

HOUSE BILL No. 4257

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Ciaramitaro, Scott, Joe Young, Jr., 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, 4, 5, 6, 7, 8, and 9 of Act No. 150 of the Public Acts of 1974, entitled "Youth rehabilitation services act," sections 2, 4, and 7 as amended by Act No. 76 of the Public Acts of 1988 and section 5 as amended by Act No. 325 of the Public Acts of 1984, being sections 803.302, 803.303, 803.304, 803.305, 803.306, 803.307, 803.308, and 803.309 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 3, 4, 5, 6, 7, 8, and
2 9 of Act No. 150 of the Public Acts of 1974, sections 2, 4, and 7
3 as amended by Act No. 76 of the Public Acts of 1988 and section 5
4 as amended by Act No. 325 of the Public Acts of 1984, being
5 sections 803.302, 803.303, 803.304, 803.305, 803.306, 803.307,

1 803.308, and 803.309 of the Michigan Compiled Laws, are amended
2 to read as follows:

3 TITLE

4 An act to provide for the acceptance and care of youths com-
5 mitted to the ~~department of social~~ CHILDREN AND FAMILY services
6 AGENCY as state wards; to prescribe the liability of counties for
7 the cost of services for state wards; to prescribe procedures for
8 the return of state wards who absent themselves without permis-
9 sion; to provide a penalty for the violation of this act; and to
10 repeal certain acts and parts of acts.

11 Sec. 2. As used in this act:

12 (a) ~~"Department"~~ "AGENCY" means the ~~state department of~~
13 ~~social services~~ CHILDREN AND FAMILY SERVICES AGENCY.

14 (b) "State ward" means either of the following:

15 (i) A person accepted for care by the ~~department~~ AGENCY
16 who is at least 12 years of age at the time committed to the
17 ~~department~~ AGENCY by the juvenile division of a probate court
18 under section 18(1)(e) of chapter XIIIA of Act No. 288 of the
19 Public Acts of 1939, as amended, being section 712A.18 of the
20 Michigan Compiled Laws, if the court acquired jurisdiction over
21 the person pursuant to section 2(a) or (d) of chapter XIIIA of Act
22 No. 288 of the Public Acts of 1939, as amended, being section
23 712A.2 of the Michigan Compiled Laws, and if the act for which
24 the youth is committed occurred before his or her seventeenth
25 birthday.

26 (ii) A person accepted for care by the ~~department~~ AGENCY
27 who is at least 15 years of age at the time committed to the

1 ~~department~~ AGENCY by the court of general criminal jurisdiction
2 under section 1 of chapter IX of the code of criminal procedure,
3 Act No. 175 of the Public Acts of 1927, being section 769.1 of
4 the Michigan Compiled Laws, and if the act for which the youth is
5 committed occurred before his or her seventeenth birthday.

6 Sec. 3. The ~~department~~ AGENCY may receive and accept
7 youths as state wards for purposes of care and rehabilitation.
8 The ~~department~~ AGENCY shall accept a youth properly committed
9 to it in accordance with law. The state, represented by the
10 director of the ~~department~~ AGENCY or his OR HER designate,
11 shall have custody of a youth accepted as a state ward under this
12 act from the time of acceptance until the youth is discharged
13 from wardship pursuant to section 7. If a state ward is placed
14 in a residential facility other than his OR HER own home, the
15 ~~department~~ AGENCY shall provide the food, clothing, housing,
16 educational, medical and treatment needs of the youth. The
17 ~~department~~ AGENCY may consent to routine, ~~non-surgical~~
18 NONSURGICAL medical care or emergency medical treatment of the
19 youth, but consent for ~~non-emergency~~ NONEMERGENCY, elective
20 surgery shall be given by the ward's parent or parents or legal
21 guardian. If a state ward is placed in his OR HER own home, the
22 ~~department~~ AGENCY shall provide counseling services and may
23 establish reasonable conditions under which the youth will be
24 permitted to remain in his OR HER own home, but all other paren-
25 tal rights and duties shall be retained by the ward's parent or
26 parents.

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

8 (2) The ~~department~~ AGENCY may utilize the facilities,
9 services, and personnel of any OTHER approved agency of this
10 state and its political subdivisions or of any OTHER licensed
11 private agency for the care and rehabilitation of state wards.
12 The ~~department~~ AGENCY may contract with the juvenile division
13 of the probate court for the care and rehabilitation of state
14 wards.

15 (3) The ~~department~~ AGENCY may supervise a state ward
16 placed in private home care.

17 (4) A state ward under this act may be placed in any facili-
18 ty, residence, or program described in this section. If the
19 ~~department~~ AGENCY determines the best interests of a state ward
20 require the involvement of another state agency, other than the
21 department of corrections, then the ~~department~~ AGENCY, together
22 with that OTHER agency, shall determine an appropriate care and
23 treatment plan for the state ward. A state ward may be placed in
24 a mental institution by the ~~department~~ AGENCY pursuant to the
25 ~~mental health code, Act No. 258 of the Public Acts of 1974,~~
26 ~~being sections 330.1001 to 330.2106 of the Michigan Compiled~~
27 ~~Laws~~ CHILDREN AND FAMILY SERVICES ACT, except when the state

1 ward resides with his or her parents. If the state ward resides
2 with his or her parents, placement in a mental institution shall
3 be with the consent of the custodial parent. If such placement
4 occurs, the state ward shall be returned to the custody of the
5 ~~department~~ AGENCY upon release from the mental institution.

6 (5) When necessary, the ~~department~~ AGENCY may place a
7 state ward in a public or private institution or agency incorpo-
8 rated under the laws of another state or country and approved or
9 licensed by that state's or country's department of social wel-
10 fare or equivalent approving or licensing agency.

11 Sec. 5. (1) The county from which the state ward is commit-
12 ted shall be liable to the state for 50% of the cost of his or
13 her care, but this amount may be reduced by the use of funds from
14 the annual original foster care grant of the state to the county,
15 or otherwise, for any period in respect to which the ~~department~~
16 AGENCY has made a finding that the county is unable to bear 50%
17 of the cost of care. If the ~~department~~ AGENCY reduces the
18 liability of a county under this section, the director shall
19 inform the respective chairpersons of the appropriations commit-
20 tees of the senate and house of representatives at least 14 days
21 before granting the reduction. The county of residence of the
22 state ward shall be liable to the state, rather than the county
23 from which the youth was committed, if the juvenile division of
24 the probate court of the county of residence withheld consent to
25 a transfer of proceedings under section 2 of chapter ~~+2A-~~ XIIIA
26 of Act No. 288 of the Public Acts of 1939, as amended, being
27 section 712A.2 of the Michigan Compiled Laws, as determined by

1 the ~~department~~ AGENCY. The finding that the county is unable
2 to bear 50% of the expense shall be based on a study of the
3 financial resources and necessary expenditures of the county made
4 by the ~~department~~ AGENCY.

5 (2) The cost of care shall be determined by the ~~department~~
6 AGENCY on a per diem basis using the initial annual allotment of
7 appropriations for the current fiscal year exclusive of capital
8 outlay and the projected occupancy figures upon which that allot-
9 ment was based. The cost of care so determined shall apply in
10 determining required reimbursement to the state for care provided
11 during the calendar year immediately following the beginning of
12 the current fiscal year for which the state expenditures were
13 allotted.

14 Sec. 6. (1) A state ward shall not ~~absent himself from~~
15 LEAVE the facility or residence in which he OR SHE has been
16 placed without prior approval of the ~~department~~ AGENCY. A
17 state ward who violates this provision may be returned to the
18 facility in which he OR SHE was placed by a peace officer without
19 warrant. A person having knowledge of the whereabouts of a state
20 ward who violates this provision shall immediately notify the
21 ~~department~~ AGENCY and the nearest peace officer.

22 (2) A person who induces or assists a state ward to violate
23 subsection (1) or who fails to give the notice required in sub-
24 section (1) is guilty of a misdemeanor.

25 Sec. 7. (1) A youth accepted by the ~~department~~ AGENCY
26 shall remain a ward of the state until discharged from state
27 wardship with the approval of any of the following and, if placed

1 in an institution, shall remain until released with the approval
2 of any of the following:

3 (a) ~~Until June 1, 1991 and except as otherwise provided in~~
4 ~~subdivisions (b) and (d), with the approval of the~~ THE youth
5 parole and review board under section 121 of the social welfare
6 act, Act No. 280 of the Public Acts of 1939, being section
7 400.121 of the Michigan Compiled Laws, UNTIL JUNE 1, 1991 AND
8 EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND (D).

9 (b) ~~If~~ THE JUVENILE DIVISION OF THE PROBATE COURT, IF the
10 youth was committed to the ~~department~~ AGENCY under section
11 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of
12 1939, being section 712A.18 of the Michigan Compiled Laws, for an
13 offense which, if committed by an adult, would be punishable by
14 imprisonment for more than 1 year or an offense expressly desig-
15 nated by law to be a felony. ~~, with the approval of the juve-~~
16 ~~nile division of the probate court.~~

17 (c) ~~If~~ THE JUVENILE DIVISION OF THE PROBATE COURT, IF the
18 youth was committed to the ~~department~~ AGENCY under
19 section 18(1)(e) of chapter XIIA of Act No. 288 of the Public
20 Acts of 1939, being section 712A.18 of the Michigan Compiled
21 Laws, and the youth was adjudicated as being in the court's
22 jurisdiction under section 2(a) of chapter XIIA of Act No. 288 of
23 the Public Acts of 1939, being section 712A.2 of the Michigan
24 Compiled Laws. ~~, with the approval of the juvenile division of~~
25 ~~the probate court.~~ This subdivision shall take effect June 1,
26 1991.

1 (d) ~~if~~ THE COURT OF GENERAL CRIMINAL JURISDICTION UNDER
 2 SECTION 1B OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, ACT
 3 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 769.1B OF THE
 4 MICHIGAN COMPILED LAWS, IF the youth was committed to the
 5 ~~department~~ AGENCY under section 1 of chapter IX of the code of
 6 criminal procedure, Act No. 175 of the Public Acts of 1927, being
 7 section 769.1 of the Michigan Compiled Laws. ~~, with the~~
 8 ~~approval of the court of general criminal jurisdiction under sec-~~
 9 ~~tion 1b of chapter IX of the code of criminal procedure, Act~~
 10 ~~No. 175 of the Public Acts of 1927, being section 769.1b of the~~
 11 ~~Michigan Compiled Laws.~~

12 (2) Except as otherwise provided in this subsection, a youth
 13 accepted as a state ward shall be automatically discharged from
 14 state wardship upon reaching the age of 19. A youth committed to
 15 the ~~department~~ AGENCY under section 18(1)(e) of chapter XIIA of
 16 Act No. 288 of the Public Acts of 1939, being section 712A.18 of
 17 the Michigan Compiled Laws, for an offense which, if committed by
 18 an adult, would be a violation or attempted violation of
 19 section 72, 83, 84, 88, 89, 91, 316, 317, 349, 520b, 520c, 520d,
 20 520g, 529, or 530 of the Michigan penal code, Act No. 328 of the
 21 Public Acts of 1931, being sections 750.72, 750.83, 750.84,
 22 750.88, 750.89, 750.91, 750.316, 750.317, 750.349, 750.520b,
 23 750.520c, 750.520d, 750.520g, 750.529, and 750.530 of the
 24 Michigan Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i)
 25 of the public health code, Act No. 368 of the Public Acts of
 26 1978, being sections 333.7401 and 333.7403 of the Michigan
 27 Compiled Laws, shall be automatically discharged from state

1 wardship upon reaching the age of 21. A youth committed to the
2 ~~department~~ AGENCY under section 1 of chapter IX of the code of
3 criminal procedure, Act No. 175 of the Public Acts of 1927, being
4 section 769.1 of the Michigan Compiled Laws, shall be automati-
5 cally discharged from state wardship upon reaching the age of
6 21.

7 Sec. 8. All records of the ~~department~~ AGENCY pertaining
8 to a state ward are confidential and shall not be made public
9 unless 1 OF THE FOLLOWING OCCURS:

10 (a) If the person is under the age of majority, ~~by~~ the
11 authorization of the ~~department when deemed~~ AGENCY IF
12 CONSIDERED necessary for the best interests of the youth.

13 (b) If the person has attained the age of majority, ~~by~~ his
14 OR HER consent.

15 Sec. 9. Act No. 183 of the Public Acts of 1925, being sec-
16 tions 804.101 to 804.113 of the Compiled Laws of 1970, and Act
17 No. 185 of the Public Acts of 1925, being sections 803.101 to
18 803.113 of the Compiled Laws of 1970, are repealed. References
19 in all laws to these acts, the girls' training school, or the
20 boys' training school shall be deemed to refer to the
21 ~~department~~ AGENCY or institutions operated by the ~~department~~
22 AGENCY under this act.

23 Section 2. This amendatory act shall take effect October 1,
24 1990.

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

1 (a) Senate Bill No. _____ or House Bill No. 4251 (request
2 no. 00593'89^{*}).

3 (b) Senate Bill No. _____ or House Bill No. 4252 (request
4 no. 00593'89 a).

5 (c) Senate Bill No. _____ or House Bill No. 4253 (request
6 no. 00593'89 b).

7 (d) Senate Bill No. _____ or House Bill No. 4254 (request
8 no. 00593'89 c).

9 (e) Senate Bill No. _____ or House Bill No. 4255 (request
10 no. 00593'89 d).

11 (f) Senate Bill No. _____ or House Bill No. 4256 (request
12 no. 00593'89 e).

13 (g) Senate Bill No. _____ or House Bill No. 4258 (request
14 no 00593'89 g).

15 (h) Senate Bill No. _____ or House Bill No. 4259 (request
16 no. 00593'89 h).

17 (i) Senate Bill No. _____ or House Bill No. 4260 (request
18 no. 00593'89 i).

19 (j) Senate Bill No. _____ or House Bill No. 4261 (request
20 no. 00593'89 j).

21 (k) Senate Bill No. _____ or House Bill No. 4262 (request
22 no. 00593'89 k).

23 (l) Senate Bill No. _____ or House Bill No. 4263 (request
24 no. 00593'89 l).

25 (m) Senate Bill No. _____ or House Bill No. 4264 (request
26 no. 00593'89 m).

1 (n) Senate Bill No. _____ or House Bill No. 4265 (request
2 no. 00593'89 n).

3 (o) Senate Bill No. _____ or House Bill No. 4266 (request
4 no. 00593'89 o).

5 (p) Senate Bill No. _____ or House Bill No. 4267 (request
6 no. 00593'89 p).

7 (q) Senate Bill No. _____ or House Bill No. 4268 (request
8 no. 00593'89 q).

9 (r) Senate Bill No. _____ or House Bill No. 4269 (request
10 no. 00593'89 r).

11 (s) Senate Bill No. _____ or House Bill No. 4270 (request
12 no. 00593'89 s).