the individual shall be determined by the department to be eligible to serve as a child care staff member, pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, and as required by R 400.1919.

(3) Before caring for children at a child care home, an individual shall provide the licensee both of the following:

(a) A valid certification in pediatric, infant, child, and adult CPR.

(b) A valid certification in pediatric first aid.

(4) A child care staff member shall conduct themselves in a manner that is conducive to the welfare of children and be able to meet the needs of children and provide for the children's care, supervision, and protection.

(5) A child care staff member may substitute for the licensee pursuant to R 400.1903(1)(b).

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1921 Child care assistant; requirements.

Rule 21. (1) A child care assistant shall be 14 to 15 years of age.

(2) Before contact with children, the individual shall be determined by the department to be eligible to serve as a child care assistant, as required by R 400.1903(1)(r) and R 400.1903(1)(s).

(3) Within 90 days of hire, a child care assistant shall provide the licensee both of the following:

(a) A valid certification in pediatric, infant, child, and adult CPR.

(b) A valid certification in pediatric first aid.

(4) A child care assistant shall be supervised directly at all times by the licensee or a child care staff member who is present on-site and can observe the child care assistant.

(5) A child care assistant shall conduct themselves in a manner that is conducive to the welfare of children.

(6) A child care assistant shall not substitute for the licensee or a child care staff member.

(7) A child care assistant shall not drive a vehicle that is transporting children.

(8) The licensee is responsible for the actions of a child care assistant who has contact with or access to children who are cared for in a child care home.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

Editor's Note: An obvious error in R 400.1921 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The

rule containing the error was published in Michigan Register, 2026 MR 8. The memorandum requesting the correction was published in Michigan Register, 2026 MR 9.

R 400.1922 MiRegistry.

Rule 22. (1) Within 30 calendar days after employment, all staff shall have an individual MiRegistry account and have a non-expired MiRegistry membership status that would include materials submitted, received, awaiting print, or current.

(2) Within 30 calendar days after employment, all staff shall have a verified program organization employment entry in MiRegistry.

(3) Verification of the qualifications of all staff must be maintained on file at the child care home 2 years after effective date of this rule, after which qualifications must be verified in MiRegistry.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1923 Child care home new hire training.

Rule 23. (1) All staff shall participate in the child care home's new hire training within 90 days after being present at the child care home and before caring for children unsupervised.

(2) The child care home's new hire training must include all of the following areas:

(a) The prevention of shaken baby syndrome.

(b) The prevention of sudden infant death syndrome and use of safe sleep practices.

(c) The prevention of abusive head trauma.

(d) The prevention of child maltreatment.

(e) The recognition and reporting of child abuse and neglect.

(f) The prevention and control of infectious diseases, including immunizations.

(g) Emergency preparedness and response planning as described in R 400.1939.

(h) Administration of medication.

(i) Prevention of and response to emergencies due to food and allergic reactions as provided in R 400.1937.

(j) Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.

(k) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(l) Precautions in transporting children if the child care home provides transportation with children at any time.

(m) Child development, including the major domains of cognitive, social, emotional, physical development, and approaches to learning.

(n) Pediatric first aid and pediatric, infant, child, and adult CPR, unless the new staff presents a valid certification pursuant to R 400.1920(3)(a), R 400.1920(3)(b), R 400.1921(3)(a), and 400.1921(3)(b).

(3) Until a staff member has completed the new hire training, the staff is supervised by the licensee or child care staff member who has completed the new hire training.

(4) Verification of all training required by this rule must be maintained on file at the child care home until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1924 Professional development.

Rule 24. (1) A licensee shall complete not less than 10 clock hours of professional development each calendar year related to any of the following:

(a) Child development.

(b) Caring for children.

(c) Program planning.

(d) Administrative management for a child care business.

(e) Updates to topics covered in R 400.1923.

(2) Personnel, not including the licensee, shall complete not less than 5 clock hours of professional development each calendar year related to any of the following:

(a) Child development.

(b) Caring for children.

(c) Updates to topics covered in R 400.1923.

(3) An unsupervised volunteer shall complete not less than 1 hour of professional development each calendar year related to all of the following:

(a) Child development.

(b) Caring for children.

(c) Updates to topics covered in R 400.1923.

(4) A driver shall complete not less than 1 hour of professional development each calendar year related to all of the following:

(a) Caring for children.

(b) Transportation.

(c) Updates to topics covered in R 400.1923.

(5) Staff may count CPR and first aid certification hours toward the professional development hours in the calendar year taken.

(6) Training hours may include completion of any of the following:

(a) Sessions offered by community groups, faith-based organizations, and child care home associations.

(b) Trainings, workshops, seminars, and conferences on early childhood, child development, or child care administration offered by early childhood organizations.

(c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.

(d) Online courses.

(e) Training and courses offered through MiRegistry.

(7) Verification of all professional development required by this rule must be maintained on file at the child care home until 2 years after the effective date of this rule, after which professional development must be reflected as verified in MiRegistry. Completion of the required training must be verified by a document, signed by the trainer or an authorized individual, which must be maintained on file or available online at MiRegistry.

(8) Pediatric first aid and pediatric, infant, child, and adult CPR certification must be maintained according to the expiration dates on the individual's certification cards.

(9) The department may require additional training for violations based on the act or these rules. The additional training may include, but is not limited to, the safe sleep training available on MiRegistry or attending another orientation session conducted by the department.

(10) Two years after the effective date of this rule, all training to meet professional development requirements must be approved in MiRegistry.

(11) When the department publishes a notice that a new health and safety update document or a new health and safety update training activity was published on MiRegistry, the licensee shall ensure that all applicable personnel and unsupervised volunteers read and acknowledge the document or complete the activity within the timeframe indicated on the notice.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1925 Capacity.

Rule 25. (1) The licensee shall ensure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the child care home is licensed, not more than 6 children for a family child care home and not more than 12 children for a group child care home.

(2) The licensee may request from the department an increased capacity to 7 for a family child care home and 14 for a group child care home after satisfying all of the following criteria:

(a) Holds a current license.

(b) Was licensed to operate for not less than 29 consecutive months.

(c) Has received 1 or more unrelated minor children for care and supervision during the licensed period.

(d) Has received a renewed regular license after not less than 29 months of licensed operation.

(3) This rule is not subject to the variance specified in R 400.1908.

History: 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1926 Rescinded.

History: 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1927 Ratio of staff to children in family child care homes.

Rule 27. (1) The ratio of staff to children present in the family child care home and during transportation at any 1 time must be not less than 1 member of the staff to 6 children. The ratio must include both of the following:

(a) All children in care who are not related to any staff members.

(b) Any child under school-age related to the licensee, child care staff member, child care assistant, unsupervised volunteer, or member of the household by blood, marriage, or adoption.

(2) The ratio may increase to 1 staff member to 7 children if the licensee is approved for an increased capacity as described in R 400.1925(2).

(3) For each staff member, not more than 4 children shall be under the age of 24 months, with not more than 2 of the 4 children under the age of 12 months.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1928 Ratio of staff to children in group child care homes.

Rule 28. (1) The ratio of staff to children present in the group child care home and during transportation at any 1 time must be not less than 1 member of the staff to 6 children. The ratio must include both of the following:

(a) All children in care who are not related to any staff members.

(b) Any child under school-age related to the licensee, child care staff member, child care assistant, unsupervised volunteer or member of the household by blood, marriage, or adoption.

(2) The ratio may increase to 1 staff member to 7 children if the licensee is approved for an increased capacity as described in R 400.1925(2).

(3) During before and after school hours only group child care homes may accommodate up to 3 school-age children with a maximum staff to child ratio of 1 staff member to 9 children or 1 staff member to 10 children, if the licensee is approved for an increased capacity as described in R 400.1925(2).

(4) For each staff member, not more than 4 children shall be under the age of 24 months, with not more than 2 of the 4 children under the age of 12 months.

History: 2026 MR 8, Eff. April 27, 2026.

Editor's Note: An obvious error in R 400.1928 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2026 MR 8. The memorandum requesting the correction was published in Michigan Register, 2026 MR 9.

R 400.1929 Care; supervision; children.

Rule 29. (1) A licensee shall ensure appropriate care and supervision of children at all times, including during transportation.

(2) A licensee or a child care staff member shall be present in the home at all times when children are in care.

(3) A licensee and child care staff members shall be up and awake at all times when children are in care, except as provided in R 400.1944(2) of these rules.

(4) Staff shall know the location of each child at all times.

(5) Staff shall never leave a child unattended or with a minor in a vehicle.

(6) A licensee or child care staff member shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1930 Infant; child; resting; sleeping; supervision.

Rule 30. (1) Infants shall be placed on their backs for resting and sleeping.

(2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, shall be placed on their backs when found in another position.

(3) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs but allowed to adopt whatever position they prefer for sleeping.

(4) If a child has a health issue or a special need that requires the child sleep in an alternate position or in something other than a crib, portable crib, or play yard for infants and toddlers, or cot or mat for toddlers, documentation from the child's healthcare provider is required. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner and include an anticipated end date.

(5) Staff shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress, except as provided in R 400.1944.

(6) Video surveillance equipment and baby monitors must not be used in place of subrule (5) of this rule.

History: 2026 MR 8, Eff. April 27, 2026.

PART 4. GENERAL HEALTH AND SAFETY

R 400.1931 Medication; administration; procedures.

Rule 31. (1) Medication, prescription or nonprescription, must be given to a child in care by a licensee or a child care staff member only. A child care assistant or supervised volunteer shall not give medication to a child in care.

(2) Medication, prescription or nonprescription, must be given or applied only with prior written permission from a parent.

(3) All medication must be in the original container, stored according to instructions, and clearly labeled for a named child.

(4) Prescription medication must have the pharmacy label indicating the physician's name, child's first and last name, instructions, and name and strength of the medication, and be given in accordance with those instructions.

(5) All medication must be stored out of the reach of children and returned to the child's parent when the parent determines it is no longer needed or when it has expired.

(6) A licensee or child care staff member shall give or apply prescription or non-prescription medication according to the directions on the original container unless otherwise authorized by a written order of the child's physician or healthcare professional.

(7) A record of the date, time, and the amount of all medication given or applied must be maintained on a form provided by the department or a comparable substitute approved by the department.

(8) Topical nonprescription medication, including, but not limited to, sunscreen, insect repellant, and diaper rash ointment, is exempt from subrules (1) and (7) of this rule.

(9) The records required in this rule must be retained for a minimum of 2 years.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1932 Biocontaminants.

Rule 32. A child care home shall use standard precautions regarding prevention, exposure, and disposal of biocontaminants.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1933 Communicable disease; immunization; mental and physical health; physician attestation.

Rule 33. (1) An applicant shall obtain a written statement, signed by a licensed physician or healthcare professional, or the healthcare professional's designee, within 1 year before issuance of the initial license, that attests to the applicant's mental and physical health. The attestation must be renewed at the time of subsequent license renewals.

(2) A licensee shall obtain from a child care staff member and a child care assistant a written statement, signed by a licensed physician, or the licensed physician's designee, within 1 year before caring for children, that attests to the child care staff member's or child care assistant's mental and physical health. The attestation must be renewed at the time of subsequent renewals of the child care home's license.

(3) An individual who lives in a child care home or cares for children in a child care home, who has a suspected or confirmed case of a communicable disease, shall not come into contact with children in the home's care. Communicable disease includes, but is not limited to, any of the following:

(a) Tuberculosis.

(b) Influenza.

(c) Measles.

(d) Whooping cough.

(e) Strep throat.

(f) Scarlet fever.

(g) Chicken pox.

(4) If immunizations, as recommended by the department of health and human services, have not been given or completed for all minors who live in the child care home, the licensee shall inform the parent of each child in care at the child care home and all personnel.

(5) The documents required in this rule must be retained by the licensee for a minimum of 2 years after the date the individual no longer resides in or cares for children in the child care home.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1934 Water hazards; water activities.

Rule 34. (1) A licensee shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond, or other body of open water located on or adjacent to the property where the child care home is located. These barriers must be a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to these areas.

(2) A hot tub or spa pool must not be used when children are in care.

(3) A hot tub or spa pool, whether indoors or outdoors, must be made inaccessible to children in care by the use of a locked hard cover.

(4) A wading pool may be used when all of the following requirements are met:

(a) It is clean and free of debris.

(b) It is emptied and cleaned after each play period or immediately when it becomes dirty or contaminated.

(c) It remains empty at all times when not in use.

(5) Before use of a residential pool or another body of water by children in care, a licensee shall ensure that the water is clean, safe, and sanitary, and that the children are appropriately and adequately supervised.

(6) Public swimming areas may be used only if a lifeguard is present.

(7) If there are 2 groups of children, 1 group in the water and 1 group out of the water, the staff to child ratios, as required in R 400.1927, must be maintained for each group, with the exception that the staff to child ratio for children under 3 years of age who are in the water must be 1-to-1 at all times.

(8) Rescue equipment must be readily accessible at all times.

(9) A working telephone must be immediately accessible in the water activity area.

(10) A licensee shall obtain and keep on file written permission from a child's parent for the child's participation in either of the following:

(a) Before each outdoor water activity at a swimming pool, lake, or other body of water off the child care home premises.

(b) Once per season for water activities occurring on the child care home premises.

(11) The emergency plan in R 400.1939 must include procedures for water emergencies.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1935 Diapering and toilet learning.

Rule 35. (1) Diapering of infants and toddlers must only occur in a designated changing area.

(2) The designated changing area must comply with all of the following:

(a) Be used exclusively for changing wet or soiled diapers or underwear.

(b) Be located away from food preparation and meal service areas.

(c) Have access to a hand washing sink that is not used for food preparation.

(d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.

(e) Be cleaned and disinfected after each use.

(f) Have diapering and changing supplies within easy reach.

(g) Have a plastic-lined, tightly covered container that is used exclusively for disposable diapers and diapering supplies that must be emptied, cleaned, and disinfected at the end of each day.

(3) Diapers or training pants must be changed when wet or soiled.

(4) Only single use disposable wipes or other single use cleaning cloths must be used to clean a child during the diapering or toileting process.

(5) All of the following requirements apply when cloth diapers or training pants are used:

(a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers or training pants.

(b) Diapers, training pants, and outer coverings must not be reused until machine washed and sanitized.

(c) No rinsing of the contents may occur at the child care home.

(d) Soiled diapers must be placed in a plastic-lined, covered container used only for that child’s soiled diapers.

(e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate other items and must not be accessible to children.

(f) A child’s parent shall remove soiled diapers or training pants from the child care home every day.

(g) A child’s supply of clean diapers or training pants must be used only for that child.

(6) Toilet learning must be planned cooperatively between the parent and the licensee so the toilet routine established is consistent.

(7) If toilet learning equipment such as potty chairs and modified toilet seats are used, both of the following apply:

(a) They must be able to be easily cleaned and disinfected.

(b) Potty chairs must be cleaned and disinfected after each use.

(8) If disposable gloves are used, they must only be used once for a specific child and must be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1936 Hand washing.

Rule 36. (1) All personnel and volunteers shall wash their hands appropriately and at all of the following times:

(a) On arrival for the workday.

(b) Before caring for children.

(c) Before and after preparing and serving food, eating, and feeding.

(d) Before and after giving medication.

(e) After each diapering.

(f) After using the toilet or helping a child use the toilet.

(g) After handling bodily fluids, such as mucus, blood, vomit, from sneezing, wiping, and blowing noses, from mouths, or from sores.

(h) After handling animals and pets and cleaning cages.

(i) After cleaning or handling garbage.

(j) When soiled.

(2) Personnel and volunteers shall ensure that children wash their hands at all of the following times:

(a) Before and after meals, snacks, or food preparation experiences.

(b) After toileting or diapering.

(c) After contact with any bodily fluids.

(d) After playing in sand or water.

(e) After handling animals and pets.

(f) When soiled.

(3) Hand sanitizers containing not less than 60% alcohol or single-use wipes may be used as a temporary measure during outings, such as field trips and outdoor activities, until soap and running water are available.

(4) When an infant is too heavy to hold for handwashing, cannot stand safely to wash hands at a sink, is not developmentally ready to hold their head up, and for children with a disability who are not capable of washing their own hands, staff may wash the child's hands with non-toxic disposable wipes.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1937 Food allergy plan.

Rule 37. (1) A written plan for the prevention of and response to emergencies due to food and allergic reactions must be developed and implemented to include a child care plan, prevention measures, and emergency procedures.

(2) The child's care plan must include all of the following, at a minimum:

(a) The child's name with a list of the child's food allergies.

(b) The names, doses, and methods of medication administration the child must receive in response to a reaction.

(c) Training on the recognition of the child's allergic reaction.

(3) The child's care plan must be taken on field trips.

(4) The prevention measures must include all of the following, at a minimum:

(a) Notify the parents of all children in the child care home to avoid bringing in foods to the child care home with the known allergen.

(b) Post the child's name and known food allergy prominently in the child care home, on parent approval.

(c) Train staff on the symptoms of anaphylaxis.

(d) Prevent food sharing between children.

(5) The emergency procedures must include all of the following, at a minimum:

(a) Promptly and properly administer medications in an event of an allergic reaction according to the instructions in the child's care plan.

(b) Contact emergency medical services immediately if any child has a serious allergic reaction, new suspected serious allergic reaction occurs with any child, or whenever epinephrine is administered, even if the child appears to have recovered from the allergic reaction.

(c) Notify parents or guardians immediately of any suspected allergic reactions, the ingestion of the problem food, or contact with the problem food, even if a reaction did not occur.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1938 Food preparation and service.

Rule 38. (1) A licensee shall ensure that all of the following requirements are met:

(a) Each child shall be provided with nutritional and sufficient meals and snacks that meet the requirements for meals of the child care component of the USDA Child and Adult Care Food Program, as referenced in 7 CFR 226.20. This subrule does not apply to children whose parents provide their food.

(b) Children shall be offered food at intervals as individually appropriate, but not to exceed more than 4 hours unless the child is asleep.

(c) Drinking water must be available at all times.

(2) A licensee shall ensure that food is prepared, served, and stored in a safe and sanitary manner by meeting all of the following requirements:

(a) Food served to children individually or family style must be discarded at the end of the meal if not eaten.

(b) Prepared food that has not been served to individuals or placed in family-style containers must be properly cooled, if applicable, and promptly covered and stored appropriately.

(c) Children under 3 years of age shall not be served or allowed to eat foods that could easily cause choking including, but not limited to, popcorn and uncut round foods such as grapes, seeds, nuts, hard candy, and hot dogs.

(3) If a parent has agreed to provide the food, the licensee shall have a written agreement with the parent and is responsible for providing adequate food if the parent does not.

(4) Food brought by parents must be labeled with the child's first and last name and, if perishable, be refrigerated, and be fed only to the child for whom the item is labeled.

(5) A licensee shall inform parents if home canned foods are served.

(6) Unpasteurized products must not be used.

(7) Children shall be encouraged to taste new foods, but not be required to eat anything they do not want.

(8) Bottles used for feeding must be labeled with the child's first and last name and date, be refrigerated, and served only to the child on the label.

(9) Warming bottles and beverage containers in a microwave oven or a slow cooker is prohibited.

(10) Bottle warmers must be placed where children cannot access them or reach the cords for the warmers.

(11) Bottle warmers must be shut off when not in use.

(12) The contents of a bottle used for feeding for a period that exceeds 1 hour after the beginning of the feeding, or unrefrigerated for 1 hour or more, must be discarded.

(13) Children shall not have beverage or food containers when they are in bed or when they are walking around or playing.

(14) The propping of bottles is prohibited.

(15) Breastfeeding must be supported by making reasonable accommodations for a mother who chooses to breastfeed her child at the child care home.

(16) A child shall not be held while removing a bottle from the bottle warmer.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1939 Emergency preparedness and response planning procedures.

Rule 39. (1) An applicant or licensee shall develop and implement a written emergency response plan and procedures for the care of children for all of the following emergencies:

(a) Fire.

(b) Tornado watches and warnings.

(c) Serious accident or injury.

(d) Water emergencies, if applicable.

(e) Floods.

(f) Power outages.

(g) Extreme weather.

(h) Other natural or man-made disasters.

(i) Bomb threats and other man-made emergencies.

(j) Intruders or active shooters.

(2) The written plan and procedures must include all of the following, as applicable to the type of emergency:

(a) A plan for evacuation.

(b) A plan for safely moving children to a relocation site.

(c) A plan for shelter-in-place.

(d) A plan for lockdown.

(e) A plan for contacting parents and reuniting families.

(f) A plan for continuing operations during and after an emergency.

(g) A plan for how infants and toddlers will be accommodated in all types of emergencies.

(h) A plan for how children with a disability will be accommodated in all types of emergencies.

(i) A plan for how children with chronic medical conditions will be accommodated in all types of emergencies.

(3) A hard copy of the plans must be posted as indicated below:

(a) The plans required by subrules (1)(a) to (e) of this rule must be posted in a place visible to personnel, volunteers, and parents.

(b) The plans required by subrules (1)(f) to (i) of this rule must be maintained in a place known and easily accessible to personnel, volunteers, and parents.

(c) The plan required by subrule (1)(j) of this rule must be maintained in a place known and easily accessible to personnel and volunteers.

(4) Training on the written plan and procedures for emergencies in subrule (1) of this rule must occur in the timeframe indicated in R 400.1923(1).

(5) A licensee shall inform all staff of the overall emergency response plan and of the licensee's individual duties and responsibilities if an emergency specified in subrule (1) of this rule occurs.

(6) All personnel and volunteers present at the child care home shall be trained on and participate in the drills held during the personnel and volunteer's presence at the child care home.

(7) Fire drills, using smoke detectors as the alarm, must be practiced while children are in care not less than every 3 months.

(8) Not less than 2 tornado drills must be practiced while children are in care between March and November.

(9) Drills for emergency plans not listed in subrules (7) and (8) of this rule, must be conducted annually.

(10) A written log indicating the date and time of each drill including the time taken for an evacuation, as applicable to the emergency, must be maintained on file at the child care home pursuant to R 400.1906(5).

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1940 Parent notification required; incidents; accidents; illness; disease; isolation.

Rule 40. (1) A licensee shall promptly report to a child's parent both of the following:

(a) Any incidents, accidents, suspected illness, or other changes observed in the health of a child.

(b) A child who is exposed to a communicable disease so the child may be observed for symptoms of the disease.

(2) A licensee shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.

(3) Bedding, toys, utensils, toilets, and lavatories, used by an individual who is ill, must be appropriately cleaned and sanitized before being used by another individual.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1941 Department notification required; incidents; injury; accident, illness, death, or fire.

Rule 41. (1) A licensee shall make a verbal, electronic, or email report to the department within 24 hours of the occurrence of any of the following:

(a) A child is lost or left unsupervised.

(b) An incident involving inappropriate contact or an allegation of inappropriate contact.

(c) A serious injury of a child.

(d) A fire on the premises of the child care home that requires the use of fire suppression equipment or results in loss of life or property.

(e) The child care home is evacuated for any reason.

(2) If a child in care dies, a licensee shall do both of the following:

(a) Immediately report it, in-person or via phone, directly to the child's parent.

(b) Report it to the department within 24 hours, via phone.

(3) A licensee shall make a verbal, electronic, or email report to the department within 24 hours of notification by a parent that a child received medical attention or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.

(4) A licensee shall submit a written or electronic report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a manner as prescribed by the department, within 72 hours of the verbal or electronic report to the department.

(5) A licensee shall keep a copy of the report on file for a minimum of 2 years.

History: 2005 AACS; 2009 AACS 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

PART 5. PROGRAM AND CARE

R 400.1942 Discipline.

Rule 42. (1) A licensee shall develop, implement, and have on file a written policy regarding the age-appropriate, non-severe discipline of children.

(2) Developmentally appropriate positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.

(3) Personnel and volunteers shall not do any of the following:

(a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment on a child.

(b) Use any substance in a child's mouth including, but not limited to, soap, hot sauce, or vinegar.

(c) Restrict a child's movement by binding or tying the child.

(d) Inflict mental or emotional stress on a child, such as humiliating, shaming, threatening a child, or using derogatory remarks.

(e) Deprive a child of meals, snacks, rest, or necessary toilet use.

(f) Exclude a child from outdoor play or other gross motor activities. This does not prohibit redirecting a child during these activities as a strategy that helps prevent challenging behaviors before they escalate or continue.

(g) Exclude a child from daily learning experiences.

(h) Isolate a child in an adjacent room, closet, locked room, box, hallway, darkened area, play area, or another area where the child cannot be seen or supervised.

(4) Time out must only be used in combination with instructional approaches that teach children what to do in place of the behavior problem and must adhere to the following requirements:

(a) Time out must not be used for children under 3 years of age.

(b) Staff shall remain calm when placing the child in time out.

(5) A non-severe and developmentally appropriate restraint for an enrolled child with special behavioral or mental health issues may be used when reasonably necessary, based on a child's development, to prevent a child from harming themselves or to prevent a child from harming other individuals or property, excluding those forms of punishment prohibited by subrule (3) of this rule. The plan for when the restraint should be initiated, the actual use of the restraint such as holding the child as gently as possible, and timed use of the restraint, must be developed in collaboration with the parent or guardian with the parent or guardian giving final approval of the plan.

(6) This rule is not subject to the variance specified in R 400.1908.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1943 Daily activity program.

Rule 43. (1) Staff shall engage in positive interactions with children. For infants and toddlers, interactions include, but are not limited to, both of the following:

(a) Nurturing contact, such as talking to, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.

(b) Promptly responding to a child's cries and other signs of distress.

(2) A licensee shall plan daily activities so that each child may do any of the following:

(a) Develop and use language.

(b) Develop and use large and small muscles.

(c) Use materials and take part in activities that encourage creativity.

(d) Learn new ideas and skills.

(e) Participate in imaginative play.

(f) Rest, sleep, or both.

(3) All of the following developmentally appropriate opportunities must be provided daily:

(a) A balance of active and quiet play, group and individual activities.

(b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise ordered by a healthcare provider.

(c) Early language and literacy experiences throughout the day accumulating for not less than 30 minutes.

(d) Early math and science experiences.

(4) Media must be limited to not more than 2 hours per day and to programs designed for children's education, enjoyment, or both. Other activities must be available to children during television and movie viewing.

(5) Media with violent or adult content, including soap operas, must not be allowed in child-use space while children are in care.

(6) Media used by children in care must be suitable to the age of the child in terms of content and length of use.

(7) For children with a disability, a licensee shall work with the parents, medical personnel, or other relevant professionals to provide care in accordance with the child's identified needs and learning supports.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1944 Nighttime care.

Rule 44. (1) In a child care home where children are in care between the hours of midnight and 5 a.m., not more than 2 adjoining floor levels may be used at any 1 time for children in care who are sleeping.

(2) If child care staff members and children in care are sleeping, at least 1 child care staff member shall be on the same floor level as the sleeping children.

(3) Child care homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.

(4) If nighttime care is provided for more than 1 hour, children shall sleep in age-appropriate cribs, portable cribs, mats, cots, or beds. Play yards are not allowed for nighttime care.

(5) A child shall be allowed to go back to sleep when dropped off during any nighttime care hours.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

PART 6. FIRE SAFETY

R 400.1945 Heat-producing equipment.

Rule 45. (1) All fuel-fired and heat-producing equipment must be maintained in a safe condition and shielded to protect against burns. This subrule applies to all of the following:

(a) A furnace.

(b) A water heater.

(c) A fireplace.

(d) A radiator and pipes.

(e) Wood burning equipment.

(2) Combustible materials and equipment must not be stored within 3 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.

(3) Portable heating devices must not be used when children are in care.

(4) Furnaces, other flame or heat-producing equipment used to heat the child care home when children are in care, and fuel-fired water heaters must be inspected by 1 of the following entities:

(a) A licensed heating contractor for a fuel-fired furnace.

(b) A licensed heating contractor or licensed plumbing contractor for a fuel-fired water heater.

(c) A mechanical inspector for the local jurisdiction or licensed mechanical inspector for a wood stove or other solid fuel appliance.

(5) The inspection specified in subrule (4) of this rule must be conducted before the initial license is issued and every 4 years at the time of license renewal.

(6) For outdoor wood stoves or open-air wood boilers, the initial installation inspection by a local heating or mechanical inspector must meet the requirements of this rule.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1946 Electrical service; maintenance.

Rule 46. (1) The electrical service of a child care home must be maintained in a safe condition. When warranted, an electrical inspection by an electrical inspecting authority may be required.

(2) All electrical outlets, including outlets on multiple outlet devices, accessible to children must have safety covers or be tamper resistant outlets.

(3) Electrical cords must be arranged so they are not hazardous to children.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1947 Exit requirements for each floor level used by children.

Rule 47. (1) A child care home shall have not less than 2 remotely located exits for every floor level occupied by children.

(2) At least 1 exit from each floor level must provide a direct, safe means of unobstructed travel to the outside at street or ground level.

(3) A window may be used as a second exit if it complies with all of the following:

(a) Is accessible to children, personnel, and volunteers.

(b) Is clearly identified.

(c) Can be readily opened.

(d) Is of a size and design to allow for the evacuation of all children, personnel, and volunteers.

(4) If a level of a child care home that is above the second floor is used for children in care, the building must be of 1-hour-fire-resistive construction and have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings must be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

(5) All exits must be unobstructed and accessible at all times that children are in care.

(6) The means of egress must be adequately lit at all times that children are in care.

(7) Doors located in a required path of escape must be readily openable from the side of egress without the use of a key or special knowledge. Double cylinder locks, key-operated locks, and similar devices are not allowed on any door in a required path of escape.

(8) Interior door hardware must be designed to allow opening from the outside during an emergency if locked.

(9) All closet door latches must be of the design so that children can open the door from inside the closet.

(10) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor must not be used by children in care.

(11) For a basement window exit that is over 44 inches above floor level and approved before January 1, 2006, only steps and platforms must be used to access the window exit, and they must be permanently secured to the wall or floor. Ladders must not be used as a means for exiting.

(12) An emergency escape window to the outside is required for basements approved for child-use after January 1, 2006. All of the following provisions apply:

(a) The total unobstructed window area for egress must be not less than 5 square feet.

(b) The unobstructed opening must be not less than 20 inches wide.

(c) The unobstructed opening must be not less than 24 inches high.

(d) The bottom of the opening must be not more than 44 inches above the floor.

(e) If the sill height is below grade, it must open into a window well with not less than 9 square feet of area, 3 feet in length and 3 feet in width. The area of the window well must allow the emergency escape window to be fully opened. If the well depth is over 44 inches, it must have permanently affixed steps that are approved by the local building inspector.

History: 2026 MR 8, Eff. April 27, 2026.

R 400.1948 Smoke detectors; fire extinguishers.

Rule 48. (1) Operable smoke detectors approved by a nationally recognized testing laboratory must be installed and maintained on each floor of the child care home, including the basement, and in all sleeping areas and bedrooms used by children in care.

(2) Heat detectors may be utilized in kitchens.

(3) A child care home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level approved for child-use.

History: 2026 MR 8, Eff. April 27, 2026.

PART 7. TRANSPORTATION

R 400.1951 Transportation.

Rule 51. (1) A vehicle used to transport children in care must be maintained in a good and safe working condition.

(2) A licensee shall ensure that the driver of a vehicle transporting children is an adult, who has a valid driver's license, valid vehicle registration, and proof of current automobile insurance.

(3) A licensee shall notify the parents in advance when drivers other than child care staff members are used to transport children.

(4) If the driver will have unsupervised access to children or counted in child to staff ratios, the driver shall complete a comprehensive background check and be determined eligible by the department in compliance with section 5n of the act, MCL 722.115n.

(5) Each child passenger restraint device and each safety belt must be installed, anchored, and used according to the manufacturer's specifications and must be maintained in a safe working condition.

(6) The transportation of all children must be conducted pursuant to state law.

(7) Each child transported shall remain seated and properly restrained by a child passenger restraint device appropriate for the child’s age. The manufacturer's rated seating capacity for the vehicle must not be exceeded.

(8) A licensee shall provide a driver with a copy of the child information card, or comparable facsimile, for each child being transported in a vehicle.

(9) The driver of each vehicle transporting children shall carry in the vehicle and be familiar with the contents of a first aid kit. The first aid kit must contain, at a minimum, all of the following:

(a) Adhesive tape.

(b) Bandages of assorted sizes.

(c) Cold pack.

(d) Disposable gloves.

(e) Gauze pads and roller gauze of assorted sizes.

(f) Hand sanitizer.

(g) Plastic bags.

(h) Scissors and tweezers.

(i) Triangular bandage.

(10) If the driver is counted in child to staff ratios, the driver shall comply with R 400.1923 and R 400.1924.

History: 2005 AACS; 2009 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1952 Child transportation; parent permission; child information card; required when off-premises.

Rule 52 (1) A licensee shall obtain and keep on file written permission from a child's parent before a child is transported in a vehicle. Written permission must be obtained for both of the following:

(a) Routine transportation, at least annually.

(b) Nonroutine transportation, before each trip.

(2) At the time of initial enrollment, a licensee shall obtain written permission from a child's parent for the child to go on field trips that do not involve a vehicle including, but not limited to, walking to a park or in the neighborhood.

(3) A licensee shall have a copy of each child's information card and a first aid kit, containing the items listed in R 400.1951(9), accessible at all times when children leave the premises.

History: 2005 AACS; 2009 AACS; 2019 AACS.

R 400.1961 Rescinded.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1962 Rescinded.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

R 400.1963 Rescinded.

History: 2005 AACS; 2019 AACS; 2026 MR 8, Eff. April 27, 2026.

APPENDIX A

Family Home Ratio Examples with Capacity of 6

Each child care staff member may supervise up to 6 children at any one time in any of the below combinations of age groups of children.

The ratio is 1:6 which applies in the home, on field trips and during transportation.

Infants (0-12 mo)	Toddlers (12–24 mo)	Older (24+ mo)	Total Capacity
0	0	6	6
0	1	5	6
0	2	4	6
0	3	3	6
1	0	5	6
1	1	4	6
1	2	3	6
1	3	2	6
2	0	4	6
2	1	3	6
2	2	2	6

NOTE: Per R 400.1928(1)(b) the ratio of staff to children present must include any child under school-age related to the licensee, child care staff member, child care assistant, unsupervised volunteer or member of the household by blood, marriage, or adoption.

Family Home Ratio Examples with Capacity of 7

This capacity increase requires prior approval per rule 1925 (2).

Each child care staff member may supervise up to 7 children at any one time in any of the below combinations of age groups of children.

The ratio is 1:7 which applies in the home, on field trips and during transportation.

Infants (0-12 mo)	Toddlers (12–24 mo)	Older (24+ mo)	Total Capacity
0	0	7	7
0	1	6	7
0	2	5	7
0	3	4	7
1	0	6	7
1	1	5	7
1	2	4	7
1	3	3	7
2	0	5	7
2	1	4	7
2	2	3	7

NOTE: Per R 400.1928(1)(b) the ratio of staff to children present must include any child under school-age related to the licensee, child care staff member, child care assistant, unsupervised volunteer or member of the household by blood, marriage, or adoption.

Group Home Ratio Examples with Capacity of 12

Each child care staff member may supervise up to 6 children at any one time in any of the below combinations of age groups of children. However, each child care staff member can supervise no more than 4 children under 24 months and of those, no more than 2 under 12 months.

The ratio is 1:6 which applies in the home, on field trips and during transportation.

Infants (0-12 mo)	Toddlers (12–24 mo)	Older (24+ mo)	Total Capacity
0	0	12	12
0	2	10	12
0	4	8	12
0	6	6	12
2	0	10	12
2	2	8	12
2	4	6	12
2	6	4	12
4	0	8	12
4	2	6	12
4	4	4	12

NOTE: Per R 400.1928(1)(b) the ratio of staff to children present must include any child under school-age related to the licensee, child care staff member, child care assistant, unsupervised volunteer or member of the household by blood, marriage, or adoption.

Group Home Ratio Examples with Capacity of 14

This capacity increase requires prior approval per rule 1925 (2).

Each child care staff member may supervise up to 7 children at any one time in any of the below combinations of age groups of children. However, each child care staff member can supervise no more than 4 children under 24 months and of those, no more than 2 under 12 months.

Note: During before and after school hours only, this may include up to 3 school-age children with a 1:9 ratio OR 1:10 ratio if approved under R 400.1925(2).

Infants (0-12 mo)	Toddlers (12–24 mo)	Older (24+ mo)	Total Capacity
0	0	14	14
0	2	12	14
0	4	10	14
0	6	8	14
2	0	12	14
2	2	10	14
2	4	8	14
2	6	6	14
4	0	10	14
4	2	8	14
4	4	6	14

NOTE: Per R 400.1928(1)(b) the ratio of staff to children present must include any child under school-age related to the licensee, child care staff member, child care assistant, unsupervised volunteer or member of the household by blood, marriage, or adoption.

APPENDIX B

PROMULGATION PROCESS/SUGGESTED CHANGES

The promulgation process is lengthy. That is due, in part, to the Department's desire to develop rules that are clear, reasonable, necessary, fair and enforceable. Serious consideration is given to the recommendations of the Ad Hoc Committee, licensees, child care organizations, interested citizens, parents, and staff.

In the interest of continuing to serve the public by considering its wishes, the Department welcomes any comments or suggestions that you feel will help improve future revisions of these regulations. Your comments will be reviewed when changes in the rules are being considered. 1973 PA 116 requires the Department to conduct a review of the rules every other year and a major review by an Ad Hoc Committee every five years.

You are invited to email your comments to Child Care Licensing at:
www.michigan.gov/michildcare
Or mail your comments to:
Child Care Licensing
P O Box 30837
Lansing, MI 48909

In forwarding comments or suggestions, please use an outline similar to the one below. Send to the Department for consideration and review.

Rule Number	Subrule Number
SUGGESTED CHANGE:	
REASONO FOR CHANGE:	
Signature	Date
Print Name	
Address (Number, Street)	
City, State, Zip Code	

Individuals with disabilities may contact the MiLEAP ADA Coordinator to request an alternative format to these materials.

Please visit ***www.Michigan.gov/ADA*** for a list of state ADA Coordinators.

MiLEAP

Michigan Department of Lifelong
Education, Advancement, and Potential

MiLEAP is an equal opportunity employer/program.

CCL-PUB-724 (Rev. 06-26)