

# SENATE BILL No. 665

November 1, 1989, Introduced by Senators WELBORN,  
DINGELL, CARL and POLLACK and referred to the  
Committee on Criminal Justice and Urban Affairs.

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,~~ DEPARTMENT OF CHILDREN, YOUTH, AND FAMILY SERVICES;  
9 to prescribe the powers and duties ~~thereof,~~ OF THE MICHIGAN  
10 CHILDREN'S INSTITUTE; and to provide penalties for violations of  
11 certain provisions of this act.

12 Sec. 2. The ~~said~~ Michigan children's institute shall be  
13 under the control and management of the ~~Michigan social welfare~~  
14 ~~commission, hereinafter referred to as "the commission", whose~~  
15 ~~appointment and duties are provided in Act No. 280 of the Public~~  
16 ~~Acts of 1939, as amended, being sections 400.1 to 400.90, inclu-~~  
17 ~~sive, of the Compiled Laws of 1948, and as further expressly pro-~~  
18 ~~vided for in this act~~ DEPARTMENT OF CHILDREN, YOUTH, AND FAMILY  
19 SERVICES, HEREAFTER REFERRED TO AS THE DEPARTMENT. The  
20 ~~commission~~ DEPARTMENT shall appoint the superintendent ~~—~~ and  
21 ~~such~~ other officers and employees as it ~~shall deem~~ CONSIDERS  
22 necessary ~~—~~ who shall ~~severally~~ hold their offices and posi-  
23 tions ~~during~~ AT the pleasure of the ~~commission~~ DEPARTMENT.

24 Sec. 3. A child under 17 years of age, provision for whose  
25 support and education has been made under regulations of the  
26 ~~commission~~ DEPARTMENT, may be admitted to the Michigan  
27 children's institute by either 1 of the following provisions:

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

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

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

24 (b) By observation order. If a child has been decreed to be  
25 a ward of the probate court or the juvenile division of the pro-  
26 bate court has acquired formal jurisdiction of a child, and it  
27 appears to the probate court that, because of the circumstances

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

1 institute if the parents or other persons responsible for the  
2 child's support are financially able to pay reasonable costs of  
3 the child's care.

4 Sec. 6. The ~~commission~~ DEPARTMENT shall maintain at Ann  
5 Arbor and at ~~such~~ other places as may be made available to the  
6 ~~commission~~ DEPARTMENT, temporary residential facilities for the  
7 reception of children sent to the institute under ~~sections~~  
8 SECTION 3 or 4 of this act, ~~or~~ for their care between place-  
9 ments in family homes, or for other temporary purposes. ~~Such~~  
10 THE facilities may include office space for employees of the  
11 ~~commission~~ DEPARTMENT engaged in the maintenance of the facili-  
12 ties or who work in their vicinity.

13 Sec. 7. (1) The ~~state department of social services~~  
14 DEPARTMENT shall promulgate ~~necessary~~ rules NECESSARY for the  
15 maintenance, health, instruction, and training of the children  
16 under the control of the Michigan children's institute, ~~+~~ for  
17 placing them in homes, ~~+~~ and for their supervision while they  
18 remain wards of the state. The liability of a county for the  
19 cost of a child's care shall be determined pursuant to THE YOUTH  
20 REHABILITATION SERVICES ACT, Act No. 150 of the Public Acts of  
21 1974, being sections 803.301 to 803.309 of the Michigan Compiled  
22 Laws.

23 (2) The superintendent is the authorized agent of the  
24 department to carry out the purposes of this act.

25 (3) The superintendent or the department may receive any  
26 donation, grant, or personal property for the benefit of the  
27 children of the Michigan children's institute. The

1 superintendent or the department, upon receipt of a donation,  
2 grant, or personal property, within 30 days, shall remit the same  
3 to the state treasury to be credited to the Michigan children's  
4 institute trust fund, which is created in the state treasury.  
5 The state treasurer may keep as much of the fund as the treasurer  
6 considers advisable invested in United States government bonds,  
7 notes, bills, certificates, or other obligations, and shall  
8 credit the earnings on the investments to the fund.

9 (4) The ~~state department of social services~~ DEPARTMENT may  
10 expend necessary amounts for the purposes of the Michigan  
11 children's institute for the care and education of the children  
12 during minority or until released as provided in this act. When  
13 a part of the trust fund is required by the department for these  
14 purposes, the superintendent shall obtain the same by  
15 requisition.

16 (5) The ~~state department of social services~~ may utilize  
17 facilities existing in a county in caring for children and may  
18 accept the services of a voluntary organization for the benefit  
19 of the children, subject to rules promulgated by the department.  
20 The rules shall be enforced by the superintendent on behalf of  
21 the department.

22 (6) An agreement entered into with a person for the care of  
23 a child who is a ward of the Michigan children's institute shall  
24 provide that the department may cancel the agreement if, in the  
25 opinion of the department the interest of the child requires it.  
26 If a parent or relative within the third degree of consanguinity  
27 or affinity of a child who is a ward of the institute establishes

1 a suitable home and is capable and willing to support the child,  
2 the department may restore the child to his or her parent or  
3 relative. The institute may assist the parent or relative with  
4 the support of the child, if the aid is less than the cost of  
5 care that the institute would otherwise provide.

6 (7) The department may place and maintain a child under the  
7 control of the institute in a licensed boarding home for chil-  
8 dren, and the expense of supervision and transportation of the  
9 child to the home shall be paid out of money appropriated to the  
10 institute, subject to partial reimbursement by the county liable  
11 as provided in this section. The superintendent shall cause an  
12 investigation of the condition and suitability of each boarding  
13 home to be made ~~—~~ and a report to be made and kept on file at  
14 the office of the superintendent. The report shall have the  
15 approval of the superintendent before a child of the institute  
16 may be placed in the licensed boarding home.

17 Sec. 8. (1) The ~~said commission~~ DEPARTMENT is authorized  
18 to return to the counties from which they were sent ~~—~~ the fol-  
19 lowing classes of children:

20 (A) First, those who have become 16 years of age and who,  
21 for any reason, cannot be placed or retained in family homes.

22 (B) Second, those who by reason of vicious habits or incor-  
23 rigibility, cannot be placed in or retained in family homes.

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

1       (2) IF a child ~~shall be~~ IS ordered by ~~said commission~~  
 2 THE DEPARTMENT to be returned to a county, as ~~herein~~ provided  
 3 IN SUBSECTION (1), the guardianship of the ~~said commission~~  
 4 DEPARTMENT shall cease, ~~and~~ the child ~~thereupon becomes~~ SHALL  
 5 BECOME a charge on the SENDING county, ~~from which it was sent,~~  
 6 and the superintendent shall report to the court the reasons  
 7 ~~thereof~~ FOR THE RETURN OF THE CHILD, and any other information  
 8 which may assist the court in ~~a~~ RENDERING ANY further disposi-  
 9 tion ~~of~~ CONCERNING the child.

10       Sec. 10. (1) ~~Any~~ A person ~~desiring~~ WHO WISHES to take a  
 11 child from ~~said~~ THE institute by agreement or adoption shall  
 12 apply for that purpose in writing, on ~~such~~ A form as ~~said~~  
 13 ~~commission~~ THE DEPARTMENT shall prescribe, to the superintendent  
 14 or to the judge of probate of the county in which the applicant  
 15 resides. The superintendent of ~~said~~ THE institute shall  
 16 require an investigation of the home of the applicant upon ~~such~~  
 17 ~~forms~~ A FORM as the ~~commission~~ DEPARTMENT shall prescribe.  
 18 ~~Said commission~~ THE DEPARTMENT shall procure 1 or more reports,  
 19 at least 4 times each year, for each child placed in a home for  
 20 adoption or on an agreement, either from the county agent, offi-  
 21 cer of the institute, or the person with whom the child is  
 22 placed, and at such times as the superintendent of ~~said~~ THE  
 23 institute may direct.

24       (2) It shall be the duty of county agents or child welfare  
 25 workers of the ~~state department of social welfare~~ DEPARTMENT in  
 26 their respective counties ~~—~~ to visit the wards of the ~~said~~  
 27 institute at such times as they are requested to do so ~~—~~ by



1 ~~said~~ THE superintendent ~~—~~ and to report on ~~said~~ THE homes  
2 and children to ~~said~~ THE institute.

3 Sec. 11. The ~~commission~~ DEPARTMENT shall preserve in  
4 ~~said~~ THE institute all legal and other papers of importance  
5 including reports of investigation of parentage, of THE family  
6 conditions of the children committed to ~~said~~ THE institute, and  
7 ~~also~~ a brief history of each child, showing ~~its~~ THE CHILD'S  
8 name, age, county, former residence, occupations, habits and  
9 character, so far as can be ascertained, and the name and resi-  
10 dence and occupation of the person who has taken the child by  
11 agreement ~~—~~ or for adoption. ~~In any report of any officer of~~  
12 ~~the institute, or any agent of the state department of social~~  
13 ~~welfare or any state or county officer, no~~ THE names of ~~such~~  
14 children ~~—~~ WHO ARE wards of the state ~~—~~ shall NOT be pub-  
15 lished IN A REPORT PREPARED PURSUANT TO THIS ACT. ~~Act No. 142~~  
16 ~~of the Public Acts of 1909, as amended, and Act No. 115 of the~~  
17 ~~Public Acts of 1925, being sections 6733 to 6736, inclusive, of~~  
18 ~~the Compiled Laws of 1929 shall not apply to said institute.~~ All  
19 records pertaining to ~~any~~ A child committed to ~~said~~ THE  
20 institute shall be filed as confidential and shall not be made  
21 public ~~thereafter, excepting as the said commission shall autho-~~  
22 ~~rize, when deemed~~ EXCEPT AS THE DEPARTMENT AUTHORIZES WHEN  
23 CONSIDERED necessary for the best interest of the child.

24 Sec. 14. ~~Any~~ A person who shall aid, ~~or~~ assist, or  
25 entice a child under the control of the ~~said~~ institute to  
26 escape from a home in which ~~said~~ THE child has been placed, or  
27 WHO shall aid, entice, or assist ~~any such~~ A child to leave the

1 state, or WHO shall marry ~~any such~~ A child without the consent  
2 of the ~~said commission~~ DEPARTMENT, shall be guilty of a misde-  
3 meanor and shall be punished by a fine not exceeding \$100.00  
4 ~~dollars~~ and costs of prosecution, or by imprisonment ~~in a~~  
5 ~~county jail, or any of the state prisons~~ for a term not  
6 ~~exceeding a~~ TO EXCEED 1 year, or by both ~~such~~ fine and  
7 imprisonment. ~~according to the discretion of the court.~~

8 Section 2. This amendatory act shall not take effect unless  
9 Senate Bill No. 109 of the 85th Legislature is enacted into law.

10 Section 3. This amendatory act shall take effect October 1,  
11 1990.