

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6009

A bill to amend 1935 PA 220, entitled

"An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,"

by amending sections 3 and 9 (MCL 400.203 and 400.209), section 3 as amended by 1988 PA 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A child under 17 years of age, provision for
2 whose support and education has been made under regulations of
3 the ~~commission~~ **family independence agency**, may be admitted to
4 the Michigan children's institute by ~~either 1 of the following~~
5 ~~provisions:~~ (a) By commitment to the ~~state department of~~
6 ~~social services~~ **family independence agency**. All children
7 committed to the Michigan children's institute shall be
8 considered committed to the ~~state department of social services~~

1 **family independence agency** and shall be subject to review by the
2 juvenile division of the probate court under chapter XIIA of ~~Act~~
3 ~~No. 288 of the Public Acts of 1939, being sections 712A.1 to~~
4 ~~712A.28 of the Michigan Compiled Laws~~ **the probate code of 1939,**
5 **1939 PA 288, MCL 712A.1 to 712A.32.** The superintendent of the
6 institute shall represent the state as guardian of each child
7 committed beginning with the day the child is admitted and
8 continuing until the child is 19, unless the superintendent or
9 the ~~commission~~ **family independence agency** discharges the child
10 sooner as provided in section 8 or 9. ~~of this act.~~ Wherever
11 commitment to the Michigan children's institute is mentioned in
12 any law of this state, it shall be construed to mean commitment
13 to the ~~state department of social services~~ **family independence**
14 **agency.** A child may be committed to the ~~state department of~~
15 ~~social services~~ **family independence agency** by either of the
16 following:

17 (a) ~~(i)~~ By the juvenile division of the probate court, if
18 the child is within the court's jurisdiction under section 2(b)
19 of chapter XIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
20 ~~section 712A.2 of the Michigan Compiled Laws~~ **the probate code of**
21 **1939, 1939 PA 288, MCL 712A.2.**

22 (b) ~~(ii)~~ By the probate court, if the child is a ward of
23 the court and the court has denied an order of adoption for the
24 child.

25 (c) ~~(b)~~ By observation order. If a child has been decreed
26 to be a ward of the probate court or the juvenile division of the
27 probate court has acquired formal jurisdiction of a child, and it

1 appears to the probate court that, because of the circumstances
2 of the case or because the child's condition might be benefited,
3 the court may make a temporary commitment to the ~~state~~
4 ~~department of social services~~ **family independence agency** and
5 direct that the child be taken to a facility of the Michigan
6 children's institute for observation for a period not to exceed
7 90 days. Before the expiration of this order of observation, the
8 superintendent of the institute shall report to the probate court
9 the results of the observation of the child. If the
10 superintendent reports to the probate court that the order of
11 observation should be extended or that the child is in need of
12 treatment for emotional disturbance ~~which~~ **that** does not require
13 hospital care and for which the institute has facilities, then
14 the court may extend the temporary commitment and continue the
15 observation order or establish a treatment period for the child
16 to any date prior to the nineteenth birthday of the child. If
17 the child has ceased to be a ward of the court, written consent
18 of the person or persons lawfully having custody of the child
19 shall be secured. Before the expiration of this extended order
20 of observation or treatment, the superintendent shall report to
21 the probate court the results of the observation or treatment of
22 the child and an opinion stating what disposition can be made of
23 the child. Before any child is sent to a facility of the
24 institute for observation, the superintendent of the institute
25 shall notify the probate court that there is room to receive the
26 child and shall designate the facility of the institute for the
27 reception of the child. The commission may by regulation

1 establish conditions for the reimbursement of the expense of
2 caring for the child while under the supervision of the institute
3 if the parents or other persons responsible for the child's
4 support are financially able to pay reasonable costs of the
5 child's care.

6 (2) The superintendent of the institute has the power to make
7 decisions on behalf of a child committed to the institute. The
8 attorney general or his or her representative shall represent the
9 Michigan children's institute superintendent in any court
10 proceeding in which the superintendent considers such
11 representation necessary to carry out his or her duties under
12 this act.

13 Sec. 9. (1) The superintendent of ~~said~~ the institute is
14 ~~hereby~~ authorized to consent to the adoption, marriage, or
15 emancipation of any child who may have been committed to ~~said~~
16 the institute, ~~pursuant~~ according to the laws for the adoption,
17 marriage, or emancipation of minors. On such adoption, marriage,
18 or emancipation, the child so adopted, married, or emancipated
19 shall cease to be a ward of the state.

20 (2) On the effective date of the amendatory act that added
21 this subsection, the family independence agency shall discontinue
22 the Michigan children's institute preliminary consent denial
23 review process.