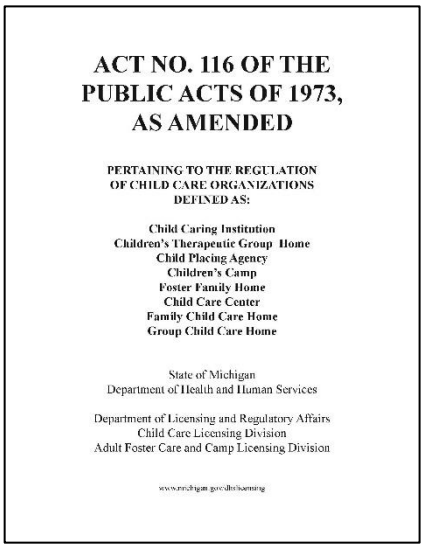
A Parent's Guide to Child Care Licensing

State of Michigan
Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
Child Care Licensing Division
www.michigan.gov/michildcare

The Child Care Organizations Act (1973 PA 116, MCL 722.111 et seq.) delegates the authority to develop and enforce rules setting the minimum standards for the licensing of family and group child care homes and child care centers.



ACT NO. 116 OF THE PUBLIC ACTS OF 1973, AS AMENDED

PERTAINING TO THE REGULATION OF CHILD CARE ORGANIZATIONS DEFINED AS:

Child Caring Institution
Children's Therapeutic Group Home
Child Placing Agency
Children's Camp
Foster Family Home
Child Care Center
Family Child Care Home
Group Child Care Home

State of Michigan
Department of Health and Human Services

Department of Licensing and Regulatory Affairs
Child Care Licensing Division
Adult Foster Care and Camp Licensing Division

www.michigan.gov/dhs/licensing

Who needs to be licensed?

Family and Group Child Care Homes

PA 116 defines a family child care home (one to six children in care) and a group child care home (seven to 12 children in care). Any person who provides care for one to six unrelated children in their home for more than four weeks in a calendar year for compensation exceeding $600 in that calendar year must be licensed as a family child care home. Any person who provides care for seven to 12 unrelated children in their home for more than four weeks in a calendar year must be licensed as a group child care home.

Child Care Centers

A person cannot operate a child care center without being licensed. PA 116 defines a child care center as a facility other than a private residence which receives one or more children for care for periods of less than 24 hours a day. Parents or guardians are not immediately available to the children. The facility is generally described as a child care center, day care center, day nursery, nursery school, preschool, parent cooperative preschool, play group, or drop-in center.

The following types of care do not fit the definition of child care center; therefore, licensure is not required for:

- Community organizations that provide social or recreational programs or single purpose activities for school age-children.
- Recreational facilities, such as bowling alleys, ski resorts, gyms, and casinos, that provide a child care service while the parents are on-site and involved in the facility's recreational activities.
- Employment-based child care that is on-site where parents are employed and the parents remain on-site at all times.
- Child care facilities in educational settings as long as parents remain on- site at all times.

Sometimes a program will call itself a children's day camp, but it doesn't meet the Child Care Organizations Act (1973 PA 116) definition of a day camp. PA 116 defines a children's day camp as one that is "…conducted in a natural environment for more than 4 children, apart from the children's parents, relatives, or legal guardians, for 5 or more days in a 14-day period." Conducted in a natural environment means at least 51 percent of activities are outdoors. Facilities that meet this definition are regulated by the Adult Foster Care and Camp Licensing Division. A facility calling itself a "day camp" but not meeting this definition must be evaluated regarding the need for licensing as a child care center. *Any uncertainty regarding whether or not an entity requires a license should be discussed with the Child Care Licensing Division.*

How does a provider obtain a license and how often does the licensing division assess compliance with the licensing rules and conduct on-site inspections?

It is the provider's responsibility to be in compliance with the rules and law at the time of the initial on-site inspection and at all times thereafter.

Family & Group Child Care Homes

After receipt of a complete application and attendance at an orientation session, a licensing consultant conducts an on-site inspection of the home to assess compliance with the licensing rules. This inspection is scheduled. Once it has been determined that the provider is in compliance with the rules and the law, the provider is issued a six-month original license. Before expiration of the six-month original license, the provider must submit a renewal application.

After receipt of a complete application, a licensing consultant conducts an unscheduled, on-site inspection of the home to assess continued compliance with the licensing rules. If the provider continues to remain in compliance with the rules and the law, a regular license is issued. It is valid for two years.

An interim inspection is conducted around the midpoint of the licensing period. The interim inspection is unscheduled. The main focus of this inspection is observation and assessment of the daily activity program and the caregivers' interactions with children in care.

Child Care Centers

After receipt of a complete application and compliance with any other required inspections (e.g., fire safety and environmental health inspections), a licensing consultant conducts an on-site inspection of the center to assess compliance with the licensing rules and the law.

This inspection is scheduled. Once it has been determined that the provider complies with the rules and the law, the provider is issued a six-month original license. Before expiration of the six-month original license, the provider must submit a renewal application. After receipt of a complete application, a licensing consultant conducts an on-site inspection of the center to assess continued compliance with the licensing rules. This is an unscheduled inspection. If the provider continues to remain in compliance with the rules and the law, a regular license is issued. It is valid for two years.

An interim inspection is conducted around the midpoint of the licensing period. The interim inspection is unscheduled. The main focus of this inspection is observation and assessment of the daily activity program and the caregivers' interactions with children in care.

To renew, the child care center licensee/designee must submit a renewal application before expiration of the license. After receipt of a complete application, the licensing consultant conducts an unscheduled, on-site inspection.

Complaints

When the licensing division receives a complaint alleging any violation of the licensing rules or law, a special investigation is conducted. The special investigation includes at least one unscheduled on-site inspection.

Non-Compliance with the Licensing Rules or Law

When the licensing division cites a provider for violation of the licensing rules or law, it is usually handled by having the provider complete a corrective action plan.

In most cases, when a licensee becomes aware of licensing violations, the necessary corrections are made. The licensing consultant continues to be available for follow-up and consultation. If the violations are not corrected and the law and rules continue to be violated, the department may take a variety of disciplinary actions against the facility. The most serious is the summary suspension and revocation of the license.

Inspection Reports

For all initial, interim and renewal inspections and special investigations, the licensing consultant will write a report. The licensee will be sent a copy of this report. The licensee is required to file these reports and any related corrective action plans in its licensing notebook, which is available to parents during regular business hours. Most reports will be posted on the child care licensing website at www.michigan.gov/michildcare.

Are background checks conducted? How often are they conducted?

Effective 03/28/18, all child care licensees, licensee designees, program directors, adult household members, staff and volunteers with unsupervised access to children must receive a comprehensive background check via the Child Care Background Check (CCBC) System

within LARA. Prior to the Amendment of PA 116, adult household members, child care staff and unsupervised volunteers were not fingerprinted.

A comprehensive background check includes all of the following:

- Fingerprint-Based Criminal History Check through Michigan State Police and the FBI
- Name-Based NCIC Sex Offender Registry Check
- Child Abuse/Neglect Registry Check in Michigan
- Disciplinary Action Registry Check for previous disciplinary action under PA 116 as Amended and/or adult foster care.
- Any applicant who has resided outside of Michigan in the past 5 years, will also receive the following additional registry and repository checks for each state they have lived in:
    - National Public Sex Offender Registry
    - State Criminal Registry/Repository (for each state of residence in past 5 years)
    - State Child Abuse Neglect Registry (for each state of residence in past 5 years)

Note: If the applicant has resided outside of the United States within the past 5 years, the applicant must provide the equivalent clearances listed above. If the country does not have the equivalent clearance, the individual must sign a self-certifying statement that he or she is not ineligible to receive a license, to be an adult household member or child care staff member as prescribe under MCL 722.115q and MCL 722.115r.

PA 116, as Amended identifies which offenses carry an exclusionary timeframe from being connected with a child care license. Convictions, including Juvenile Adjudications, Tribal and Military convictions may carry a Permanent, 10-year, 7-year or 5-year exclusion. Placement, or a requirement to be placed on a sex offender or child abuse/neglect registry mandate a permanent exclusion. For a list of exclusionary crimes, you may visit www.michigan.gov/ccbc.

All comprehensive background checks are processed by the department through the CCBC System. After an individual's background check has been completed, the provider will be notified whether the individual is eligible or ineligible to be connected with a child care facility. An adult member of the household may not move into the home until they have been determined eligible by the department. Staff members must be determined eligible before working unsupervised in a child care facility. Some staff may be allowed to work supervised after successful completion of fingerprinting, while the remaining components of the background check are processed.

Comprehensive background checks are required at least once every 5 years. This may require additional fingerprinting.

Where can I find the licensing rules?

The licensing rules for family and group child care homes require home providers to give parents a copy of the licensing rules. The licensing rules for child care centers require centers to post a copy of the rules in a place visible to parents.

The rules can also be found on the licensing website at www.michigan.gov/michildcare > Licensed Provider Resources > Rules and Statutes.

How do I make a complaint?

To make a complaint, fill out the Online Complaint Form at www.michigan.gov/afc-cc-complaints.

When making a complaint, it is important that you fill out the complaint form as completely as possible. Your name will be kept confidential and will not be released unless ordered by the court. You are not required to give your name or contact information. However, if you do not provide it, a licensing consultant will not be able to contact you if additional information is needed. **Your complaint may not be assigned or may be unconfirmed due to an inability to reach you for follow-up.**

If you cannot complete the online complaint form, you can either:

- Print and complete a paper Complaint Form (available at www.michigan.gov/afc-cc-complaints):
  - Mail it to Michigan Department of Licensing and Regulatory Affairs
    Bureau of Community and Health Systems
    Complaint Intake Unit
    611 W. Ottawa, 1st Floor
    PO Box 30664
    Lansing, MI 48909
  - Fax it to 517-284-9739
- Call 1-866-856-0216

For more information on the complaint process, A Guide to Filing a Complaint Against a Licensed Child Care Provider is available at www.michigan.gov/michildcare > Parent Resources.

Child Abuse and/or Neglect Complaints

If you are making a complaint regarding the abuse or neglect of a child in a child care facility, contact centralized intake at 1-855-444-3911.

How are the licensing rules created?

Rule Promulgation Process

The department welcomes any comments or suggestions that you feel will help improve future revisions of the licensing rules for child care homes and centers. Your comments will be reviewed when changes in the rules are being considered.

For more information on the rulemaking process, go to the Office of Regulatory Reinvention at www.michigan.gov/orr.

You are invited to send your rule suggestions and comments to:
Child Care Licensing Division Director
Bureau of Community and Health Systems
Department of Licensing and Regulatory Affairs
PO Box 30664
Lansing, MI 48909

When forwarding suggestions or comments, include:

- Rule and subrule number.
- Suggested change.
- Reason for change.
- Your name, address and signature.

Tips on Finding Quality Child Care

Child care that provides a loving, safe, stable and age-appropriate stimulating environment helps children enter school safe, healthy and eager to succeed. For guides on finding quality child care, including care for special needs children, go to the Learn More tab at www.greatstarttoquality.org.

LARA is an equal opportunity employer/program.

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.