



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
LIFELONG EDUCATION, ADVANCEMENT, AND POTENTIAL
LANSING

Michelle Richard
ACTING DIRECTOR

4/9/2024

Miriam Lupina
7443 Capri St
Portage, MI 49002

License Number: DG390256105
Special Investigation Number: SI-00119333

Dear Miriam Lupina,

I conducted a special investigation because the child care licensing bureau received a complaint against your facility that related to licensing rules or law. The allegations were related to the following:

Rule/Law Number	Rule Description
R 400.1911(1)	A licensee shall ensure appropriate care and supervision of children at all times.
R 400.1932(3)	All steps, stairs, porches, and elevated structures to which children in care have access must be protected to prevent falls, and must be free of ice and snow accumulation.

The details of the allegations are in the attached report. To investigate the allegations:

- I interviewed: licensee, child care staff members, and parents.
- I completed on-site inspections on the following dates: 3/1/2024

As a result of this investigation, I found the following violation(s):

Rule/Law Number	Rule Description
R 400.1911(1)	A licensee shall ensure appropriate care and supervision of children at all times.

R 400.1932(3)

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

Due to the violations, you must send us a [corrective action plan](#) by 4/30/2024. You can use our corrective action plan form or create your own.

If you need help writing the corrective action plan, please contact licensing consultant Amy Steger at (269) 568-2915 or stegera@michigan.gov. If you do not send a corrective action plan, you may face disciplinary action. The corrective action plan must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

During this special investigation:	Yes	No
A rule or law violation was found and a serious injury or death occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A rule or law violation was found and abuse and/or neglect of a child occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This report and any related corrective action plans must be filed in your licensing notebook. This report and any related corrective action plans will be online for parents to review under the [Statewide Search for Licensed Child Care Centers and Homes](#).

Please review this report for accuracy and contact your consultant, Amy Steger at (269) 568-2915 or stegera@michigan.gov. In the event that Amy Steger is not available, and you need to speak to someone immediately, please contact the Child Care Licensing Bureau at 517-284-9730.

Sincerely,



Amy Steger, Licensing Consultant

Enclosure

**MICHIGAN DEPARTMENT OF
LIFELONG EDUCATION, ADVANCEMENT, AND POTENTIAL
CHILD CARE LICENSING**

Report Type: Special Investigation Report

Date of Report: 4/9/2024

Special Investigation Number	Complaint/Incident Receipt Date
SI-00119333	2/22/2024
Investigation Initiation Date	Report Due Date
2/23/2024	4/23/2024
License Number	Licensee Name(s)
DG390256105	Miriam Lupina
Capacity	Facility Name
14	Miriam R. Sackett
Program Type	Mailing Address
Group Home	7443 Capri St, Portage, MI, 49002
Facility Address	Facility Email Address
7443 Capri St, Portage, MI, 49002	beckysackett25@att.net
Facility Phone Number	License Status:
2695992204	Regular
Original License Issuance Date	License Expiration Date:
5/15/2003	11/1/2025
License Effective Date:	
11/2/2023	

ALLEGATION(S)

	Violation Established?	
On 2/22/2024, child care staff members were not providing appropriate care and supervision when Child A fell down the basement stairs.	Yes	
On 2/22/2024, the stairs to the basement in the home were not protected to prevent falls.	Yes	

METHODOLOGY

Date	Activity
2/23/2024	Special Investigation Case Created SI-00119333
2/23/2024	Special Investigation Initiated via Phone Call Telephone contact with licensee, Miriam Lupina.
2/23/2024	Contact – Phone Call Made Telephone contact with Child A's Mother.

3/1/2024	Inspection Completed On-Site Onsite from approximately 8:40 AM until 9:15 AM. Interviewed licensee, Miriam Lupina, and CCSM 2.
4/3/2024	Contact – Phone Call Made Telephone contact with child care staff member 1 and Child B's Mother. Attempted telephone contact with Child C's Mother.
4/9/2024	Exit Conference Telephone contact with licensee, Miriam Lupina.

ALLEGATION: On 2/22/2024, child care staff members were not providing appropriate care and supervision when Child A fell down the basement stairs.

INVESTIGATION:

On 2/23/2024, I received a text message from licensee, Miriam Lupina with a written incident report attached. She stated in the text that a child fell down the stairs on 2/22/2024. They contacted the mother. The child was seen by their doctor and is ok.

On 2/23/2024, I entered the incident report details into the Child Care Information Hub Records Portal (CCHIRP). The incident report states, “Child A crawled over to basement door. Door was left slightly open due to another child going to the bathroom. Child A opened the door and crawled onto the stairs. Child A fell down the basement stairs and was caught by child care staff member (CCSM) 2. CCSM 2 brought Child A upstairs. CCSM 1 checked Child A for injuries. CCSM 1 called Child A’s Mother to notify her what happened.”

On 2/23/2024, I spoke with Miriam Lupina over the telephone. She did not witness the incident. She was home but was on the second level resting because she was not feeling well. CCSM 1 and CCSM 2 were caring for eight children at the time. CCSM 1 was on the main level with three young children and CCSM 2 had five of the bigger children downstairs in the basement. CCSM 1 notified her of the incident when it occurred.

Miriam Lupina said Child A was on the main level with CCSM 1. CCSM 1 was cleaning up from lunch in the kitchen. A child from the basement came upstairs to use the restroom on the main level. When she went back downstairs, the basement door looked to be closed but it was not latched tight. Child A crawls now and while CCSM 1 was cleaning up, Child A crawled over and pulled the door open and then fell down the stairs. CCSM 2 was in the basement and immediately attended to Child A. They called Child A’s Mother. She ended up taking Child A to the doctor and she was fine. They needed to monitor for signs of concussion.

Miriam Lupina advised she is planning to close off the entire area near the door with a baby gate. The bigger children in the basement come to the main level to use the

bathroom and a baby gate preventing access to the basement stairs will ensure this does not happen again.

I spoke with Child A's Mother on the telephone on 2/23/2024. She advised that CCSM 1 contacted her yesterday and told her Child A had fallen down the stairs. The door to the basement was open and she did not see Child A crawl over to the door. Child A's Mother said that Child A just started crawling and is not a fast crawler yet. Her first concern is that Child A was able to get to the door without CCSM 1 noticing she was near the door or that the door was open.

Child A's Mother advised that CCSM 1 called to notify her of the accident. CCSM 1 told her it took a while to calm Child A down, but that Child A was fine. Child A was eating and drinking like normal. Child A's Mother indicated she was also concerned they did not contact her right away. Child A does have a couple bruises, but she is not sure they are from the fall down the basement stairs. She did take her to the doctor to be checked out and they said to monitor for signs of concussion.

On 3/1/2024, I texted Miriam Sackett and let her know that I was on the way to her home for an onsite inspection. She responded that she was not home and asked if I could come another time. I explained that I needed to conduct an onsite inspection, interview CCSMs, and get child information cards to contact parents. She advised that CCSM 1 was out sick, but CCSM 2 was at the home caring for children. She went out because they were within ratio requirements.

On 3/1/2024, I arrived at the home where CCSM 2 was caring for three children. One child was on the main level with CCSM 2 and two children were upstairs sleeping. CCSM 2 advised that Miriam Lupina was not home and was dropping off donations and would then be on her way back. CCSM 1 was out sick. I observed a baby gate from the living room/dining room wall to the sliding glass door blocking access to the kitchen and basement door.

During the onsite inspection, I interviewed CCSM 2 regarding the allegations. On 2/22/2024, she was downstairs in the basement with four children. CCSM 1 was upstairs with two children. CCSM 2 was sitting on the couch in the basement and heard a thumping noise. She could see the basement stairs from her position on the couch and when she looked over, she saw Child A rolling down the stairs. As soon as she saw Child A, she got up. When Child A landed on the bottom she started crying. She picked her up and went upstairs.

CCSM 2 said when she got upstairs, CCSM 1 was holding another baby and hadn't noticed Child A fell down the stairs. CCSM 1 set the baby down and examined Child A. They checked Child A's head to see if there were any bumps or bleeding and the rest of her body for marks and bruises. They did not notice anything on Child A.

CCSM 2 indicated the incident occurred at approximately 11:30 AM. It took approximately 10-15 minutes to check over Child A and calm her down. They then

contacted Child A's Mother and advised that Child A seemed to be ok. Child A's Mother showed up about 90 minutes later. She talked with CCSM 1 about what happened and was not sure if they were going to see a doctor or not. The following morning, 2/23/2024, Child A's Mother told Miriam Lupina that she did take Child A to the doctor.

I asked CCSM 2 if Miriam Lupina was present at the home at the time of the incident. CCSM 2 said Miriam Lupina was either out running an errand or working on one of her kitchen jobs. CCSM 2 then remembered that Miriam Lupina was not feeling well and was upstairs in bed. CCSM 1 told Miriam Lupina what happened.

Miriam Lupina arrived home during my onsite inspection on 3/1/2024. She did not drop off the donations and came right back home instead because I notified her of the onsite inspection. I asked if she notified parents that she was not at the home and a CCSM was providing care to children. She generally texts parents. I advised Miriam Lupina that the expectation in a family or group home is that the licensee is present and providing care the majority of operational hours. She needs to let parents know when she is not home and CCSMs are providing care to children. I also reminded her that she needed to keep track of any absences where she is gone for over half the hours care is provided and she cannot exceed 20 days in a calendar year. We discussed several ways to track provider absences.

On 4/3/2024, I spoke to CCSM 1 over the telephone. She advised that the morning of 2/22/2024 was normal. She made lunch for the children like she usually does. She had two children with her on the main level of the home. CCSM 2 had the older children downstairs in the basement. Child A ate upstairs with her and when she finished, she started to clean up Child A. One of the children came upstairs from the basement to use the bathroom. When the child was done, she went back downstairs and closed the door. CCSM 1 finished cleaning up Child A and set her down by the baby playing on the floor. The baby started to cry and so she picked him up and was caring for him. When she turned back around, CCSM 2 was there holding Child A and said she fell down the stairs.

CCSM 1 said it all happened quickly. She tried to figure out why the door looked closed, but it wasn't. The child thought she closed the door after going to the bathroom and CCSM 1 also thought the door was closed. CCSM 1 said she went upstairs and told Miriam Lupina what happened and then went back and checked Child A over. After making sure Child A was ok, they then contacted Child A's Mother. Child A's Mother decided to keep her in care because Child A was acting ok. Later when Child A's Mother picked up Child A, she decided to take her to be seen by a doctor. They wrote an incident report and Child A was taken to the emergency room. Everything looked good but they needed to watch for signs of concussion. Child A came back to care the next day. Child A was acting normal except she was a little clingy and thought she might do that because she got scared. CCSM 1 advised Miriam Lupina bought a gate and now the whole area in front of the door is blocked off.

I spoke with Child B's Mother over the telephone on 4/3/2024. Child A's Mother told her about the incident with the stairs. She was shocked the incident occurred and it did create some concerns regarding appropriate care and supervision. They have withdrawn Child B from the home but that was not the only reason they ultimately decided to no longer attend. Child B's Mother advised that Miriam Lupina was not there in the mornings when she was dropping off and so she did not have much interaction with her. Child B's Mother was not sure if Miriam Lupina was present and just not clocked in or if she wasn't home. CCSM 2 was generally there during drop off.

Child B's Mother did not have a specific concern about appropriate care and supervision but said that Miriam Lupina talked negatively about children and families. The little interaction she did have with Miriam Lupina was her complaining about other children. Child B's Mother expressed worry about what Miriam Lupina said about Child B and her family to other people. Miriam Lupina told her that Child B always cries and screams but that is not how he acts at home. She said the environment did not feel nourishing or helpful and Miriam Lupina did not have anything positive to say about the children.

I attempted telephone contact with Child C's Mother on 4/3/2024. I have not spoken to her as of the writing of this report.

I attempted telephone contact with Miriam Lupina and had a text exchange on 4/9/2024 for an exit conference.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.1911(1)	A licensee shall ensure appropriate care and supervision of children at all times.
ANALYSIS:	On 2/22/2024, child care staff member 1 was not providing appropriate care and supervision when Child A was able to access the basement stairs and fall down.
CONCLUSION:	Violation Established

ALLEGATION: On 2/22/2024, the stairs to the basement in the home were not protected to prevent falls.

INVESTIGATION:

On 2/23/2024, the incident report texted by Miriam Lupina indicated that Child A fell down the basement stairs. We discussed the incident on the telephone on 2/23/2024 and during the onsite inspection on 3/1/2024. She advised that CCSM 1 was caring for children on the main level of the home. CCSM 2 was caring for children in the basement. A child came up from the basement to the main level to use the bathroom.

After using the bathroom, she went back downstairs and thought she closed the door. Miriam Lupina advised that CCSM 1 also thought the door was closed. Child A crawled over the opened the door and fell down the stairs. Miriam Lupina and I discussed a baby gate preventing access to the kitchen and area in front of the basement stairs.

I spoke with Child A's Mother on 2/23/2024 on the telephone. She was told the door to the basement was left open by a child. CCSM 1 did not notice that the door was open, but it must have been in order for Child A to fall down. Child A's Mother has seen the door open before when there are children in care on the main level of the home, but it is not a regular thing. She has observed it "a handful of times."

During the onsite inspection at the home on 3/1/2024, I observed a baby gate making the kitchen and area near the basement door inaccessible to children. CCSM 2 advised that Child A had fallen down the stairs on 2/22/2024. I spoke with Miriam Lupina about making sure all stairs in the home are inaccessible to children and protected to prevent falls by using a baby gate or making sure the door is latched.

I spoke with CCSM 1 on the telephone on 4/3/2024. She thought the basement door was closed after a child from the basement used the bathroom. She was not sure why the door looked closed, but it was not. Miriam Lupina has gotten a baby gate to prevent access to the area near the basement door.


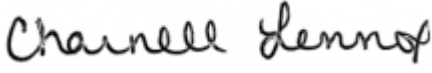
I spoke with Child B's Mother on the telephone on 4/3/2024. She did not usually pick up from the home but on the rare occasion that she did, she would occasionally see the basement door open a crack. She knows that they put up a baby gate after the incident with the stairs.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.1932(3)	All steps, stairs, porches, and elevated structures to which children in care have access must be protected to prevent falls, and must be free of ice and snow accumulation.
ANALYSIS:	On 2/22/2024, the stairs to the basement were not protected and Child A fell down the stairs.
CONCLUSION:	Violation Established

BUREAU RECOMMENDATION

Bureau Recommendation
Upon receipt of an acceptable corrective action plan, I recommend the no change in the status of the license.

Approved By:	
 Amy Steger Consultant	04/09/2024 Date
 Charnell Lennox Area Manager	04/09/2024 Date