

SENATE BILL No. 1148

October 20, 2016, Introduced by Senator MACGREGOR and referred to the Committee on Oversight.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117c (MCL 400.117c), as amended by 1998 PA 516, and by adding section 117h; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 117c. (1) The county treasurer is designated as the
2 custodian of all money provided for the use of the county ~~family~~
3 ~~independence agency~~ **DEPARTMENT**, the family division of circuit
4 court, and the agency designated by the county board of
5 commissioners or, if a county has a county executive, chief
6 administrative officer, or county manager, that individual to
7 provide juvenile justice services. The county treasurer shall

1 create and maintain a child care fund. The following money shall be
2 deposited in the child care fund:

3 (a) All money raised by the county for the use of the county
4 ~~family independence agency~~ **DEPARTMENT** for the foster care of
5 children with respect to whom the family division of circuit court
6 has not taken jurisdiction.

7 (b) Money for the foster care of children under the
8 jurisdiction of the family division of circuit court raised by the
9 county with the view of receiving supplementary funds for this
10 purpose from the state government as provided in section 117a.

11 (c) All funds made available by the state government for
12 foster care of children.

13 (d) All payments made in respect to support orders issued by
14 the family division of circuit court for the reimbursement of
15 government for expenditures made or to be made from the child care
16 fund for the foster care of children.

17 (e) All prepayments and refunds for reimbursement of county
18 ~~family independence agencies~~ **DEPARTMENTS** for the foster care of
19 children.

20 (f) All funds made available to the county for the foster care
21 of children from any other source, except gifts that are
22 conditioned on a different disposition or reimbursements of the
23 general fund.

24 (g) Money for the foster care of children under the
25 jurisdiction of the court of general criminal jurisdiction
26 committed to a county facility or a court facility for juveniles in
27 the county in which the court of general criminal jurisdiction is

1 located.

2 (h) All payments made in respect to support orders issued by
3 the court of general criminal jurisdiction for the reimbursement of
4 government for expenditures made or to be made from the child care
5 fund for the foster care of children.

6 (2) The child care fund shall be used for the costs of
7 providing foster care for children under sections 18c and 117a and
8 under the jurisdiction of the family division of circuit court or
9 court of general criminal jurisdiction.

10 (3) The child care fund may be used to pay the county's share
11 of the cost of maintaining children at the Michigan children's
12 institute under 1935 PA 220, MCL 400.201 to 400.214, or public
13 wards under the youth rehabilitation services act, 1974 PA 150, MCL
14 803.301 to 803.309.

15 (4) The account for the child care fund shall be maintained
16 separate and apart from all other accounts of county funds. The
17 fund shall be used exclusively for carrying out the purposes
18 authorized by this act. The county board of commissioners shall
19 distinguish in its appropriations for the child care fund the sums
20 of money to be used by the family division of circuit court, the
21 county ~~family independence agency~~ **DEPARTMENT**, and the agency
22 designated by the county board of commissioners or the county
23 executive to provide juvenile justice services. The county
24 treasurer shall keep these segregated in proper subaccounts.

25 (5) A county annually shall develop and submit a plan and
26 budget for the funding of foster care services to the office for
27 approval. Funds shall not be distributed under section 117a except

1 for reimbursement of expenditures made under an approved plan and
2 budget. ~~The office shall not approve plans and budget that exceed~~
3 ~~the amount appropriated by the legislature.~~ **NEITHER THE DEPARTMENT**
4 **NOR THE COUNTY SHALL SEEK REIMBURSEMENT FOR EXPENDITURES, EXCEPT IF**
5 **THOSE EXPENDITURES WERE MADE UNDER AN APPROVED PLAN AND BUDGET OR**
6 **ACCORDING TO DEPARTMENT POLICY.**

7 (6) A county shall make and preserve accurate records of its
8 juvenile justice services and expenditures. Upon the department's
9 request, the information contained in the records shall be
10 available to the office.

11 (7) This section does not apply to a county that is a county
12 juvenile agency.

13 **SEC, 117H. (1) THE DEPARTMENT OR A COUNTY MAY APPEAL A**
14 **DETERMINATION REGARDING REIMBURSEMENT OF A CHILD CARE COST MADE**
15 **UNDER THIS ACT. THE APPEAL SHALL BE CONDUCTED ACCORDING TO THE**
16 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
17 **24.328.**

18 **(2) AN APPEAL FROM A FINAL ORDER ISSUED IN AN ADMINISTRATIVE**
19 **HEARING SHALL BE MADE TO THE CIRCUIT COURT OF INGHAM COUNTY, WHICH**
20 **COURT HAS JURISDICTION WITH RESPECT TO THE CASES DESCRIBED IN**
21 **SUBSECTION (1) AS IN NONJURY CASES UNDER THE AUTHORITY PROVIDED IN**
22 **SECTION 631 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL**
23 **600.631.**

24 Enacting section 1. Section 117d of social welfare act, 1939
25 PA 280, MCL 400.117d, is repealed.

26 Enacting section 2. This amendatory act takes effect 90 days
27 after the date it is enacted into law.