

# HOUSE BILL No. 4252

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Scott, Honigman, Jondahl, Wallace, Webb, Kilpatrick, Bankes, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend the title and sections 2, 3, 6, 7, 8, 10, 11, and 14 of Act No. 220 of the Public Acts of 1935, entitled as amended

"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,"

section 3 as amended by Act No. 225 of the Public Acts of 1988 and section 7 as amended by Act No. 306 of the Public Acts of 1980, being sections 400.202, 400.203, 400.206, 400.207, 400.208, 400.210, 400.211, and 400.214 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and sections 2, 3, 6, 7, 8, 10, 11,  
2 and 14 of Act No. 220 of the Public Acts of 1935, section 3 as  
3 amended by Act No. 225 of the Public Acts of 1988 and section 7  
4 as amended by Act No. 306 of the Public Acts of 1980, being

1 sections 400.202, 400.203, 400.206, 400.207, 400.208, 400.210,  
 2 400.211, and 400.214 of the Michigan Compiled Laws, are amended  
 3 to read as follows:

4 TITLE

5 An act to provide family home care for children committed to  
 6 the care of the state; ~~—~~ to create the Michigan children's  
 7 institute under the control of the ~~Michigan social welfare~~  
 8 ~~commission,~~ CHILDREN AND FAMILY SERVICES AGENCY; to prescribe  
 9 the powers and duties ~~thereof,~~ OF THE MICHIGAN CHILDREN'S  
 10 INSTITUTE; and to provide penalties for violations of certain  
 11 provisions of this act.

12 Sec. 2. (1) The ~~said~~ Michigan children's institute shall  
 13 be under the control and management of the ~~Michigan social wel-~~  
 14 ~~fare commission, hereinafter referred to as "the commission",~~  
 15 ~~whose appointment and duties are provided in Act No. 280 of the~~  
 16 ~~Public Acts of 1939, as amended, being sections 400.1 to 400.90,~~  
 17 ~~inclusive, of the Compiled Laws of 1948, and as further expressly~~  
 18 ~~provided for in this act~~ CHILDREN AND FAMILY SERVICES AGENCY  
 19 CREATED UNDER THE CHILDREN AND FAMILY SERVICES AGENCY ACT, HERE-  
 20 AFTER REFERRED TO AS THE AGENCY. The ~~commission~~ AGENCY shall  
 21 appoint the superintendent ~~—~~ and ~~such~~ other officers and  
 22 employees as it ~~shall deem~~ CONSIDERS necessary ~~—~~ who shall  
 23 ~~severally~~ hold their offices and positions ~~during~~ AT the  
 24 pleasure of the ~~commission~~ AGENCY.

25 (2) WHEREVER COMMITMENT TO THE MICHIGAN CHILDREN'S INSTITUTE  
 26 IS MENTIONED IN ANY LAW OF THIS STATE, IT SHALL BE CONSTRUED TO  
 27 MEAN COMMITMENT TO THE AGENCY. THE SUPERINTENDENT OF THE

1 INSTITUTE SHALL REPRESENT THE STATE AS GUARDIAN OF EACH CHILD  
2 COMMITTED BEGINNING WITH THE DAY THE CHILD IS ADMITTED AND CON-  
3 TINUING UNTIL THE CHILD IS 19, UNLESS THE SUPERINTENDENT OR THE  
4 COMMISSION DISCHARGES THE CHILD SOONER AS PROVIDED IN SECTION 8  
5 OR 9.

6 Sec. 3. A child under 17 years of age, provision for whose  
7 support and education has been made under ~~regulations~~ RULES of  
8 the ~~commission~~ AGENCY, may be admitted to the Michigan  
9 children's institute by either ~~+~~ of the following:

10 ~~provisions:~~

11 (a) ~~By commitment~~ COMMITMENT to the ~~state department of~~  
12 ~~social services~~ AGENCY. All children committed to the Michigan  
13 children's institute shall be considered committed to the ~~state~~  
14 ~~department of social services~~ AGENCY and shall be subject to  
15 review by the juvenile division of the probate court under chap-  
16 ter XIIIA of Act No. 288 of the Public Acts of 1939, being sec-  
17 tions 712A.1 to 712A.28 of the Michigan Compiled Laws. The  
18 superintendent of the institute shall represent the state as  
19 guardian of each child committed beginning with the day the child  
20 is admitted and continuing until the child is 19, unless the  
21 superintendent or the commission discharges the child sooner as  
22 provided in section 8 or 9. ~~of this act.~~ Wherever commitment  
23 to the Michigan children's institute is mentioned in any law of  
24 this state, it shall be construed to mean commitment to the  
25 ~~state department of social services~~ AGENCY. A child may be  
26 committed to the ~~state department of social services~~ AGENCY by  
27 either of the following:

1       (i) ~~By the~~ THE juvenile division of the probate court, if  
2 the child is within the court's jurisdiction under section 2(b)  
3 of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being  
4 section 712A.2 of the Michigan Compiled Laws.

5       (ii) ~~By the~~ THE probate court, if the child is a ward of  
6 the court and the court has denied an order of adoption for the  
7 child.

8       (b) ~~By observation~~ OBSERVATION order. If a child has been  
9 decreed to be a ward of the probate court or the juvenile divi-  
10 sion of the probate court has acquired formal jurisdiction of a  
11 child, and it appears to the probate court that, because of the  
12 circumstances of the case or because the child's condition might  
13 be benefited, the court may make a temporary commitment to the  
14 ~~state department of social services~~ AGENCY and direct that the  
15 child be taken to a facility of the Michigan children's institute  
16 for observation for a period not to exceed 90 days. Before the  
17 expiration of ~~this~~ THE order of observation, the superintendent  
18 of the institute shall report to the probate court the results of  
19 the observation of the child. If the superintendent reports to  
20 the probate court that the order of observation should be  
21 extended or that the child is in need of treatment for emotional  
22 disturbance which does not require hospital care and for which  
23 the institute has facilities, then the court may extend the tem-  
24 porary commitment and continue the observation order or establish  
25 a treatment period for the child to any date prior to the nine-  
26 teenth birthday of the child. If the child has ceased to be a  
27 ward of the court, written consent of the person or persons

1 lawfully having custody of the child shall be secured. Before  
2 the expiration of this extended order of observation or treat-  
3 ment, the superintendent shall report to the probate court the  
4 results of the observation or treatment of the child and an opin-  
5 ion stating what disposition can be made of the child. Before  
6 ~~any~~ A child is sent to a facility of the institute for observa-  
7 tion, the superintendent of the institute shall notify the pro-  
8 bate court that there is room to receive the child and shall des-  
9 ignate the facility of the institute for the reception of the  
10 child. The ~~commission~~ AGENCY may by ~~regulation~~ RULE estab-  
11 lish conditions for the reimbursement of the expense of caring  
12 for the child while under the supervision of the institute if the  
13 parents or other persons responsible for the child's support are  
14 financially able to pay THE reasonable costs of the child's  
15 care.

16 Sec. 6. The ~~commission~~ AGENCY shall maintain at Ann Arbor  
17 and at ~~such~~ other places as may be made available to the  
18 ~~commission~~ AGENCY, temporary residential facilities for the  
19 reception of children sent to the institute under ~~sections~~  
20 SECTION 3 or 4, ~~of this act,~~ ~~or~~ for their care between place-  
21 ments in family homes, or for other temporary purposes. ~~Such~~  
22 THE facilities may include office space for employees of the  
23 ~~commission~~ AGENCY engaged in the maintenance of the facilities  
24 or who work in their vicinity.

25 Sec. 7. (1) The ~~state department of social services~~  
26 AGENCY shall promulgate ~~necessary~~ rules NECESSARY for the  
27 maintenance, health, instruction, and training of the children

1 under the control of the Michigan children's institute, ~~—~~ for  
2 placing them in homes, ~~—~~ and for their supervision while they  
3 remain wards of the state. The liability of a county for the  
4 cost of a child's care shall be determined pursuant to THE YOUTH  
5 REHABILITATION SERVICES ACT, Act No. 150 of the Public Acts of  
6 1974, being sections 803.301 to 803.309 of the Michigan Compiled  
7 Laws.

8 (2) The superintendent is the authorized agent of the  
9 ~~department~~ AGENCY to carry out the purposes of this act.

10 (3) The superintendent or the ~~department~~ AGENCY may  
11 receive any donation, grant, or personal property for the benefit  
12 of the children of the Michigan children's institute. The super-  
13 intendent or the ~~department~~ AGENCY, upon receipt of a donation,  
14 grant, or personal property, within 30 days, shall remit the  
15 ~~same~~ MONEY OR PROPERTY to the state treasury to be credited to  
16 the Michigan children's institute trust fund, which is created in  
17 the state treasury. The state treasurer may ~~keep~~ INVEST as  
18 much of the fund as the treasurer considers advisable ~~invested~~  
19 in United States government bonds, notes, bills, certificates, or  
20 other obligations, and shall credit the earnings on the invest-  
21 ments to the fund.

22 (4) The ~~state department of social services~~ AGENCY may  
23 expend necessary amounts for the purposes of the Michigan  
24 children's institute for the care and education of the children  
25 during minority or until released as provided in this act. When  
26 a part of the trust fund is required by the ~~department~~ AGENCY

1 for these purposes, the superintendent shall ~~obtain the same by~~  
2 ~~requisition~~ REQUEST A DISBURSEMENT FROM THE STATE TREASURER.

3 (5) The ~~state department of social services~~ AGENCY may  
4 utilize facilities existing in a county in caring for children  
5 and may accept the services of a voluntary organization for the  
6 benefit of the children, subject to rules promulgated by the  
7 ~~department~~ AGENCY. The rules shall be enforced by the superin-  
8 tendent on behalf of the ~~department~~ AGENCY.

9 (6) An agreement entered into with a person for the care of  
10 a child who is a ward of the Michigan children's institute shall  
11 provide that the ~~department~~ AGENCY may cancel the agreement if,  
12 in the opinion of the ~~department~~ AGENCY, the interest of the  
13 child requires it. If a parent or relative within the third  
14 degree of consanguinity or affinity of a child who is a ward of  
15 the institute establishes a suitable home and is capable and  
16 willing to support the child, the ~~department~~ AGENCY may restore  
17 the child to his or her parent or relative. The institute may  
18 assist the parent or relative with the support of the child, if  
19 the aid is less than the cost of care that the institute would  
20 otherwise provide.

21 (7) The ~~department~~ AGENCY may place and maintain a child  
22 under the control of the institute in a licensed boarding home  
23 for children, and the expense of supervision and transportation  
24 of the child to the home shall be paid out of money appropriated  
25 to the institute, subject to partial reimbursement by the county  
26 liable as provided in this section. The superintendent shall  
27 ~~cause an investigation of~~ INVESTIGATE the condition and

1 suitability of each boarding home ~~to be made, and a report to be~~  
 2 ~~made and kept on file at the office of the superintendent~~ AND  
 3 KEEP A REPORT OF THE INVESTIGATION ON FILE AT HIS OR HER OFFICE.  
 4 The report shall ~~have the approval of~~ BE APPROVED BY the super-  
 5 intendent before a child of the institute may be placed in the  
 6 licensed boarding home.

7 Sec. 8. (1) The ~~said commission is authorized to~~ AGENCY  
 8 MAY return to the ~~counties~~ DISTRICT AGENCY from which they were  
 9 sent ~~—~~ the following classes of children:

10 (A) ~~First, those~~ THOSE who have become 16 years of age and  
 11 who, for any reason, cannot be placed or retained in family  
 12 homes.

13 (B) ~~Second, those~~ THOSE who by reason of vicious habits or  
 14 incorrigibility, cannot be placed in or retained in family  
 15 homes.

16 (C) ~~Third, those~~ THOSE who are of unsound mind or body, or  
 17 have some physical disability, which prevents their being placed  
 18 in family homes. ~~Whenever~~

19 (2) IF a child ~~shall be~~ IS ordered by ~~said commission~~  
 20 THE AGENCY to be returned to a ~~county~~ DISTRICT AGENCY, as  
 21 ~~herein~~ provided ~~—, the guardianship of the said commission~~  
 22 ~~shall cease, and the child thereupon becomes a charge on the~~  
 23 ~~county from which it was sent, and~~ IN SUBSECTION (1), the super-  
 24 intendent shall report to the court the reasons ~~thereof~~ FOR THE  
 25 RETURN OF THE CHILD, and any other information which may assist  
 26 the court in ~~a~~ RENDERING ANY further disposition ~~of~~  
 27 CONCERNING the child.

1       Sec. 10. (1) ~~Any~~ A person ~~desiring~~ WHO WISHES to take a  
2 child from ~~said~~ THE institute by agreement or adoption shall  
3 apply ~~for that purpose~~ TO THE SUPERINTENDENT OR TO THE PROBATE  
4 COURT OF THE COUNTY IN WHICH THE APPLICANT RESIDES. THE APPLICA-  
5 TION SHALL BE MADE in writing, on ~~such~~ A form ~~as said commis-~~  
6 ~~sion shall prescribe, to the superintendent or to the judge of~~  
7 ~~probate of the county in which the applicant resides~~ PRESCRIBED  
8 BY THE AGENCY. The superintendent of ~~said~~ THE institute shall  
9 require an investigation of the home of the applicant upon ~~such~~  
10 ~~forms as the commission shall prescribe. Said commission~~ A FORM  
11 PRESCRIBED BY THE AGENCY. THE AGENCY shall procure 1 or more  
12 reports, at least 4 times each year, for each child placed in a  
13 home for adoption or on an agreement, either from the ~~county~~  
14 ~~agent~~ DISTRICT AGENCY, officer of the institute, or the person  
15 with whom the child is placed, and at such times as the superin-  
16 tendent of ~~said~~ THE institute may direct.

17       (2) ~~It shall be the duty of county agents or child welfare~~  
18 ~~workers of the state department of social welfare in their~~  
19 ~~respective counties, to~~ EMPLOYEES OF THE AGENCY OR DISTRICT  
20 AGENCY SHALL visit the wards of the ~~said~~ institute at such  
21 times as they are requested to do so ~~—~~ by ~~said~~ THE superin-  
22 tendent ~~—~~ and ~~to~~ SHALL report on ~~said~~ THE homes and chil-  
23 dren to ~~said~~ THE institute.

24       Sec. 11. The ~~commission~~ AGENCY shall preserve in ~~said~~  
25 THE institute all legal and other papers of importance including  
26 reports of investigation of parentage, of THE family conditions  
27 of the children committed to ~~said~~ THE institute, and ~~also~~ a

1 brief history of each child, showing ~~its~~ THE CHILD'S name, age,  
 2 county, former residence, occupations, habits and character, so  
 3 far as can be ascertained, and the name and residence and occupa-  
 4 tion of the person who has taken the child by agreement ~~—~~ or  
 5 for adoption. ~~In any report of any officer of the institute, or~~  
 6 ~~any agent of the state department of social welfare or any state~~  
 7 ~~or county officer, no~~ THE names of ~~such~~ children ~~—~~ WHO ARE  
 8 wards of the state ~~—~~ shall NOT be published IN A REPORT PRE-  
 9 PARED PURSUANT TO THIS ACT. ~~Act No. 142 of the Public Acts of~~  
 10 ~~1909, as amended, and Act No. 115 of the Public Acts of 1925,~~  
 11 ~~being sections 6733 to 6736, inclusive, of the Compiled Laws of~~  
 12 ~~1929 shall not apply to said institute.~~ All records pertaining  
 13 to ~~any~~ A child committed to ~~said~~ THE institute shall be filed  
 14 as confidential and shall not be made public ~~thereafter, except~~  
 15 ~~ing as the said commission shall authorize, when deemed~~ EXCEPT  
 16 AS THE AGENCY AUTHORIZES WHEN CONSIDERED necessary for the best  
 17 interest of the child.

18       Sec. 14. ~~Any~~ A person who ~~shall aid or assist, or~~  
 19 ~~entice~~ AIDS, ASSISTS, OR ENTICES a child under the control of  
 20 the ~~said~~ institute to escape from a home in which ~~said~~ THE  
 21 child has been placed, or ~~shall aid, entice or assist any~~ WHO  
 22 AIDS, ENTICES, OR ASSISTS such A child to leave the state, or  
 23 ~~shall marry any~~ WHO MARRIES such A child without the consent of  
 24 the ~~said commission, shall be~~ AGENCY, IS guilty of a  
 25 misdemeanor, ~~and shall be punished by a fine not exceeding 100~~  
 26 ~~dollars and costs of prosecution, or by imprisonment in a county~~  
 27 ~~jail, or any of the state prisons for a term not exceeding a~~

~~1 year, or by both such fine and imprisonment according to the~~  
~~2 discretion of the court~~ PUNISHABLE BY A FINE OF NOT MORE THAN  
 3 \$100.00, OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

4 Section 2. This amendatory act shall take effect October 1,  
 5 1989.

6 Section 3. This amendatory act shall not take effect unless  
 7 all of the following bills of the 85th Legislature are enacted  
 8 into law:

9 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4251 (request  
 10 no. 00593'89<sup>\*</sup>).

11 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4253 (request  
 12 no. 00593'89 b).

13 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4254 (request  
 14 no. 00593'89 c).

15 (d) Senate Bill No. \_\_\_\_ or House Bill No. 4255 (request  
 16 no. 00593'89 d).

17 (e) Senate Bill No. \_\_\_\_ or House Bill No. 4256 (request  
 18 no. 00593'89 e).

19 (f) Senate Bill No. \_\_\_\_ or House Bill No. 4257 (request  
 20 no. 00593'89 f).

21 (g) Senate Bill No. \_\_\_\_ or House Bill No. 4258 (request  
 22 no. 00593'89 g).

23 (h) Senate Bill No. \_\_\_\_ or House Bill No. 4259 (request  
 24 no. 00593'89 h).

25 (i) Senate Bill No. \_\_\_\_ or House Bill No. 4260 (request  
 26 no. 00593'89 i).

- 1       (j) Senate Bill No. \_\_\_\_ or House Bill No. 4261 (request  
2 no. 00593'89 j)).
- 3       (k) Senate Bill No. \_\_\_\_ or House Bill No. 4262 (request  
4 no. 00593'89 k)).
- 5       (l) Senate Bill No. \_\_\_\_ or House Bill No. 4263 (request  
6 no. 00593'89 l)).
- 7       (m) Senate Bill No. \_\_\_\_ or House Bill No. 4264 (request  
8 no. 00593'89 m)).
- 9       (n) Senate Bill No. \_\_\_\_ or House Bill No. 4265 (request  
10 no. 00593'89 n)).
- 11      (o) Senate Bill No. \_\_\_\_ or House Bill No. 4266 (request  
12 no. 00593'89 o)).
- 13      (p) Senate Bill No. \_\_\_\_ or House Bill No. 4267 (request  
14 no. 00593'89 p)).
- 15      (q) Senate Bill No. \_\_\_\_ or House Bill No. 4268 (request  
16 no. 00593'89 q)).
- 17      (r) Senate Bill No. \_\_\_\_ or House Bill No. 4269 (request  
18 no. 00593'89 r)).
- 19      (s) Senate bill No. \_\_\_\_ or House Bill No. 4270 (request  
20 no. 00593'89 s)).