

SENATE BILL No. 905

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

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 114, 115, 115b, 115d, and 115e (MCL 400.114, 400.115, 400.115b, 400.115d, and 400.115e), sections 115 and 115d as amended by 1988 PA 75 and section 115b as amended by 1998 PA 516.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 905

1 Sec. 114. (1) ~~The office of children and youth services is~~
2 ~~created as a single purpose entity within the department of~~
3 ~~social services. The office shall be~~ DEPARTMENT IS responsible
4 for the planning, development, implementation, and evaluation of
5 children and youth services conducted, administered, or purchased
6 by the department under the authority of sections 114 to ~~123~~
7 119B.

1 ~~(2) The director of social services, after consultation~~
2 ~~with the governor, shall appoint an executive director of the~~
3 ~~office. The executive director shall be accountable directly to~~
4 ~~the director of social services. The executive director shall~~
5 ~~not be within the classified civil service and shall receive com-~~
6 ~~pensation as established by the legislature. The executive~~
7 ~~director shall:~~

8 ~~(a) Represent the department in all matters and hearings~~
9 ~~pertaining to children and youth services and programs.~~

10 ~~(b) Serve as a special advisor to the governor on children~~
11 ~~and youth services budgets and programs.~~

12 ~~(c) Advise the director of social services with respect to~~
13 ~~children and youth services and programs conducted, administered,~~
14 ~~or purchased by the department under the authority of sections~~
15 ~~114 to 123, and make recommendations to the director for the~~
16 ~~improvement of those services and programs.~~

17 ~~(d) Recommend to the governor and the legislature methods of~~
18 ~~improving the effectiveness of public and private children and~~
19 ~~youth services and programs.~~

20 ~~(e) Recommend to the governor and the legislature appropri-~~
21 ~~ate allocations of public funds for children and youth services~~
22 ~~and programs.~~

23 ~~(2) (3) The department, in conjunction with the office,~~
24 ~~may promulgate rules necessary to implement, administer, and~~
25 ~~enforce its powers and duties as described in this act. The~~
26 ~~rules shall be promulgated pursuant to Act No. 306 of the Public~~
27 ~~Acts of 1969, as amended, being sections 24.201 to 24.315 of the~~

1 ~~Michigan Compiled Laws~~ IN ACCORDANCE WITH THE ADMINISTRATIVE
2 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

3 Sec. 115. (1) Services to children and youth shall
4 include:

5 (a) Operating ~~training schools, the children's institute,~~
6 ~~halfway houses, youth camps, diagnostic centers, state operated~~
7 ~~regional detention facilities, regional short-term treatment cen-~~
8 ~~ters, group homes, and other~~ facilities and programs established
9 with the approval of the legislature to provide an effective pro-
10 gram of out-of-home care for ~~delinquent or~~ neglected children
11 committed to or placed in the care and custody of the department
12 by ~~probate courts, courts of general criminal jurisdiction, A~~
13 COURT OR THE FAMILY DIVISION OF CIRCUIT COURT or, where provided
14 by law, the voluntary action of parents or guardians.

15 (b) Encouraging and assisting in the development and coordi-
16 nation of new programs as well as the coordination of prevailing
17 programs at all levels of government and with those public and
18 private nonprofit agencies and groups providing care or training
19 or supervision for ~~delinquent and~~ neglected children.

20 ~~(c) Devising and making available a system of supervision~~
21 ~~for juveniles on conditional release from facilities of the~~
22 ~~department by establishing departmental programs, or, with the~~
23 ~~approval of the legislature, by agreement with other units of~~
24 ~~state, regional, or local government or with private agencies.~~

25 (C) ~~(d)~~ Administering grants, subsidies, incentive pay-
26 ments, and other fiscal programs authorized by the legislature
27 including:

1 (i) Subsidies or incentives to insure adequate locally-based
2 probation and other social services for children under the juris-
3 diction of the juvenile division of the probate court.

4 (ii) Cost-sharing programs between the state and county con-
5 cerning children's services, including funding prescribed in sec-
6 tions 117c to 117d.

7 (iii) Allocation of funds budgeted to the department for
8 governmental or private organizations operating ~~delinquency~~
9 ~~prevention~~ programs or projects in accordance with standards
10 established by the ~~office~~ DEPARTMENT.

11 ~~(e) Establishing, with the approval of the legislature,~~
12 ~~training programs for delinquent youth by contract with govern-~~
13 ~~ment and private agencies. The programs may be conducted through~~
14 ~~camps established by the department or in cooperation with the~~
15 ~~department of natural resources or with other organizations.~~

16 (D) ~~(f)~~ Developing a coordinated system of care for
17 ~~delinquent and~~ neglected children committed to the department.
18 The development of treatment programs and other centers shall be
19 coordinated with locally-operated programs for treatment ~~—~~
20 ~~detention,~~ and diagnosis.

21 (E) ~~(g)~~ Gathering and making available statistics and
22 information about the operation of the various state, regional,
23 and local components of the program of neglect ~~and delinquency~~
24 services and presenting the information to the legislature and
25 the public through biennial reports.

1 (F) ~~(h)~~ Conducting, or causing to be conducted, research
2 necessary to provide effective and adequate children and youth
3 services and programs throughout the state.

4 ~~(i) Undertaking special studies regarding the development~~
5 ~~of intensive probation, new probation methods, and other services~~
6 ~~specifically aimed at reduction of detention and out-of-home~~
7 ~~care.~~

8 (G) ~~(j)~~ Evaluating state statutes, court rules, and fund-
9 ing arrangements related to problems of children and youth and
10 recommending proposals for appropriate changes to insure equity
11 in the availability of services and the protection of the rights
12 of children and youth.

13 (H) ~~(k)~~ Assisting the legislature in the evaluation of the
14 plan developed under former ~~Act No. 280 of the Public Acts of~~
15 ~~1975~~ 1975 PA 280.

16 (I) ~~(l)~~ Receiving any donation, grant, or gift of money or
17 property without obligation to the state for the benefit of its
18 programs or for children placed with or committed to its care.
19 The ~~office~~ DEPARTMENT, on receipt of the donation, grant, or
20 gift, shall remit it immediately to the state treasury to be
21 credited to the youth services trust fund which is created in the
22 state treasury.

23 (J) ~~(m)~~ Services for children and youth authorized ~~in~~
24 ~~title IV of the social security act, 42 U.S.C. 601 to 603, 604 to~~
25 ~~632, 633 to 673, 674 to 679 and in title XX of the social secur-~~
26 ~~ity act, 42 U.S.C. 1397 to 1397e~~ UNDER FEDERAL GRANTS.

1 (2) THE MICHIGAN YOUTH AUTHORITY CREATED IN THE MICHIGAN
2 YOUTH AUTHORITY ACT IS RESPONSIBLE FOR ESTABLISHING AND OPERATING
3 FACILITIES AND PROGRAMS FOR DELINQUENT YOUTH.

4 Sec. 115b. (1) The ~~department~~ MICHIGAN YOUTH AUTHORITY
5 shall assume responsibility for all children committed to it by
6 the FORMER juvenile division of the probate court, the family
7 division of circuit court, or the court of general criminal
8 jurisdiction under the youth rehabilitation services act, 1974
9 PA 150, MCL 803.301 to 803.309. ~~—and—~~ THE DEPARTMENT SHALL
10 ASSUME RESPONSIBILITY FOR ALL CHILDREN COMMITTED UNDER 1935
11 PA 220, MCL 400.201 to 400.214. The MICHIGAN YOUTH AUTHORITY AND
12 THE department, AS APPLICABLE, may provide institutional care,
13 supervision in the community, boarding care, halfway house care,
14 and other children and youth services and programs necessary to
15 meet the needs of those children or may obtain appropriate serv-
16 ices from other state agencies, local public agencies, or private
17 agencies, subject to section 115o. If the program of another
18 state agency is considered to best serve the needs of the child,
19 the other state agency shall give priority to the child.

20 (2) The department shall study and act upon a request for
21 service as to, or a report received of, neglect, exploitation,
22 abuse, cruelty, or abandonment of a child by a parent, guardian,
23 custodian, or person serving in loco parentis, or a report con-
24 cerning a child in need of protection. On the basis of the find-
25 ings of the study, the department shall assure, if necessary, the
26 provision of appropriate social services to the child, parent,
27 guardian, custodian, or person serving in loco parentis, to

1 reinforce and supplement the parental capabilities, so that the
2 behavior or situation causing the problem is corrected or the
3 child is otherwise protected. In assuring the provision of serv-
4 ices and providing the services, the department shall encourage
5 participation by other existing governmental units or licensed
6 agencies and may contract with those agencies for the purchase of
7 any service within the scope of this subsection. The department
8 shall initiate action in an appropriate court if the conduct of a
9 parent, guardian, or custodian requires. The department shall
10 promulgate rules necessary for implementing the services autho-
11 rized in this subsection. The rules shall include provision for
12 local citizen participation in the program to assure local under-
13 standing, coordination, and cooperative action with other commu-
14 nity resources. In the provision of services, there shall be
15 maximum utilization of other public, private, and voluntary
16 resources available within a community.

17 (3) When an agency or organization proposes to place for
18 adoption, with a person domiciled in this state, a child who is a
19 citizen of or resides in, a country other than the United States
20 or Canada, the department shall conduct, within 180 days after
21 receipt of the request from the agency or organization, the
22 investigation prescribed by section 46 of chapter X of THE PRO-
23 BATE CODE OF 1939, 1939 PA 288, MCL 710.46. In a county in which
24 the department determines it to be more feasible both geograph-
25 ically and economically, the department may purchase the adoption
26 services up to the actual cost of providing those services. The

1 department shall charge parent fees prescribed by the
2 legislature.

3 (4) The ~~office~~ DEPARTMENT shall be responsible for the
4 development, interpretation, and dissemination of policy regard-
5 ing departmental investigations requested or ordered by the pro-
6 bate court under section 55(h) and the provision of foster care
7 services authorized by this act. Foster care services shall
8 include foster care of state wards, ~~aid to dependent children~~
9 foster care WHOLLY OR PARTIALLY FINANCED BY FEDERAL FUND, foster
10 care of wards of the family division of circuit court WHO ARE
11 UNDER THE COURT'S JURISDICTION UNDER SECTION 2(B) OF CHAPTER XIIA
12 OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2 AND WHO ARE
13 placed under the care and supervision of the department by order
14 of the court, and voluntary parental placement of children in
15 foster care.

16 (5) AS USED IN THIS SECTION, "MICHIGAN YOUTH AUTHORITY"
17 MEANS THE MICHIGAN YOUTH AUTHORITY BOARD CREATED IN SECTION 3 OF
18 THE MICHIGAN YOUTH AUTHORITY ACT.

19 Sec. 115d. (1) The ~~office~~ MICHIGAN YOUTH AUTHORITY shall
20 develop a plan for the establishment, maintenance, and operation
21 of regional facilities to detain children concerning whom an
22 order of detention has been issued under section 14, 15, or 16 of
23 chapter XIIA of ~~Act No. 288 of the Public Acts of 1939, as~~
24 ~~amended, being sections 712A.14 to 712A.16 of the Michigan~~
25 ~~Compiled Laws~~ THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.14
26 TO 712A.16, or section 27a of chapter IV of the code of criminal
27 procedure, ~~Act No. 175 of the Public Acts of 1927, being section~~

1 ~~764.27a of the Michigan Compiled Laws~~ 1927 PA 175, MCL 764.27A.

2 The primary focus of the plan shall be on providing a service
3 network to areas of the state ~~which~~ THAT do not have detention
4 facilities.

5 (2) The plan shall include:

6 (a) An assessment of need for secure detention beds, and a
7 proposal for providing and funding the needed beds.

8 (b) An evaluation of detention alternatives and a proposal
9 for caring for children needing custody while awaiting court
10 hearings.

11 (c) Provisions for a transportation network to serve areas
12 at a distance from secure facilities.

13 (3) The plan shall encourage the use of emergency shelter
14 facilities and alternatives to secure detention where
15 appropriate.

16 (4) The plan shall provide that the county from which an
17 order of detention is issued by the ~~juvenile~~ FAMILY division of
18 ~~the probate~~ CIRCUIT court or the court of general criminal
19 jurisdiction shall be liable to the state for 50% of the cost of
20 care of the child.

21 (5) In formulating the plan, the ~~office~~ MICHIGAN YOUTH
22 AUTHORITY shall consult with law enforcement agencies, judges of
23 ~~probate~~ THE FAMILY DIVISION OF CIRCUIT COURT and judges of
24 courts of general criminal jurisdiction, public and private agen-
25 cies ~~which~~ THAT deal with children's services, and other per-
26 sons concerned with children and youth services.

1 (6) The plan shall be submitted to the legislature not later
2 than March 31, 1979, and shall be revised annually.

3 (7) AS USED IN THIS SECTION, "MICHIGAN YOUTH AUTHORITY"
4 MEANS THE MICHIGAN YOUTH AUTHORITY CREATED IN SECTION 3 OF THE
5 MICHIGAN YOUTH AUTHORITY ACT.

6 Sec. 115e. (1) The ~~department~~ MICHIGAN YOUTH AUTHORITY,
7 to the extent of funds appropriated for that purpose, may assume
8 the administration and operation or the administration, opera-
9 tion, and facilities of a detention home established as an agency
10 of the ~~probate~~ court under section 16 of chapter ~~12A~~ XIIIA of
11 ~~Act No. 288 of the Public Acts of 1939, being section 712A.16 of~~
12 ~~the Michigan Compiled Laws~~ THE PROBATE CODE OF 1939, 1939
13 PA 288, MCL 712A.16.

14 (2) The ~~department~~ MICHIGAN YOUTH AUTHORITY shall not
15 assume the administration and operation nor the administration,
16 operation, and facilities of a detention home unless an agreement
17 is made with the county board of commissioners and the presiding
18 judge of the ~~probate~~ FAMILY DIVISION OF CIRCUIT court to trans-
19 fer the administration and operation or the administration, oper-
20 ation, and facilities of the detention home to the ~~department~~
21 MICHIGAN YOUTH AUTHORITY.

22 (3) The ~~department~~ MICHIGAN YOUTH AUTHORITY may offer per-
23 sons employed at a detention home transferred pursuant to this
24 section, as of the effective date of the transfer, the opportu-
25 nity to be employed in the state classified service in accordance
26 with procedures established by the Michigan civil service
27 commission.

1 (4) AS USED IN THIS SECTION, "MICHIGAN YOUTH AUTHORITY"
2 MEANS THE MICHIGAN YOUTH AUTHORITY CREATED IN SECTION 3 OF THE
3 MICHIGAN YOUTH AUTHORITY ACT.

4 Enacting section 1. This amendatory act does not take
5 effect unless Senate Bill No. 901
6 of the 90th Legislature is enacted into
7 law.