

SENATE BILL No. 667

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

A bill to amend sections 14, 45, 55, 56c, and 74 of Act No. 280 of the Public Acts of 1939, entitled as amended "The social welfare act," sections 14 and 55 as amended by Act No. 266 of the Public Acts of 1987, being sections 400.14, 400.45, 400.55, 400.56c, and 400.74 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 14, 45, 55, 56c, and 74 of Act No. 280
2 of the Public Acts of 1939, sections 14 and 55 as amended by Act
3 No. 266 of the Public Acts of 1987, being sections 400.14,
4 400.45, 400.55, 400.56c, and 400.74 of the Michigan Compiled
5 Laws, are amended to read as follows:

6 Sec. 14. (1) The state department has all of the following
7 additional powers and duties:

1 (a) To allocate and distribute to the county and district
2 departments of social services, as provided in section 18, and in
3 accordance with the rules promulgated by the director, money
4 appropriated by the legislature or received from the federal gov-
5 ernment for the relief of destitution or unemployment within the
6 state, or a political subdivision of the state.

7 (b) To distribute, as provided in this act, subject to fed-
8 eral rules and regulations, and in accordance with the rules
9 promulgated by the director, money appropriated by the legisla-
10 ture or received from the federal government for the granting of
11 aid to dependent children and supplemental security income; for
12 medical, dental, optometric, nursing, pharmaceutical, and burial
13 relief; for services furnished by professions under the public
14 health code, Act No. 368 of the Public Acts of 1978, as amended,
15 being sections 333.1101 to 333.25211 of the Michigan Compiled
16 Laws; and for other relief or welfare services provided by law.

17 (c) To operate a day care program in rural and urban areas
18 and assist in the development of sound programs and standards for
19 day care by public organizations throughout the state. If the
20 director, commissioner, or those officials responsible for
21 enforcing a state or local building code determine that a dwell-
22 ing unit fails to meet the standards of that code through fault
23 of the landlord, the department may refuse to pay public assist-
24 ance grants authorized under this act for payment of rent on the
25 dwelling unit. A written notice of the refusal, stating the
26 grounds for the refusal and listing the defects to be corrected,
27 shall be mailed immediately to the landlord by certified mail.

1 During the period of refusal, the landlord may bring an action
2 against the department in the nature of quo warranto, but may not
3 maintain an action for the rent or possession of the premises.
4 If the defects have been corrected or if the department's refusal
5 to pay is determined by a court of competent jurisdiction to be
6 wrongful, the department shall pay the rent that is owed, but not
7 more than the amount of the grants withheld.

8 (g) To assist other departments, agencies, and institutions
9 of the federal and state governments, when so requested, in per-
10 forming services in conformity with the purposes of this act.
11 The director shall act as certifying agent for federal depart-
12 ments or agencies in determining eligibility of applicants for
13 aid or service rendered by those departments or agencies. The
14 rules of the state departments under this subsection shall be
15 binding upon the county departments of social services.

16 (h) To collect and compile statistics, make special
17 fact-finding studies, and publish reports in reference to the
18 field of welfare, including a biennial report as provided in sec-
19 tion 17.

20 (i) To arbitrate and decide disputed or contested claims
21 between 2 or more counties relative to the settlement or domicile
22 of a person or family given or in need of any form of public aid
23 or relief, and to determine and declare the county of settlement
24 or domicile in any instance when so requested or on the
25 department's own volition. All decisions and determinations made
26 under this subdivision shall be binding upon the county
27 departments of social services.

1 (j) To administer or supervise relief or welfare functions
2 vested in the department by law, and to provide for the progres-
3 sive codification of the laws governing relief and welfare
4 problems.

5 ~~(k) To inspect county infirmaries and places of detention~~
6 ~~for juveniles for the purpose of obtaining facts pertaining to~~
7 ~~the usefulness and proper management of the infirmaries and~~
8 ~~places of detention, and of promoting proper, efficient, and~~
9 ~~humane administration of those infirmaries and places of~~
10 ~~detention. A reasonable order of the department fixing minimum~~
11 ~~standards of sanitation, fire protection, food, and comfortable~~
12 ~~lodging may be enforced, through mandamus or injunction in the~~
13 ~~circuit court for the county where the county infirmary or place~~
14 ~~of detention for the juveniles is located, through proper pro-~~
15 ~~ceedings instituted by the attorney general on behalf of the~~
16 ~~department. The burden of proof shall be on the department to~~
17 ~~establish the reasonableness of the order.~~

18 (K) ~~(l)~~ To promulgate by rules a recommended schedule of
19 payment for care and maintenance, pursuant to the administrative
20 procedures act of 1969, Act No. 306 of the Public Acts of 1969,
21 as amended, being sections 24.201 to 24.328 of the Michigan
22 Compiled Laws, to be used, as provided by law, in determining the
23 amount of payment to be made by patients, their guardians, or
24 relatives who are liable for the care and maintenance of persons
25 entitled to treatment under the mental health code, Act No. 258
26 of the Public Acts of 1974, as amended, being sections 330.1001
27 to 330.2106 of the Michigan Compiled Laws. The department in

1 promulgating the schedule may give consideration to the person's
2 income, the number of other persons he or she is obligated to
3 support, his or her estate, medical and other necessary expenses,
4 and other relevant matters.

5 (l) ~~-(n)-~~ To provide or contract for legal services for per-
6 sons receiving assistance under this act in guardianship and sup-
7 port proceedings.

8 (M) ~~-(p)-~~ To provide services to adults and aging persons,
9 which shall include:

10 (i) Services for the blind in accordance with the rehabili-
11 tation act of 1973, 29 U.S.C. 701 to 796i.

12 (ii) Services authorized in title XX of the social security
13 act, 42 U.S.C. 1397 to 1397e.

14 ~~-(q)- To license and regulate child care organizations and~~
15 ~~programs as described in Act No. 116 of the Public Acts of 1973,~~
16 ~~as amended, being sections 722.111 to 722.128 of the Michigan~~
17 ~~Compiled Laws.~~

18 (2) Other sections of this act notwithstanding, all powers
19 and duties of the county social services boards to develop,
20 implement, and administer a program of general public relief, are
21 transferred to the state department effective beginning with the
22 first county fiscal year following December 1, 1975. However, in
23 a county that operates a patient care management system pursuant
24 to section 66j, the county social services board may change the
25 eligibility standards and coverages for medical care for persons
26 eligible for services under a patient care management system
27 subject to the consent of the county board of commissioners, or,

1 in a charter county, subject to the consent of the county board
2 of commissioners and the county executive.

3 Sec. 45. (1) There is created a county department of social
4 services in each county of this state — which shall possess the
5 powers granted and perform the duties imposed in this act. The
6 county department shall consist of a county social services board
7 and the director of the county department, together with assist-
8 ants and employees as may be necessary to operate the county
9 department.

10 (2) The powers and duties of the county social services
11 board shall include all of the following:

12 (a) Supervision of and responsibility for the administration
13 of the county infirmary and county medical care facility, ~~and~~
14 ~~child caring institution,~~ except as provided in sections 55(c)
15 and 58.

16 (b) Conduct, in conjunction with the state department, an
17 annual review of social service programs operating within the
18 county.

19 (c) Development of policy and supervision of the administra-
20 tion of social service programs authorized by the county board of
21 commissioners or financed solely from county funds or county
22 administered funds.

23 (d) Development and administration of employment programs
24 and work training projects complementary to and not in conflict
25 with the state general public relief or categorical assistance
26 policy.

1 (e) Review and submit recommendations on contracts involving
2 programs administered by the state department proposed to be
3 entered into between the state department and public or private
4 agencies within the county including proposed purchases of serv-
5 ice contracts from applicant agencies within the county eligible
6 for funding under Title ~~-20-~~ XX of the social security act, 42
7 U.S.C. 1397 to ~~-1397f-~~ 1397e. A contract shall not be entered
8 into between the department and a public or private agency within
9 the county until the board has been provided an opportunity for
10 review of the contract. The board shall be advised by the
11 department within 30 days after contracts have been signed with
12 an explanation of the differences between contracts recommended
13 by the board and those actually entered into.

14 (f) Act as the agent for the county board of commissioners
15 in the development of coordinated or consolidated approaches to
16 the delivery of social services and cooperative service delivery
17 arrangements between the state department and each public and
18 private social service agency within the county.

19 (g) Represent the county board of commissioners in all nego-
20 tiations between the county and the state department.

21 (h) Make annual policy recommendations to the Michigan
22 county social services association on annual departmental appro-
23 priations, priorities for utilization of Title ~~-20-~~ XX funds,
24 eligibility standards for general public relief and burial,
25 employment programs, work training projects, and other related
26 issues.

1 (3) The state department shall provide suitable office
2 accommodations for programs funded in whole or in part with state
3 funds. The county social services board shall review and recom-
4 mend to the director proposed social services office sites within
5 the county. The director shall notify the board before final
6 site selection with an explanation of the selection of a site
7 other than that proposed by the board.

8 (4) The salary and expenses of each member of the county
9 board shall be fixed by the county board of commissioners accord-
10 ing to the amount of time the member devotes to the performance
11 of official duties. A member of the county board may not serve
12 as the director or an employee of the county department. The
13 members of the county boards shall be appointed at the annual
14 October session of commissioners, and members shall qualify by
15 taking and filing the oath of office with the county clerk, and
16 shall assume their duties as prescribed by this act not later
17 than November 1 of the year appointed.

18 (5) The director, employees, and assistants of the county
19 department shall be appointed by the state department from among
20 persons certified as qualified by the state civil service
21 commission. The county social services board shall review the
22 qualifications of and interview each applicant for the position
23 of county social services director. The county director shall be
24 appointed from among persons certified as eligible and recom-
25 mended by the department and by the county social services
26 board. The county social services board shall advise and make
27 recommendations to the state director regarding the performance

1 of the county director within 6 months after the appointment of
2 the county director and annually after that time. A copy of each
3 evaluation shall be provided to the county director.

4 (6) Except as prescribed in sections 35 and 64, a writing
5 prepared, owned, used, in the possession of, or retained by the
6 county department of social services in the performance of an
7 official function shall be made available to the public in com-
8 pliance with THE FREEDOM OF INFORMATION ACT, Act No. 442 of the
9 Public Acts of 1976, BEING SECTIONS 15.231 TO 15.246 OF THE
10 MICHIGAN COMPILED LAWS.

11 Sec. 55. The county department shall administer a public
12 welfare program, as follows:

13 (a) To grant general assistance, including medical care as
14 defined in this section and care in the county medical care
15 facility, but not including hospitalization and infirmary care
16 except for care in the county medical care facility or a county
17 infirmary existing on January 1, 1981, to any person domiciled in
18 the county who has a legal settlement in this state. General
19 assistance may also be granted to a person who has a legal set-
20 tlement in this state but no domicile in the county and a recoup-
21 ment may be made when appropriate in the manner provided in cases
22 of emergency hospitalization under this act. In a temporary
23 emergency, general assistance may be given to indigents without a
24 settlement in this state as the county department considers nec-
25 essary, including, if other funds are not available for the pur-
26 pose, all necessary expenses in transporting an indigent to his
27 or her domicile in this state, or in another state or nation,

1 when information reasonably tends to show that the person has a
2 home available in his or her place of domicile in this state or a
3 legal residence in another state or nation. A legal settlement
4 in this state is acquired by an emancipated person who has lived
5 continuously in this state for 1 year with the intent to make it
6 his or her home and who, during the 1-year period has not
7 received public assistance, other than assistance received during
8 and as a direct result of a civil defense emergency, or support
9 from relatives. Time spent in a public institution shall not be
10 counted in determining settlement. A legal settlement shall be
11 lost by remaining away from this state for an uninterrupted
12 period of 1 year except that absence from this state for labor or
13 other special or temporary purpose shall not occasion loss of
14 settlement.

15 (b) To administer categorical assistance including medical
16 care.

17 (c) To supervise and be responsible for the operation of the
18 county infirmary and county medical care facility. In a county
19 having a population of 1,000,000 or more which maintains a county
20 infirmary or county hospital or a joint infirmary and hospital
21 providing for mental patients, the institution and the admissions
22 to the institution shall be subject to the control of a board to
23 be known as the board of county institutions. The board shall
24 consist of 5 members appointed by the county board of commission-
25 ers, except that in a county having a board of county auditors, 3
26 members of the board of county institutions shall be appointed by
27 the county board of commissioners and 2 members shall be

1 appointed by the board of county auditors. Each member of the
2 board shall hold office for a term and receive compensation as
3 the county board of commissioners provides by ordinance. In
4 relation to the administration of the institutions the board
5 shall have and succeed to all powers and duties formerly vested
6 by law, general, local or special, in the superintendents of the
7 poor in the county and the board of county institutions as con-
8 stituted on April 13, 1943. The board of county institutions of
9 the county may also maintain outpatient facilities for the treat-
10 ment of needy persons suffering from mental disorders. The board
11 shall also have the same powers as are given to the county board
12 in section 78.

13 (d) To furnish in all cases, insofar as practicable, care
14 and treatment which will tend to restore needy persons to a con-
15 dition of financial and social independence.

16 (e) To require that each applicant shall furnish proof sat-
17 isfactory to the county board that the applicant is entitled to
18 the aid, assistance, or benefit sought.

19 (f) To investigate, in respect to each application for any
20 form of public aid or assistance, the circumstances of the appli-
21 cant, both at the time of application and periodically during the
22 receipt of aid or assistance.

23 (g) To maintain adequate social and financial records per-
24 taining to each recipient of aid or assistance and so far as is
25 practicable engage in the prevention of social disabilities.

26 ~~(h) To investigate, when requested by the probate court,~~
27 ~~matters pertaining to dependent, neglected, and delinquent~~

~~children and wayward minors, under the jurisdiction of the probate court to provide supervision and foster care as provided by court order, and to furnish the court, on request, investigational service in respect to the hospitalization of children under the program of services for crippled children established under part 58 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.5801 to 333.5879 of the Michigan Compiled Laws, which services shall include the follow-up investigation and continuing observations.~~

(H) ~~-(i)~~ To assist other departments, agencies, and institutions of the federal, state, and county governments, when so requested, in performing services in conformity with the purposes of this act.

~~-(j) To assist in the development of sound programs and standards of child welfare, and promote programs and policies looking toward the prevention of dependency, neglect, and delinquency and other conditions affecting adversely the welfare of families and children.~~

(I) ~~-(k)~~ To create within the county department a division of medical care. The county board may appoint a properly qualified and licensed doctor of medicine as the head of the division and an advisory committee. The advisory committee shall consist of 1 doctor of medicine, nominated by the county medical society; 1 dentist, nominated by the district dental society; and 1 pharmacist, nominated by the district pharmaceutical association, to assist in formulating policies of medical care and auditing and reviewing bills. "Medical care" as used in this act means

1 medical care rendered under the supervision of a licensed
2 physician in an organized out-patient department of a hospital
3 licensed by the department of public health under article 17 of
4 the public health code, Act No. 368 of the Public Acts of 1978,
5 being sections 333.20101 to 333.22181 of the Michigan Compiled
6 Laws, or home and office attendance by a physician, osteopathic
7 physician and surgeon, or podiatrist licensed under article 15 of
8 the public health code, Act No. 368 of the Public Acts of 1978,
9 being sections 333.16101 to 333.18838 of the Michigan Compiled
10 Laws; and when prescribed by the physician, osteopathic physician
11 and surgeon, or podiatrist, diagnostic services requiring the use
12 of equipment not available in his or her offices, if the services
13 do not require overnight care, dental service, optometric serv-
14 ice, bedside nursing service in the home, or pharmaceutical
15 service. The private physician-patient relationship shall be
16 maintained. The normal relationships between the recipients of
17 dental, optometric, nursing, and pharmaceutical services, and the
18 services furnished by a physician, osteopathic physician and sur-
19 geon, podiatrist, or a chiropractor licensed under article 15 of
20 the public health code, Act No. 368 of the Public Acts of 1978,
21 being sections 333.16101 to 333.18838 of the Michigan Compiled
22 Laws, and the persons furnishing these services shall be
23 maintained. This section shall not affect the office of a city
24 physician or city pharmacist established under a city charter, a
25 county health officer, or the medical superintendent of a county
26 hospital. This section shall permit the use of a case management

1 system, a patient care management system, or other alternative
2 system for providing medical care.

3 (J) ~~-(I)-~~ To cause to be suitably buried the body of a
4 deceased indigent person who has a domicile in the county, when
5 requested by the person's relative or friend, or of a stranger,
6 when requested by a public official following an inquest.

7 (K) ~~-(m)-~~ To administer additional welfare functions as are
8 vested in the department, including hospitalization.

9 (l) ~~-(n)-~~ To act as an agent for the state department in
10 matters requested by the state department under the rules of the
11 state department.

12 (M) ~~-(o)-~~ To provide temporary general assistance for each
13 family found ineligible for aid to dependent children assistance
14 by reason of unsuitable family home as provided in section 56.

15 Sec. 56c. (1) The term "dependent child" as used in section
16 56 shall also include a needy child who would meet the require-
17 ments of ~~sections~~ SECTION 56 or 56d, except for his OR HER
18 removal from ~~the homes of a relative~~ A RELATIVE'S HOME speci-
19 fied in section 56 as a result of a judicial determination ~~to~~
20 ~~the effect~~ that continuation ~~therein~~ IN THAT HOME would be
21 contrary to the welfare of ~~such~~ THE child ~~-(1)-~~ if BOTH OF THE
22 FOLLOWING OCCUR:

23 (A) IF the determination makes the ~~state~~ department OF
24 CHILDREN, YOUTH, AND FAMILY SERVICES or any other public agency
25 that has an acceptable agreement with the ~~state~~ department OF
26 CHILDREN, YOUTH, AND FAMILY SERVICES responsible for the
27 placement and care of the child and the child has been placed in

1 a licensed foster family home or private child care institution.

2 ~~and (2) if~~

3 (B) IF the child received aid under ~~sections~~ SECTION 56 or
 4 56d for the month in which the court proceedings leading to the
 5 determination were initiated, or would have received aid to
 6 dependent children for ~~such~~ THAT month if application FOR AID
 7 had been made, ~~therefor~~, or had been living with a relative
 8 specified in section 56 within 6 months prior to the month in
 9 which ~~such~~ THE proceedings were initiated and would have
 10 received ~~such~~ aid for ~~such~~ THAT month had application FOR AID
 11 been made ~~therefor~~ and had he OR SHE not been absent from the
 12 ~~relatives~~ RELATIVE'S home.

13 Foster care expenditures for ~~such~~ a child shall be considered
 14 to be aid to dependent children under ~~sections~~ SECTION 56 or
 15 56d notwithstanding other provisions of those sections. ~~The~~
 16 words ~~dependent child~~

17 (2) AS USED in this section, "DEPENDENT CHILD" shall include
 18 foster care ~~in~~ ON behalf of ~~such~~ THE child ~~(a)~~ in EITHER OF
 19 THE FOLLOWING:

20 (A) IN the foster family home of any individual, whether the
 21 payment ~~therefor~~ FOR THE FOSTER CARE is made to ~~such~~ THE
 22 individual or to a public or nonprofit private ~~child-placement~~
 23 ~~or child-care~~ CHILD PLACEMENT OR CHILD CARE agency. ~~, or (b)~~
 24 ~~in~~

25 (B) IN a ~~child-care~~ CHILD CARE institution, whether the
 26 payment ~~therefor~~ FOR THE FOSTER CARE is made to ~~such~~ THE
 27 institution or to a public or nonprofit private ~~child-placement~~

1 ~~or child care~~ CHILD PLACEMENT OR CHILD CARE agency, but subject
 2 to limitations prescribed by the state department with a view to
 3 including as "aid to families with dependent children" in the
 4 case of ~~such~~ foster care in ~~such~~ institutions only those
 5 items which are included in ~~such~~ THAT term in the case of
 6 foster care in the foster family home of an individual.

7 Sec. 74. (1) All ~~moneys in the child care fund provided~~
 8 ~~for the use of the county department and all moneys~~ MONEY in the
 9 social welfare fund shall be disbursed on the order or warrant of
 10 the ~~county~~ department OF CHILDREN, YOUTH, AND FAMILY SERVICES,
 11 over the signature of a person ~~or persons~~ designated by the
 12 board. The board shall require a suitable and adequate bond from
 13 all persons designated to sign ~~such~~ THE orders conditioned for
 14 the proper handling of all such disbursements.

15 (2) All purchases by the board shall, insofar as possible,
 16 be placed with business concerns located within the county for
 17 which ~~such~~ THE board is appointed and shall be spread equitably
 18 among business concerns.

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

21 Section 3. This amendatory act shall take effect October 1,
 22 1990.