

HOUSE BILL No. 4581

April 10, 1989, Introduced by Reps. Terrell, Clack, DeMars, Hunter, Stallworth, Honigman, Harrison, Leland, Joe Young, Sr., Webb, Kilpatrick, Power, Sikkema, Martin, Bandstra and Jondahl and referred to the Committee on Judiciary.

A bill to amend sections 2, 4, 5, and 7 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, 803.304, 803.305, and 803.307 of the Michigan Compiled Laws:

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 4, 5, and 7 of Act No. 150 of the
2 Public Acts of 1974, sections 2, 4, and 7 as amended by Act
3 No. 76 of the Public Acts of 1988 and section 5 as amended by Act
4 No. 325 of the Public Acts of 1984, being sections 803.302,
5 803.304, 803.305, and 803.307 of the Michigan Compiled Laws, are
6 amended to read as follows:

1 Sec. 2. As used in this act:

2 (a) "Department" means the state department of social
3 services.

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

5 (i) A person accepted for care by the department who is at
6 least 12 years of age at the time committed to the department by
7 the ~~juvenile division of a probate~~ DOMESTIC RELATIONS court
8 under ~~section 18(1)(c) of chapter XIIA of Act No. 288 of the~~
9 ~~Public Acts of 1939, as amended, being section 712A.18-~~

10 SECTION 9629(1)(E) OF THE REVISED JUDICATURE ACT OF 1961, ACT
11 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.9629 of the
12 Michigan Compiled Laws, if the court acquired jurisdiction over
13 the person pursuant to ~~section 2(a) or (d) of chapter XIIA of~~
14 ~~Act No. 288 of the Public Acts of 1939, as amended, being section~~
15 ~~712A.2-~~ SECTION 9602(2) OR (6) OF ACT NO. 236 OF THE PUBLIC ACTS
16 OF 1961, BEING SECTION 600.9602 of the Michigan Compiled Laws,
17 and if the act for which the youth is committed occurred before
18 his or her seventeenth birthday.

19 (ii) A person accepted for care by the department who is at
20 least 15 years of age at the time committed to the department by
21 the court of general criminal jurisdiction under section 1 of
22 chapter IX of the code of criminal procedure, Act No. 175 of the
23 Public Acts of 1927, being section 769.1 of the Michigan Compiled
24 Laws, and if the act for which the youth is committed occurred
25 before his or her seventeenth birthday.

26 Sec. 4. (1) The department may establish facilities and
27 programs for the care of state wards. The department shall

1 supervise and operate state facilities and programs or contract
2 for the care of state wards, including institutions, halfway
3 houses, youth camps, diagnostic centers, regional detention
4 facilities and treatment centers, group homes, supervision in the
5 community, or other child welfare services.

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

12 (3) The department may supervise a state ward placed in pri-
13 vate home care.

14 (4) A state ward under this act may be placed in any facili-
15 ty, residence, or program described in this section. If the
16 department determines the best interests of a state ward require
17 the involvement of another state agency, other than the depart-
18 ment of corrections, then the department, together with that
19 agency, shall determine an appropriate care and treatment plan
20 for the state ward. A state ward may be placed in a mental
21 institution by the department pursuant to the mental health code,
22 Act No. 258 of the Public Acts of 1974, being sections 330.1001
23 to 330.2106 of the Michigan Compiled Laws, except when the state
24 ward resides with his or her parents. If the state ward resides
25 with his or her parents, placement in a mental institution shall
26 be with the consent of the custodial parent. If such placement

1 occurs, the state ward shall be returned to the custody of the
2 department upon release from the mental institution.

3 (5) When necessary, the department may place a state ward in
4 a public or private institution or agency incorporated under the
5 laws of another state or country and approved or licensed by that
6 state's or country's department of social welfare or equivalent
7 approving or licensing agency.

8 Sec. 5. (1) The county from which the state ward is commit-
9 ted shall be liable to the state for 50% of the cost of his or
10 her care, but this amount may be reduced by the use of funds from
11 the annual original foster care grant of the state to the county,
12 or otherwise, for any period in respect to which the department
13 has made a finding that the county is unable to bear 50% of the
14 cost of care. If the department reduces the liability of a
15 county under this section, the director shall inform the respec-
16 tive chairpersons of the appropriations committees of the senate
17 and house of representatives ~~at least~~ NOT LESS THAN 14 days
18 before granting the reduction. The county of residence of the
19 state ward shall be liable to the state, rather than the county
20 from which the youth was committed, if the ~~juvenile division of~~
21 ~~the probate~~ DOMESTIC RELATIONS court of the county of residence
22 withheld consent to a transfer of proceedings under ~~section 2 of~~
23 ~~chapter 12A Act No. 288 of the Public Acts of 1939, as amended,~~
24 ~~being section 712A.2~~ SECTION 9602 OF THE REVISED JUDICATURE ACT
25 OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
26 SECTION 600.9602 of the Michigan Compiled Laws, as determined by
27 the department. The finding that the county is unable to bear

1 50% of the expense shall be based on a study of the financial
2 resources and necessary expenditures of the county made by the
3 department.

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

12 Sec. 7. (1) A youth accepted by the department shall remain
13 a ward of the state until discharged from state wardship with the
14 approval of any of the following and, if placed in an institu-
15 tion, shall remain until released with the approval of any of the
16 following:

17 (a) Until June 1, 1991 and except as otherwise provided in
18 subdivisions (b) and (d), with the approval of the youth parole
19 and review board under section 121 of the social welfare act, Act
20 No. 280 of the Public Acts of 1939, being section 400.121 of the
21 Michigan Compiled Laws.

22 (b) If the youth was committed to the department under
23 ~~section 18(1)(e) of chapter XIII A of Act No. 280 of the Public~~
24 ~~Acts of 1939, being section 712A.18~~ SECTION 9629(1)(E) OF THE
25 REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF
26 1961, BEING SECTION 600.9629 of the Michigan Compiled Laws, for
27 an offense which, if committed by an adult, would be punishable

1 by imprisonment for more than 1 year or an offense expressly
2 designated by law to be a felony, with the approval of the
3 ~~juvenile division of the probate~~ DOMESTIC RELATIONS court.

4 (c) If the youth was committed to the department under
5 ~~section 18(1)(e) of chapter XIIA of Act No. 288 of the Public~~
6 ~~Acts of 1939, being section 712A.18~~ SECTION 9629(1)(E) OF ACT
7 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.9629 of the
8 Michigan Compiled Laws, and the youth was adjudicated as being in
9 the court's jurisdiction under ~~section 2(a) of chapter XIIA of~~
10 ~~Act No. 288 of the Public Acts of 1939, being section 712A.2~~
11 SECTION 9602(2) OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
12 SECTION 600.9602 of the Michigan Compiled Laws, with the approval
13 of the ~~juvenile division of the probate~~ DOMESTIC RELATIONS
14 court. This subdivision shall take effect June 1, 1991.

15 (d) If the youth was committed to the department under sec-
16 tion 1 of chapter IX of the code of criminal procedure, Act
17 No. 175 of the Public Acts of 1927, being section 769.1 of the
18 Michigan Compiled Laws, with the approval of the court of general
19 criminal jurisdiction under section 1b of chapter IX of the code
20 of criminal procedure, Act No. 175 of the Public Acts of 1927,
21 being section 769.1b of the Michigan Compiled Laws.

22 (2) Except as otherwise provided in this subsection, a youth
23 accepted as a state ward shall be automatically discharged from
24 state wardship upon reaching the age of 19. A youth committed to
25 the department under ~~section 18(1)(e) of chapter XIIA of Act~~
26 ~~No. 288 of the Public Acts of 1939, being section 712A.18~~
27 SECTION 9629 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING

1 SECTION 600.9629 of the Michigan Compiled Laws, for an offense
2 which, if committed by an adult, would be a violation or
3 attempted violation of section 72, 83, 84, 88, 89, 91, 316, 317,
4 349, 520b, 520c, 520d, 520g, 529, or 530 of the Michigan penal
5 code, Act No. 328 of the Public Acts of 1931, being sections
6 750.72, 750.83, 750.84, 750.88, 750.89, 750.91, 750.316, 750.317,
7 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, and
8 750.530 of the Michigan Compiled Laws, or section 7401(2)(a)(i)
9 or 7403(2)(a)(i) of the public health code, Act No. 368 of the
10 Public Acts of 1978, being sections 333.7401 and 333.7403 of the
11 Michigan Compiled Laws, shall be automatically discharged from
12 state wardship upon reaching the age of 21. A youth committed to
13 the department under section 1 of chapter IX of the code of crim-
14 inal procedure, Act No. 175 of the Public Acts of 1927, being
15 section 769.1 of the Michigan Compiled Laws, shall be automati-
16 cally discharged from state wardship upon reaching the age of
17 21.

18 Section 2. (1) This amendatory act shall take effect
19 January 1, 1990.

20 (2) This amendatory act shall not take effect unless Senate
21 Bill No. _____ or House Bill No. 4567 (request no. 01659'89) of
22 the 85th Legislature is enacted into law.