

# SENATE BILL No. 902

December 1, 1999, Introduced by Senator PETERS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending sections 2, 2a, 3, 4, and 5 (MCL 803.302, 803.302a, 803.303, 803.304, 803.305), sections 2, 3, 4, and 5 as amended and section 2a as added by 1998 PA 517.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       (A) "AUTHORITY" MEANS THE MICHIGAN YOUTH AUTHORITY CREATED  
3 IN SECTION 3 OF THE MICHIGAN YOUTH AUTHORITY ACT.

4       (B) ~~-(a)-~~ "County juvenile agency" means that term as  
5 defined in section 2 of the county juvenile agency act, 1998  
6 PA 518, MCL 45.622.

7       ~~-(b)- "Department" means the family independence agency.~~

8       (c) "Public ward" means either of the following:

1           (i) A youth accepted for care by a youth agency who is at  
2 least 12 years of age when committed to the youth agency by the  
3 juvenile division of the probate court or the family division of  
4 circuit court under section 18(1)(e) of chapter XIIA of THE PRO-  
5 BATE CODE OF 1939, 1939 PA 288, MCL 712A.18, if the court  
6 acquired jurisdiction over the youth under section 2(a) or (d) of  
7 chapter XIIA of THE PROBATE CODE OF 1939, 1939 PA 288,  
8 MCL 712A.2, and the act for which the youth is committed occurred  
9 before his or her seventeenth birthday.

10           (ii) A youth accepted for care by a youth agency who is at  
11 least 14 years of age when committed to the youth agency by a  
12 court of general criminal jurisdiction under section 1 of chapter  
13 IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, if  
14 the act for which the youth is committed occurred before his or  
15 her seventeenth birthday.

16           (d) "Youth agency" means either the ~~department~~ AUTHORITY  
17 or a county juvenile agency, whichever has responsibility over a  
18 public ward.

19           Sec. 2a. (1) On the date a county becomes a county juvenile  
20 agency under the county juvenile agency act, 1998 PA 518,  
21 MCL 45.621 TO 45.631, the county juvenile agency shall assume  
22 responsibility for all public wards for which the ~~department~~  
23 FAMILY INDEPENDENCE AGENCY OR THE AUTHORITY had responsibility  
24 and for which the county had financial liability under section 5  
25 immediately before the county became a county juvenile agency.

26           (2) If the county revokes authorization for the county  
27 juvenile agency under the county juvenile agency act, 1998

1 PA 518, MCL 45.621 TO 45.631, the ~~department~~ AUTHORITY shall  
2 assume responsibility for the public wards for which the county  
3 juvenile agency had responsibility on the effective date of  
4 revocation.

5 (3) ON THE EFFECTIVE DATE OF THE MICHIGAN YOUTH AUTHORITY  
6 ACT, THE AUTHORITY SHALL ASSUME RESPONSIBILITY FOR ALL PUBLIC  
7 WARDS FOR WHICH THE FAMILY INDEPENDENCE AGENCY HAD RESPONSIBILITY  
8 IMMEDIATELY BEFORE THE EFFECTIVE DATE OF THAT ACT.

9 Sec. 3. (1) A youth agency may receive and accept youths as  
10 public wards for purposes of care and rehabilitation. A youth  
11 agency shall accept a youth properly committed to it in accord-  
12 ance with law. Only 1 youth agency has responsibility for a  
13 youth at any time. The ~~department~~ AUTHORITY shall not receive  
14 or accept youths as public wards for a county if that county is a  
15 county juvenile agency that assumed responsibility for public  
16 wards committed by the juvenile division of probate court, family  
17 division of circuit court, or court of general criminal jurisdic-  
18 tion for that county.

19 (2) Custody of a public ward under this act is as follows:

20 (a) If the ~~department~~ AUTHORITY accepts the youth or  
21 responsibility for the youth is transferred to the ~~department~~  
22 AUTHORITY as provided in section 2a, the state, represented by  
23 the ~~department~~ AUTHORITY'S EXECUTIVE director or his or her  
24 designate, has custody from the time of acceptance until the  
25 youth is discharged from wardship under section 7 or responsibil-  
26 ity for the youth is transferred to a county juvenile agency  
27 under section 2a.

1 (b) If a county juvenile agency accepts the youth or  
2 responsibility for the youth is transferred to the county juve-  
3 nile agency under section 2a, the county has custody from the  
4 time of acceptance or transfer until the youth is discharged from  
5 wardship under section 7 or responsibility for the youth is  
6 transferred to the ~~department~~ AUTHORITY under section 2a. For  
7 custody purposes, the county is represented by the county  
8 ~~department~~ FAMILY INDEPENDENCE AGENCY director designated by  
9 the following:

10 (i) For a county that has adopted a charter under 1966 PA  
11 293, MCL 45.501 to 45.521, the county executive or chief adminis-  
12 trative officer.

13 (ii) For a county that has adopted an optional unified form  
14 of county government under 1973 PA 139, MCL 45.551 to 45.573, the  
15 county executive or county manager.

16 (iii) For a county not described in subparagraph (i) or  
17 (ii), the county board of commissioners.

18 (3) If a public ward is placed in a residential facility  
19 other than his or her own home, the youth agency shall provide  
20 the youth's food, clothing, housing, educational, medical, and  
21 treatment needs. The youth agency may consent to routine nonsur-  
22 gical medical care or to emergency medical treatment of the  
23 youth, but consent for nonemergency elective surgery shall be  
24 given by the youth's parent or legal guardian. If a public ward  
25 is placed in his or her own home, the youth agency shall provide  
26 counseling services and may establish reasonable conditions under

1 which the youth will be permitted to remain in the home, but the  
2 youth's parents retain all other parental rights and duties.

3       Sec. 4. (1) A youth agency may establish facilities and  
4 programs for the care of public wards. A youth agency shall  
5 supervise and operate facilities and programs or contract for the  
6 care of public wards, including institutions, halfway houses,  
7 youth camps, diagnostic centers, regional detention facilities  
8 and treatment centers, group homes, supervision in the community,  
9 or other child welfare services.

10       (2) A youth agency may utilize the facilities, services, or  
11 personnel of any approved agency of this state and its political  
12 subdivisions or of any licensed private agency for the care and  
13 rehabilitation of public wards. A youth agency may contract with  
14 the family division of circuit court for the care and rehabilita-  
15 tion of public wards.

16       (3) A youth agency may supervise a public ward placed in  
17 private home care.

18       (4) A public ward may be placed in any facility, residence,  
19 or program described in this section. If the youth agency deter-  
20 mines the best interests of a public ward require the involvement  
21 of another state or county entity, other than the department of  
22 corrections, then the youth agency and that state or county  
23 entity shall determine an appropriate care and treatment plan for  
24 the public ward. A youth agency may place a public ward in a  
25 mental institution under the mental health code, 1974 PA 258,  
26 MCL 330.1001 to 330.2106, unless the public ward resides with his  
27 or her parents. If the public ward resides with his or her

1 parents, placement in a mental institution requires consent of  
2 the custodial parent. If placement in a mental institution  
3 occurs, the public ward shall be returned to the youth agency's  
4 custody upon release from the mental institution.

5 (5) When necessary, a youth agency may place a public ward  
6 in a public or private institution or agency incorporated under  
7 the laws of another state or country and approved or licensed by  
8 that state's or country's approving or licensing agency, provided  
9 that the program which the youth agency seeks to place a public  
10 ward meets licensing laws, requirements, and rules required for  
11 the placement of a public ward with a public or private institu-  
12 tion or agency in Michigan. However, if 1 or more appropriate  
13 juvenile residential care providers located or doing business in  
14 this state have bed space available, the youth agency shall use  
15 that space rather than a space available by a provider located or  
16 doing business in another state. This requirement does not apply  
17 if the provider located or doing business in another state offers  
18 a specialized program that is not available in this state. ~~For~~  
19 ~~purposes of placements by the department only, "appropriate juve-~~  
20 ~~nile residential care provider" means a private nonprofit entity~~  
21 ~~domiciled in this state that is licensed by the department of~~  
22 ~~consumer and industry services and that entered into 1 or more~~  
23 ~~contracts with the department to provide residential care serv-~~  
24 ~~ices for youths on or before the effective date of the amendatory~~  
25 ~~act that added this sentence.~~

26 Sec. 5. (1) Except as provided in subsection (3), the  
27 county from which the public ward is committed is liable to the

1 state for 50% of the cost of his or her care, but this amount may  
2 be reduced by the use of funds from the annual original foster  
3 care grant of the state to the county, or otherwise, for any  
4 period in respect to which the ~~department~~ AUTHORITY has made a  
5 finding that the county is unable to bear 50% of the cost of  
6 care. If the ~~department~~ AUTHORITY reduces a county's liability  
7 under this section, the EXECUTIVE director shall inform the  
8 respective chairpersons of the appropriations committees of the  
9 senate and house of representatives at least 14 days before  
10 granting the reduction. The county of residence of the public  
11 ward is liable to the state, rather than the county from which  
12 the youth was committed, if the juvenile division of the probate  
13 court or the family division of circuit court of the county of  
14 residence withheld consent to a transfer of proceedings under  
15 section 2 of chapter XIIA of THE PROBATE CODE OF 1939, 1939  
16 PA 288, MCL 712A.2, as determined by the ~~department~~ AUTHORITY.  
17 The finding that the county is unable to bear 50% of the expense  
18 shall be based on a study of the financial resources and neces-  
19 sary expenditures of the county made by the ~~department~~  
20 AUTHORITY.

21 (2) The ~~department~~ AUTHORITY shall determine the cost of  
22 care on a per diem basis using the initial annual allotment of  
23 appropriations for the current fiscal year exclusive of capital  
24 outlay and the projected occupancy figures upon which that allot-  
25 ment was based. That cost of care applies in determining  
26 required reimbursement to the state for care provided during the

1 calendar year immediately following the beginning of the current  
2 fiscal year for which the state expenditures were allotted.

3 (3) A county that is a county juvenile agency is liable for  
4 the entire cost of a public ward's care while he or she is com-  
5 mitted to the county juvenile agency.

6 Enacting section 1. This amendatory act does not take  
7 effect unless Senate Bill No. 901

8 of the 90th Legislature is enacted into  
9 law.