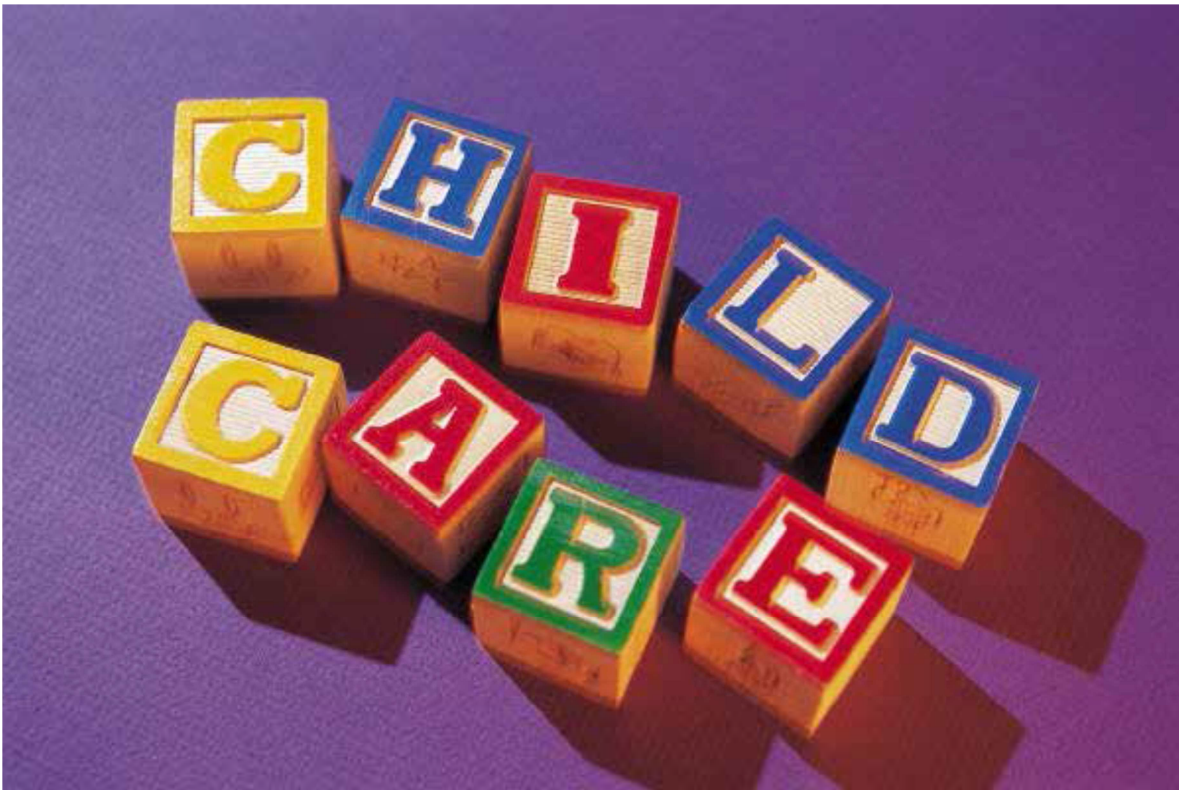


A Parent's Guide to Child Care Licensing



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.

Who needs to be registered/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 registered 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

**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/0,4570,7-153_17317_17321_17322_17323_17324_17325_17326_17327_17328_17329_17330_17331_17332_17333_17334_17335_17336_17337_17338_17339_17340_17341_17342_17343_17344_17345_17346_17347_17348_17349_17350_17351_17352_17353_17354_17355_17356_17357_17358_17359_17360_17361_17362_17363_17364_17365_17366_17367_17368_17369_17370_17371_17372_17373_17374_17375_17376_17377_17378_17379_17380_17381_17382_17383_17384_17385_17386_17387_17388_17389_17390_17391_17392_17393_17394_17395_17396_17397_17398_17399_17400_17401_17402_17403_17404_17405_17406_17407_17408_17409_17410_17411_17412_17413_17414_17415_17416_17417_17418_17419_17420_17421_17422_17423_17424_17425_17426_17427_17428_17429_17430_17431_17432_17433_17434_17435_17436_17437_17438_17439_17440_17441_17442_17443_17444_17445_17446_17447_17448_17449_17450_17451_17452_17453_17454_17455_17456_17457_17458_17459_17460_17461_17462_17463_17464_17465_17466_17467_17468_17469_17470_17471_17472_17473_17474_17475_17476_17477_17478_17479_17480_17481_17482_17483_17484_17485_17486_17487_17488_17489_17490_17491_17492_17493_17494_17495_17496_17497_17498_17499_17500,4570-opendoc.pdf

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 registration/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 Child Care Homes

After receipt of a complete application and attendance at an orientation session, family home providers are issued a Certificate of Registration. Within 90 days of issuance, an on-site inspection is conducted. A licensing consultant inspects the home to assess compliance with the licensing rules.



A Certificate of Registration is valid for three years.

To renew, the family home provider must submit a renewal application before expiration of the Certificate of Registration. Once a complete application is submitted, the Certificate of Registration is renewed. An unscheduled, on-site inspection is conducted on at least 10 percent of the family homes that are due for renewal in each county during the calendar year.

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 provisional license. Before expiration of the six-month provisional 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.

To renew, the group home provider must submit a complete application before expiration of the license. After receipt of a complete application, the licensing consultant conducts an unscheduled, on-site inspection.

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 provisional license. Before expiration of the six-month provisional 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. 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/registrant 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 registration/license.

Inspection Reports

For all initial, interim and renewal inspections and special investigations, the licensing consultant will write a report. The registrant/licensee will be sent a copy of this report. The registrant/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?

Different types of clearances are required depending on how the individual is related to the child care home or center. In some cases, the licensing division conducts the clearances; in other cases, the child care home or center registrant/ licensee/designee is required to conduct the clearance. The following types of clearances are conducted on child care providers:



- **Livescan Fingerprints** – A fingerprint clearance includes a nationwide FBI criminal record check and a Michigan State Police criminal history check. A fingerprint clearance is required for all registrants, licensees or licensee designees and child care center program directors.
- **Internet Criminal History Access Tool (ICHAT)** – An ICHAT clearance checks public records contained in the Michigan Criminal History Record maintained by the Michigan State Police. An ICHAT clearance is required on all adult household members of a child care home and on all employees of child care homes and centers prior to an offer of employment. An ICHAT clearance also required on all volunteers in child care homes and centers before unsupervised contact with children if their criminal history wasn't verified in another manner. If a child care center employee hired after 1/2/14 resided outside of Michigan as an adult within the 10 years immediately preceding the date of hire, a check equivalent to Michigan's ICHAT must be requested for all states of previous residence during those 10 years. For child care center staff, the ICHAT clearance must be updated every two years at renewal.
- **Public Sex Offender Registry (PSOR)** – A PSOR clearance is completed on the address of all child care homes and checks whether there are any unreported individuals listed as a sex offender, as defined in the Sex Offenders Registration Act (1994 PA 295), residing in the home.
- **Children's Protective Services (CPS)** – A CPS clearance checks whether a person has been listed as a perpetrator of child abuse or neglect on central registry. Central registry is maintained by the Department of Health and Human Services. A CPS clearance is required on all registrants, licensees, adult household members of child care homes, licensee designees and child care center program directors. A CPS clearance is also required on all employees of child care homes and centers and on all volunteers in child care homes and centers before unsupervised contact with children. If a child care center employee hired after 1/2/14 resided outside of Michigan as an adult within the 10 years immediately preceding the date of hire, a check equivalent to Michigan's

CPS clearance must be requested for all states of previous residence during those 10 years. For child care center staff, the CPS clearance must be updated every two years at renewal.

- Secretary of State (SOS) – A SOS clearance verifies the address and identity of the individual cleared. A SOS clearance is completed for all registrants, licensees, adult household members of child care homes, licensee designees, and child care center program directors.

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.