

SENATE BILL No. 109

February 7, 1989, Introduced by Senators WELBORN, DINGELL and BINSFELD and referred to the Committee on Criminal Justice and Urban Affairs.

A bill to create a state department of children, youth, and family services and to prescribe its powers and duties; to prescribe the powers and duties of governmental entities and officials; to prescribe the powers and duties of certain other state departments, agencies, and boards; to prescribe the powers and duties of certain state officers; to provide for the promulgation of rules; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 1. GENERAL PROVISIONS

Sec. 1101. This act shall be known and may be cited as the "children, youth, and family services act".

Sec. 1103. As used in this act:

(a) "Administrator" means the administrator of the office of juvenile justice.

1 (b) "Application" means a formal request for the funding of
2 a juvenile justice project by a state or district entity or a
3 combination of state and district entity, prepared pursuant to
4 state or federal law.

5 (c) "Department" means the state department of children,
6 youth, and family services.

7 (d) "Director" means the director of the department of chil-
8 dren, youth, and family services.

9 (e) "Local board" means a local children, youth, and family
10 services management board.

11 (f) "Local director" means a director of a local office of
12 children, youth, and family services.

13 (g) "Local office" means a local office of children, youth,
14 and family services.

15 (h) "Office" means the office of juvenile justice created in
16 section 1309.

17 (i) "Plan", as used in section 1113, means a comprehensive
18 juvenile justice plan developed under federal or state law
19 requirements.

20 Sec. 1105. There is created a state department of children,
21 youth, and family services that shall possess the powers and per-
22 form the duties granted and imposed by this act. The governor
23 shall appoint a director of the department by and with the advice
24 and consent of the senate. The director shall be exempt from the
25 state classified civil service. The director shall receive com-
26 pensation as provided by the legislature. The director shall
27 serve as a special assistant to the governor on the problems of

1 children, youth and families, and shall chair the human services
2 cabinet council created in section 1119. Any authority that has
3 by law been vested in any entity or employee of the department is
4 exercisable by the director at his or her option.

5 Sec. 1107. The purpose of the department of children,
6 youth, and family services is to develop policies and provide
7 services, in cooperation with other human services departments or
8 agencies that contribute to the well-being of children, youth,
9 and their families, based on the following principles:

10 (a) Services to children and youth shall strengthen families
11 and family life in the state. Accordingly, services shall be
12 delivered in the context of a child's family whenever consistent
13 with the best interests of the child.

14 (b) Services shall be delivered within the least restrictive
15 and most normal environment that is practicable.

16 (c) A core of services, which provides a continuum of care
17 for children, youth, and families, shall be uniformly available
18 statewide on a voluntary basis whenever possible.

19 (d) Services which children and families receive shall be
20 based on a family assessment and treatment plan designed to meet
21 their particular needs and potential.

22 (e) Services shall be based on need, not financial or cate-
23 gorical eligibility.

24 Sec. 1108. The department shall provide directly through a
25 local office or by contract as provided in section 1109 for the
26 delivery of the core of services described in this section. The
27 core of services includes all of the following:

- 1 (a) Information and referral.
- 2 (b) Central intake, initial assessment, and eligibility
3 determination.
- 4 (c) Family assessment and treatment planning.
- 5 (d) Case management services.
- 6 (e) Prevention services.
- 7 (f) Protective services investigation.
- 8 (g) Crisis intervention.
- 9 (h) Juvenile probation.
- 10 (i) Emergency mental health services.
- 11 (j) Advocacy services to other human services systems.
- 12 (k) Treatment, including all of the following:
 - 13 (i) Individual, group, and family counseling.
 - 14 (ii) In-home detention.
 - 15 (iii) Day care.
 - 16 (iv) Parent aides.
 - 17 (v) Homemakers.
 - 18 (vi) Juvenile detention.
 - 19 (vii) Family and child shelters for behavioral and emotional
20 crisis.
 - 21 (viii) Adolescent parent services.
 - 22 (ix) Respite care.
 - 23 (x) Day treatment.
 - 24 (xi) Family foster care.
 - 25 (xii) Group homes.
 - 26 (xiii) Secure and nonsecure residential treatment.

(xiv) Independent living.

(xv) Adoption services.

(xvi) Community information and education.

Sec. 1109. (1) The department shall provide all of the following core services through department employees:

(a) Information and referral.

(b) Protective services investigation.

(c) Central intake, initial assessment, and eligibility determination.

(d) Case facilitation.

(e) Juvenile detention.

(f) Training schools.

(g) Children's psychiatric hospitals.

(h) Community information and education.

(2) The department shall designate which core services, other than those described in subsection (1), shall be provided by department staff and which core services may be provided by contract. The department, through its local offices, shall not contract for the provision of services unless all of the following conditions are met:

(a) The service is available from a licensed community or residential treatment agency.

(b) The provision of that service is cost beneficial.

(c) The purchase of that service has received local board and department approval.

1 Sec. 1113. (1) The department shall be the primary entity
2 in this state concerning matters of children, youth, and family
3 services. The department shall do all of the following:

4 (a) Deliver the high cost, low volume services provided for
5 in this act, and coordinate with local boards and offices for
6 delivery of all other services provided for in this act.

7 (b) Plan, develop, and evaluate children, youth, and family
8 services conducted, administered, or contracted for by the
9 department or local offices pursuant to this act.

10 (c) Conduct, or cause to be conducted, research necessary to
11 provide effective and adequate children, youth, and family serv-
12 ices and programs throughout the state.

13 (d) Coordinate educational and public information programs
14 for the purpose of developing appropriate awareness regarding the
15 problems of children, youth, and families; encourage professional
16 groups to recognize and deal with the problems confronting chil-
17 dren, youth, and families; make information about the problems of
18 children, youth, and families available to organizations dealing
19 with juvenile problems and to the general public; and encourage
20 the development of community programs to improve the status of
21 children, youth, and families.

22 (e) Evaluate state statutes, court rules, and funding
23 arrangements related to children, youth, and families and recom-
24 mend proposals for appropriate changes to insure equity in the
25 availability of services and the protection of the rights of
26 children, youth, and families.

1 (f) Monitor and evaluate children, youth, and family
2 services and programs, make recommendations, and monitor
3 corrective action necessary for the improvement of those services
4 and programs.

5 (g) Consolidate research, policy, and program development
6 and evaluation activities for children, youth, and family
7 services.

8 (h) Establish and interpret policy for children, youth, and
9 family services administered by the department.

10 (i) Develop and implement standard reporting methods to pro-
11 vide accurate program and statistical data on children and youth
12 affected by children, youth, and family services and programs.

13 (j) Develop and operate an information system for children,
14 youth, and family services. The system shall have the capacity
15 to provide a continuum of information on client demographics,
16 case flow, staffing, funding, and outcome on children, youth, and
17 families. The system shall provide for the collection, compila-
18 tion, coordination, analysis, indexing, verification, and dissem-
19 ination of data and statistics on all services provided to chil-
20 dren, youth, and families. The system shall be operational no
21 later than December 31, 1991. Submittal of required information
22 by a local office on clients and programs shall be a legal basis
23 for distribution of state and federal funds.

24 (k) Enter into contracts necessary for the performance of
25 its powers and duties and the execution of its policies. The
26 contracts may be with a state agency, a local public agency, or a
27 private agency, organization, association, or person, to enhance,

1 provide, or improve the availability and quality of children,
2 youth, and family services and programs.

3 (l) Recommend to the governor and the legislature methods of
4 improving the effectiveness of public and private children,
5 youth, and family services and programs.

6 (m) Cooperate with the United States government and coordi-
7 nate department activities with federal programs.

8 (n) If appropriate, enter into interstate or other types of
9 agreements for the purpose of joint research and planning with
10 other states, or with the federal government.

11 (o) Operate child and adolescent psychiatric hospitals in
12 the state.

13 (p) Operate residential mental health services for emotion-
14 ally disturbed children.

15 (q) Consult with the office of substance abuse services cre-
16 ated in section 6201 of the public health code, Act No. 368 of
17 the Public Acts of 1978, being section 333.6201 of the Michigan
18 Compiled Laws, concerning children and youth in need of substance
19 abuse services. If the department determines that those services
20 are inadequate, it may provide additional substance abuse serv-
21 ices directly or authorize local offices to provide additional
22 substance abuse services to children, youth and families within
23 the county.

24 (r) Assist in the development of sound programs and stan-
25 dards for children, youth, and family services and promote pro-
26 grams and policies encouraging the prevention of dependency,
27 neglect, delinquency, mental disability, and other conditions

1 adversely affecting the welfare of children, youth and families.
2 These programs and policies shall include services for families
3 of children in trouble or at risk.

4 (s) Encourage and assist in the development and coordination
5 of new programs as well as coordinating prevailing programs at
6 all levels of government and with those public and private non-
7 profit agencies and groups providing care or training or supervi-
8 sion for children and youth.

9 (t) Investigate, when requested by the probate court, mat-
10 ters pertaining to dependent, neglected, and delinquent children
11 and wayward minors, under the jurisdiction of the probate court,
12 and provide supervision and foster care as provided by court
13 order. The department shall be responsible for the development,
14 interpretation, and dissemination of policy regarding department
15 investigations requested or ordered by the probate court and the
16 provision of foster care services authorized by this act.

17 (u) Gather and make available statistics and information
18 about the operation of the various state, regional, and local
19 components of the program of children, youth, and family services
20 and present the information to the legislature and the public
21 through biennial reports.

22 (v) Cooperate with the office of criminal justice programs
23 in the development of the state plan required by the juvenile
24 justice and delinquency prevention act of 1974, Public Law
25 93-415, 18 U.S.C. 4351 to 4353, 5038 to 5042; and 42 U.S.C. 5601
26 to 5603, 5611 to 5616, 5631 to 5639, 5651 to 5654, 5656 to 5657,

1 5659 to 5661, 5671 to 5672, 5701 to 5702, 5711 to 5717, 5751, and
2 5771 to 5777.

3 (w) Develop a coordinated system of care for children and
4 youth under the supervision of the probate court. The develop-
5 ment of treatment programs and other services shall be coordi-
6 nated with local-operated programs for treatment, detention, and
7 diagnosis.

8 (x) Establish, with the approval of the legislature, train-
9 ing programs for delinquent youth by contract with government and
10 private agencies. The programs may be conducted through camps
11 established by the department or in cooperation with the depart-
12 ment of natural resources or with other organizations.

13 (y) Operate training schools, the children's institute,
14 halfway houses, youth camps, diagnostic centers, state operated
15 regional detention facilities, regional short-term treatment cen-
16 ters, group homes, and other facilities and programs established
17 with the approval of the legislature to provide an effective pro-
18 gram of out-of-home care for children and youth placed in the
19 care and custody of the department by probate courts, courts of
20 general criminal jurisdiction, or, where provided by law, the
21 voluntary action of parents or guardians.

22 (z) Devise and make available a system of supervision for
23 juveniles on conditional release from facilities of the depart-
24 ment by establishing department programs, or, with the approval
25 of the legislature, by agreement with other units of state or
26 with private agencies.

1 (aa) Undertake special studies regarding the development of
2 intensive probation, new probation methods, and other services
3 specifically aimed at reduction of detention and out-of-home
4 care.

5 (bb) Assist the legislature in evaluating the plan developed
6 under former Act No. 280 of the Public Acts of 1975.

7 (cc) Administer and operate an adolescent sex offender
8 program.

9 (dd) Administer and operate teen health clinics.

10 (2) In performing the duties required under this act and
11 necessary departmental operations, the department may either
12 create programs and services or contract with other private or
13 governmental agencies for those programs and services.

14 Sec. 1115. Concerning the funding of the department, the
15 department shall do all of the following:

16 (a) Establish guidelines for the development of children,
17 youth, and family services, program plans, and budgets.

18 (b) Develop and allocate the children, youth, and family
19 services budget.

20 (c) Recommend to the governor and the legislature appropri-
21 ate allocations of public funds for children, youth, and family
22 services and programs.

23 (d) Administer grants, subsidies, incentive payments and
24 other fiscal programs authorized by the legislature including all
25 of the following:

1 (i) Subsidies or incentives to insure adequate locally-based
2 probation and other services for children under the jurisdiction
3 of the juvenile division of the probate court.

4 (ii) Cost-sharing programs between the state and counties
5 concerning children's services, including funding prescribed in
6 sections 1301 to 1309.

7 (iii) Allocation of funds budgeted to the department for
8 governmental or private organizations operating delinquency pre-
9 vention programs or projects in accordance with standards estab-
10 lished by the department.

11 (e) Accept gifts, grants, bequests, and other donations for
12 use in performing its functions. Any funds or property accepted
13 shall be used as directed by its donor and in accordance with law
14 and the rules and procedures of the department.

15 (f) Apply for, accept, and disburse private and federal
16 grants made available for the types of activities which the
17 department is required or authorized to engage in under this
18 act.

19 (g) Establish a central fiscal management system for state
20 and federal funds.

21 (h) Serve as a special advisor to the governor on children,
22 youth, and family services budgets and programs.

23 Sec. 1117. (1) The office of juvenile justice is created
24 within the department. Office budget development, procurement,
25 and related management functions shall be performed by the
26 department. The administrator of the office shall be appointed
27 by the department director. The administrator shall be the

1 official authorized to enter into a contractual agreement with a
2 federal agency and state, district, and private parties pursuant
3 to the juvenile delinquency prevention and control act of 1968,
4 Public Law 90-445, 42 U.S.C. 3801, 3811 to 3814, 3861 to 3862,
5 3871 to 3873, 3881 to 3888, and 3890 to 3891, and related federal
6 laws.

7 (2) The office shall do all of the following:

8 (a) Prepare plans or applications, as required by federal or
9 state law, based on an analysis of the state's juvenile justice
10 needs and problems in conformity with state and federal
11 requirements.

12 (b) Encourage and assist state agencies and county depart-
13 ments in the development of plans or applications.

14 (c) Cooperate with the committee in providing technical
15 assistance to state agencies, local offices, or private agencies
16 with regard to juvenile justice.

17 (d) Apply for, contract for, receive, and expend an appro-
18 priation or grant from the state, a political subdivision of the
19 state, the federal government, or any other source of public or
20 private funds. The funds acquired by the office shall be
21 expended as set forth in the appropriation or grant received.

22 (e) Request an audit by a federal or state department or
23 agency, or local office, authorized to conduct a program or
24 fiscal audit of the office or a contractor or subgrantee of the
25 office.

1 (f) Enter into a contract with local office and private
2 agency officials for the performance of duties required by grants
3 awarded under federal or state law.

4 (g) Develop, propose, and implement policies, plans, appli-
5 cations, and programs for improving the coordination, administra-
6 tion, and effectiveness of the juvenile justice systems in the
7 state.

8 (h) Request and receive from an agency of the state, a local
9 office, a political subdivision of the state, or a public author-
10 ity the assistance, information, and data to enable the office to
11 properly carry out its functions, duties, and powers.

12 Sec. 1119. (1) There is created a human services cabinet
13 council. The purpose of the human services cabinet council is to
14 advise the governor on human services issues and concerns. The
15 council shall be chaired by the director of the department of
16 children, youth, and family services and shall include each of
17 the following members:

18 (a) The director of the department of children, youth, and
19 family services, or his or her designee.

20 (b) The director of the department of mental health, or his
21 or her designee.

22 (c) The director of the department of social services, or
23 his or her designee.

24 (d) The director of the department of public health, or his
25 or her designee.

26 (e) The chief justice of the Michigan supreme court, or his
27 or her designee.

1 (f) The director of the department of education, or his or
2 her designee.

3 (g) The director of the department of labor, or his or her
4 designee.

5 (h) The director of the office of substance abuse services,
6 or his or her designee.

7 (i) The director of the office of services to the aging, or
8 his or her designee.

9 (j) The director of the department of state police, or his
10 or her designee.

11 (k) The director of the department of corrections, or his or
12 her designee.

13 (l) The director of the department of management and budget,
14 or his or her designee.

15 (m) The president of the Michigan judges association, or his
16 or her designee.

17 (n) The president of the Michigan probate judges associa-
18 tion, or his or her designee.

19 (o) The state court administrator, or his or her designee.

20 (2) The council shall do all of the following:

21 (a) Review the state's human services needs and provide
22 long-range planning, policy-making, and advocacy, for both human
23 services and human resources.

24 (b) Advise the governor as to allocation of funds for human
25 services.

26 (c) Provide information on statewide cooperative efforts,
27 competing, and overlapping human services.

1 (d) Promote coordinating efforts to avoid fragmentation and
2 unplanned duplication of funds and human services.

3 (e) Analyze the human services mandates of state and local
4 departments, agencies, or offices.

5 (f) Advise the governor and legislature of any needed reor-
6 dering of human services to assure efficient operation of state
7 and local programs.

8 Sec. 1121. The department shall identify new and innovative
9 service delivery strategies. The department shall establish a
10 special fund for the development and implementation of those
11 service strategies. Two percent of the department's total budget
12 appropriated by the legislature shall be placed in this special
13 fund and shall be allocated solely for new and innovative service
14 strategies. A project shall not extend beyond 3 years at or
15 before which time a decision shall be reached to fund the innova-
16 tion through the regular budget process.

17 Sec. 1123. (1) The governor shall designate an agency
18 within the department to implement a program for the protection
19 and advocacy of the rights of children and youth. The designated
20 agency shall have the authority to pursue legal, administrative,
21 and other appropriate remedies to protect the rights of children
22 and youth and to investigate allegations of abuse and neglect.
23 The designated agency shall be independent of any state agency
24 that provides treatment or services other than advocacy services
25 to children and youth.

26 (2) The governor shall designate an appropriate state
27 official to serve as liaison between the agency designated to

1 implement the protection and advocacy program and the state
2 departments and agencies that provide services to youth and
3 children.

4 ARTICLE 2. LOCAL OFFICES AND MANAGEMENT BOARDS

5 Sec. 1201. (1) The department shall establish a local
6 office of children, youth, and family services in each county in
7 the state.

8 (2) A local office shall provide the services described in
9 this act or in rules promulgated by the director to persons in
10 the county or region.

11 (3) Pursuant to section 1109, the local office shall provide
12 services directly or by contracting with a private or public
13 organization or agency.

14 Sec. 1203. (1) The head of a local office is the local
15 director. The local director shall be appointed by the local
16 board.

17 (2) The local director shall implement the policies and per-
18 form the services as directed by the department and the local
19 board.

20 Sec. 1205. A local office and the local director shall
21 operate under the direction of the local board.

22 Sec. 1207. (1) The county board of commissioners in each
23 county shall establish a local children, youth, and family serv-
24 ices management board.

25 (2) A local board shall consist of the following members:

26 (a) One probate court judge.

1 (b) One circuit court judge.

2 (c) The director of the county office of the department of
3 social services.

4 (d) The county director of community mental health.

5 (e) The superintendent of an intermediate school district.

6 (f) The county prosecutor or a law enforcement officer.

7 (g) One county commissioner.

8 (h) The director of the county office of the department of
9 public health.

10 (i) Two representatives of the public.

11 Sec. 1209. The term of office of a board member shall be 2
12 years from January 1 of the year of appointment, except that of
13 the members first appointed, 1/2 or 1/2 plus 1 shall be appointed
14 for a term of 1 year and the other 1/2 for 2 years. A vacancy
15 shall be filled for an unexpired term in the same manner as an
16 original appointment. A board member may be removed from office
17 by the appointing board of commissioners for neglect of official
18 duty or misconduct in office after being given a written state-
19 ment of reasons and an opportunity to be heard on the removal. A
20 board member shall be paid a per diem no larger than the highest
21 per diem for members of other county advisory boards and be reim-
22 bursed for necessary travel expenses for each meeting attended.
23 The mileage expense fixed by the county board shall not exceed
24 the mileage reimbursement as determined by the state officers
25 compensation commission. A board member shall not receive more
26 than 1 per diem payment per day regardless of the number of
27 meetings scheduled by the board for that day. The department

1 shall reimburse the local office pursuant to regulations for
2 district allotments and matchable expenses for per diem payments
3 as well as the number of meetings per year.

4 Sec. 1211. A local children, youth, and family services
5 management board shall do all of the following:

6 (a) Annually examine and evaluate the needs of the county it
7 represents and the public and private children, youth, and family
8 services necessary to meet those needs.

9 (b) Develop a 2-year plan and budget for the local office
10 that addresses the needs of the county with an emphasis on case
11 facilitation services. The format and documentation of the plan
12 and budget shall be specified by the department and is subject to
13 approval by the director.

14 (c) Submit the 2-year plan and budget to the department by
15 such date as is specified by the department. The submission
16 shall constitute the local office's official application for
17 state funds.

18 (d) Provide and advertise a public hearing on the 2-year
19 plan and budget before submitting it to the county board of com-
20 missioners for approval.

21 (e) Take such actions as it considers necessary and appro-
22 priate to secure private, federal, and other public funds to help
23 support the local office's program.

24 (f) Approve and authorize all contracts for the providing of
25 services.

26 (g) Review and evaluate the quality, effectiveness, and
27 efficiency of services being provided by the local office.

1 (h) Hire a local office director who shall meet standards of
2 training and experience established by the department.

3 (i) Establish general policy guidelines within which the
4 local director shall execute the local office program.

5 (j) Manage the funds allocated to the local office by the
6 department.

7 (k) Regularly review the expenditure of state allocated
8 funds for consistency with the community plan for services.

9 (l) Approve budgets for all local public agencies and orga-
10 nizations that receive state funds for children, youth, and
11 family services and programs.

12 Sec. 1213. Subject to the provisions of this act, a board
13 is authorized to enter into contracts for the purchase of serv-
14 ices with private or public agencies.

15 Sec. 1215. The department shall review each local office's
16 2-year plan and budget and approve or disapprove it in whole or
17 in part.

18 Sec. 1217. A local office shall provide all of the follow-
19 ing services:

20 (a) Any service that the department or local board directs
21 it to provide.

22 (b) Comprehensive compensatory education programs designed
23 to improve the readiness and subsequent achievement of education-
24 ally disadvantaged children as defined by the department who will
25 be at least 4, but less than 5 years of age, who have extraordi-
26 nary need of special assistance, pursuant to title I of the

1 elementary and secondary education act, Public Law 89-750, '80

2 Stat. 1196 and the headstart act, 42 U.S.C. 9831-9852.

3 (c) State operated or administered day-care programs.

4 (d) Prenatal programs for pregnant women and their
5 families.

6 (e) Parent training programs.

7 (f) Latchkey programs and other programs to provide
8 after-school care for children.

9 (g) Day-care referral programs.

10 (h) Child care workers training program.

11 (i) Mental health services for emotionally disturbed
12 children.

13 (j) Domestic violence prevention and treatment programs.

14 Sec. 1219. (1) The local office shall assume responsibility
15 for all children placed in the care or custody of the local
16 office by the juvenile division of the probate court or the court
17 of general criminal jurisdiction. The local office may provide
18 institutional care, supervision in the community, boarding care,
19 halfway house care, and other children, youth, and family serv-
20 ices and programs necessary to meet the needs of those children,
21 youth and families or may obtain appropriate services from other
22 state agencies, local public agencies, other local offices, or
23 private agencies. If the program of another state agency or
24 department is considered to best serve the needs of the child,
25 the other state agency or department shall give priority to the
26 child.

1 (2) The local office shall study and act upon a request for
2 service as to, or a report received of, neglect, exploitation,
3 abuse, cruelty, or abandonment of a child by a parent, guardian,
4 custodian, or person serving in loco parentis, or a report con-
5 cerning a child in need of protection. On the basis of the find-
6 ings of the study, the local office shall assure, if necessary,
7 the provision of appropriate services to the child, parent,
8 guardian, custodian, or person serving in loco parentis, to rein-
9 force and supplement the parental capabilities, so that the
10 behavior or situation causing the problem is corrected or the
11 child is otherwise protected. The local office in assuring the
12 provision of services, and in providing the services, shall
13 encourage participation by other existing governmental units or
14 licensed agencies and may contract with those licensed agencies
15 for the purchase of any service within the scope of this
16 subsection. The local office shall initiate action in an appro-
17 priate court if the conduct of a parent, guardian, or custodian
18 requires. The local office shall permit local citizen participa-
19 tion in establishing service programs to assure local understand-
20 ing, coordination, and cooperative action with other community
21 resources. In the provision of services, there shall be maximum
22 utilization of other public, private, and voluntary resources
23 available within a community.

24 ARTICLE 3. JUVENILE JUSTICE

25 Sec. 1301. (1) As used in this act, "juvenile justice
26 service" means a service, exclusive of judicial functions,
27 provided by a county for juveniles who are within, or are likely

1 to come within, the jurisdiction of the juvenile division of the
2 probate court under section 2 of chapter XIIA of Act No. 288 of
3 the Public Acts of 1939, being section 712A.2 of the Michigan
4 Compiled Laws, or within the jurisdiction of the court of general
5 criminal jurisdiction under section 606 of the revised judicature
6 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-
7 tion 600.606 of the Michigan Compiled Laws, or section 10a(1)(c)
8 of Act No. 369 of the Public Acts of 1919, being section 725.10a
9 of the Michigan Compiled Laws, if the court of general criminal
10 jurisdiction places the juvenile in the care or custody of the
11 department or court juvenile facility under section 27a of chap-
12 ter IV of the code of criminal procedure, Act No. 175 of the
13 Public Acts of 1927, being section 764.27a of the Michigan
14 Compiled Laws. A service includes intake, detention, detention
15 alternatives, probation, foster care, diagnostic evaluation and
16 treatment, shelter care, or any other service approved by the
17 department, including preventive, diversionary, or protective
18 care services.

19 (2) The department shall establish guidelines for the devel-
20 opment of local juvenile justice service plans.

21 (3) A local office receiving state funds for in-home or
22 out-of-home care of children shall submit reports to the depart-
23 ment at least quarterly or as otherwise required by the
24 department. The reports shall be submitted on forms provided by
25 the director and shall include the number of children receiving
26 foster care services and the number of days of care that were
27 provided.

1 (4) The department shall develop a reporting system that
2 shall provide that reimbursement shall be made only on submission
3 of billings based on care given to a specific, individual child.

4 Sec. 1303. The department may do 1 or more of the
5 following:

6 (a) Provide juvenile justice program planning and technical
7 assistance to local offices, units of county and state govern-
8 ment, and the private sector.

9 (b) Enter into agreements with the federal government,
10 state, county, or municipal departments, or private foundations
11 or trusts for the receipt of funds for purposes consistent with
12 the powers and duties of the department.

13 (c) Contract with state, county, or other public agencies or
14 private corporations to provide training programs for service
15 personnel or to provide services to children, youth and
16 families.

17 ARTICLE 4. MISCELLANEOUS PROVISIONS

18 Sec. 1401. In addition to other duties provided for in this
19 act, the department shall do all of the following:

20 (a) Provide services for children, youth, and families
21 authorized in title IV of the social security act, 42 U.S.C. 601
22 to 603, 604 to 632, 633 to 673, 674 to 679 and in title XX of the
23 social security act, 42 U.S.C. 1397 to 1397e.

24 (b) Identify and designate priorities to the training needs
25 of employees of the department engaged in the provision of chil-
26 dren, youth, and family services programs and participate in the
27 development and implementation of appropriate training programs.

1 (c) Provide for the administration and supervision of
2 employees of institutions for children and youth operated or
3 maintained by the department.

4 (d) Establish uniform statewide daily rates for the care of
5 children. In the case of children receiving services by or
6 through child caring agencies licensed under Act No. 116 of the
7 Public Acts of 1973, the daily rates may include an average daily
8 rate for department supervision. In a case of demonstrated need
9 an exception for payment above the established rate may be
10 obtained through prior written agreement with the department.
11 Standards of care shall be in conformity with Act No. 116 of the
12 Public Acts of 1973.

13 (e) Administer the children's trust fund pursuant to the
14 child abuse and neglect prevention act, Act No. 250 of the Public
15 Acts of 1982, being sections 722.601 to 722.613 of the Michigan
16 Compiled Laws.

17 (f) If it considers it appropriate, request the attorney
18 general to bring an action in the appropriate court to enforce
19 the terms of an agreement or contract entered into by the
20 department.

21 (g) Analyze the need for and prepare and provide a report to
22 the legislature on the implementation of the comprehensive com-
23 puter information service by January 1, 1992.

24 (h) Promulgate rules necessary to implement this act pursu-
25 ant to the administrative procedures act of 1969, Act No. 306 of
26 the Public Acts of 1969, being sections 24.201 to 24.328 of the
27 Michigan Compiled Laws.

1 Sec. 1403. When an adoption agency or organization proposes
2 to place for adoption, with a person domiciled in this state, a
3 child who is a citizen of or resides in, a country other than the
4 United States or Canada, the department shall conduct, within 182
5 days after receipt of the request from the adoption agency or
6 organization, the investigation prescribed by section 46 of chap-
7 ter X of Act No. 288 of the Public Acts of 1939, being section
8 710.46 of the Michigan Compiled Laws. In a county or counties
9 where the department determines it to be more feasible both geo-
10 graphically and economically, the department may purchase the
11 adoption services up to the actual cost of providing those
12 services. The department shall charge parent fees prescribed by
13 the legislature.

14 Sec. 1405. (1) As used in this section:

15 (a) "Adoptee" means the child who is to be adopted or who is
16 adopted.

17 (b) "Certification" means a determination of eligibility by
18 the department that an adoptee is eligible for a support or medi-
19 cal subsidy or both.

20 (c) "Medical subsidy" means payment for medical, surgical,
21 hospital, and related expenses necessitated by a specified physi-
22 cal, mental, or emotional condition of a child who has been
23 placed for adoption.

24 (d) "Support subsidy" means payment for support of a child
25 who has been placed for adoption.

26 (2) When a child who is certified eligible for subsidy is
27 placed for adoption in a home pursuant to chapter X of Act

1 No. 288 of the Public Acts of 1939, being sections 710.21 to
2 710.70 of the Michigan Compiled Laws, the department may pay to
3 the adopting parent or parents 1 or both of the following adop-
4 tion subsidies:

5 (a) A support subsidy for an adoptee certified eligible for
6 a support subsidy. The minimum requirements for certification
7 for a support subsidy are:

8 (i) The adoptee was in foster care for not less than 4
9 months before certification.

10 (ii) A reasonable effort has failed to identify a person
11 qualified and willing to adopt without subsidy or a prospective
12 placement is the only placement in the best interest of the child
13 and the family is unwilling to adopt without a subsidy.

14 (iii) Certification for a support subsidy has been made by
15 the department before the petition for adoption.

16 (b) A medical subsidy for specified medical, surgical, hos-
17 pital, and related expenses for an adoptee certified eligible for
18 a medical subsidy. The minimum requirements for certification
19 for a medical subsidy are that the expenses to be covered by the
20 medical subsidy are necessitated by a physical, mental, or emo-
21 tional condition of the adoptee which existed or the cause of
22 which existed before the adoption petition was filed or certifi-
23 cation was established, whichever occurred first.

24 (3) The department shall make the payment of an adoption
25 subsidy without respect to the income of the adopting parent or
26 parents if the following conditions apply:

1 (a) The adoptee is certified by the department as being
2 eligible for a subsidy.

3 (b) The adopting parent or parents request a subsidy of the
4 department. The request for a support subsidy shall be made not
5 later than the date of confirmation of the adoption. The request
6 for a medical subsidy may be made any time after the petition for
7 adoption is filed.

8 (c) The support subsidy does not exceed the family foster
9 care rate which was paid for the same adoptee. Support subsidy
10 payments shall be subject to increases made in the foster care
11 rate paid by the department.

12 (d) The department and the adopting parent or parents enter
13 into a contract setting forth: the subsidy to be paid; the
14 amount to be paid, if known with certainty; the identity of the
15 physical, mental, or emotional condition that is covered by a
16 medical subsidy; and conditions for continued payment of the sub-
17 sidy as established by statute. The adopting parent or parents
18 shall receive a copy of the contract.

19 (e) All other available public money is used before payment
20 of a medical subsidy is made.

21 (f) The adopting parent or parents file a verified report
22 with the department at least once each year as to the location of
23 the adoptee and other matters relating to the continuing eligi-
24 bility of the adoptee for a subsidy. The report shall not con-
25 tain information concerning the financial condition of the adopt-
26 ing parent or parents.

1 (4) An adoption subsidy shall continue until 1 of the
2 following occurs:

3 (a) The adoptee becomes 18 years of age.

4 (b) The adoptee is emancipated.

5 (c) The adoptee dies.

6 (d) The adoption is terminated.

7 (e) A determination of ineligibility is made by the
8 department.

9 (5) If sufficient funds are appropriated, the department may
10 continue a subsidy for an adoptee under 21 years of age if the
11 department determines that the adoptee is a student regularly
12 attending a high school, college, university, or a course of
13 vocational training in pursuance of a course of study leading to
14 a high school diploma, college degree, or gainful employment.

15 (6) The department may modify or discontinue an adoption
16 subsidy on the basis of changed conditions as indicated in a
17 report filed under subsection (3)(f) or other information
18 received by the department.

19 (7) An adoptee, the adoptee's guardian, or the adopting
20 parent or parents have the right to appeal a determination of the
21 department made under this section. The appeal shall be con-
22 ducted pursuant to the administrative procedures act of 1969, Act
23 No. 306 of the Public Acts of 1969, being sections 24.201 to
24 24.328 of the Michigan Compiled Laws. An adoptee, the adoptee's
25 guardian, or the adopting parent or parents have the right to
26 appeal a final determination of the department pursuant to
27 sections 101 to 106 of Act No. 306 of the Public Acts of 1969,

1 being sections 24.301 to 24.306 of the Michigan Compiled Laws,
2 except that the appeal shall be heard as follows:

3 (a) In the case of an adoptee residing in this state, by the
4 probate court for the county in which the petition for adoption
5 was filed or in which the adoptee is found.

6 (b) In the case of an adoptee not residing in this state, by
7 the probate court for the county in which the petition for adop-
8 tion was filed.

9 (8) The department shall notify the adoptee and the adopting
10 parent or parents of their right of appeal under subsection (7).

11 (9) An adoption subsidy shall continue even if the adopting
12 parent or parents leave the state.

13 (10) An adoption subsidy shall not affect the legal status
14 of the adoptee nor the legal rights and responsibilities of the
15 adoptive parent or parents.

16 (11) An adopting parent or parents receiving a subsidy under
17 former section 13a or 48 of chapter X of Act No. 288 of the
18 Public Acts of 1939 shall continue to receive a subsidy for which
19 they qualified under those sections and shall have an opportunity
20 to request a modification of the subsidy to conform with subsec-
21 tion (2)(b) or (5), or both. A modification in the subsidy shall
22 not take effect until the date the request is approved by the
23 agency. An adopting parent or parents who are not receiving a
24 subsidy under subsection (2)(b) on November 18, 1980 may request
25 the subsidy, and the department shall pay the subsidy effective
26 on the date the request is approved by the department.

1 (12) The department shall promulgate rules regarding this
2 section pursuant to Act No. 306 of the Public Acts of 1969.

3 Sec. 1407. The department may approve or disapprove the
4 placing of a child in this state in a family home of persons
5 unrelated to the child by a person not a resident of this state
6 or in any family home of this state by an adoption agency or
7 organization that does not have a place of business in this
8 state. Written approval of the proposed placement shall be
9 obtained from the department. The person, adoption agency, or
10 organization shall furnish the department with necessary informa-
11 tion regarding the child and the prospective foster parents and a
12 guaranty required by the department to protect the interests of
13 the county in which the child is to be placed. The information
14 shall be forwarded to the county department where the prospective
15 home is located, if the judge of probate has given prior general
16 consent to the procedure, or to the director of a licensed
17 child-placing agency, or to an employee of the agency who shall
18 investigate the home. If, in the employee's opinion, the place-
19 ment should be made, the employee shall file an approval with the
20 department. If the proposed placement is or appears to be
21 planned with a view to an adoption of the child under the law of
22 this state by the family with whom the child is to be placed, the
23 prior approval of the proposed placement by the judge of probate
24 of the county of residence of the family is also required. If
25 requested, the department may require supervision of the child in
26 the home until the child is legally adopted or otherwise
27 discharged from care.

1 Sec. 1409. (1) The department shall develop a plan for the
2 establishment, maintenance, and operation of regional facilities
3 to detain children concerning whom an order of detention has been
4 issued under section 14, 15, or 16 of chapter XIIA of Act No. 288
5 of the Public Acts of 1939, being sections 712A.14 to 712A.16 of
6 the Michigan Compiled Laws, or section 27a of chapter IV of the
7 code of criminal procedure, Act No. 175 of the Public Acts of
8 1927, being section 764.27a of the Michigan Compiled Laws. The
9 primary focus of the plan shall be on providing a service network
10 to areas of the state which do not have detention facilities.

11 (2) The plan shall include all of the following:

12 (a) An assessment of need for secure detention beds and a
13 proposal for providing and funding the needed beds.

14 (b) An evaluation of detention alternatives and a proposal
15 for caring for children needing custody while awaiting court
16 hearings.

17 (c) Provisions for a transportation network to serve areas
18 at a distance from secure facilities.

19 (3) The plan shall encourage the use of emergency shelter
20 facilities and alternatives to secure detention where
21 appropriate.

22 (4) The plan shall provide that the county from which an
23 order of detention is issued by the juvenile division of the pro-
24 bate court or the court of general criminal jurisdiction shall be
25 liable to the state for 10% of the cost of care of the child.

26 (5) In formulating the plan, the department shall consult
27 with law enforcement agencies, local offices, judges of probate

1 and judges of courts of general criminal jurisdiction, public and
2 private agencies which deal with children's services, and other
3 persons concerned with children, youth and family services.

4 (6) The plan shall be submitted to the legislature not later
5 than January 1, 1990, and shall be revised annually.

6 Sec. 1411. (1) The department, to the extent of funds
7 appropriated for that purpose, may assume the administration and
8 operation or the administration, operation, and facilities of a
9 detention home established as an agency of the probate court
10 under section 16 of chapter XIIA of Act No. 288 of the Public
11 Acts of 1939, being section 712A.16 of the Michigan Compiled
12 Laws.

13 (2) The department shall not assume the administration and
14 operation nor the administration, operation, and facilities of a
15 detention home unless an agreement is made with the county board
16 of commissioners and the presiding judge of the probate court to
17 transfer the administration and operation or the administration,
18 operation, and facilities of the detention home to the
19 department.

20 (3) The department may offer persons employed at a detention
21 home transferred pursuant to this section, as of the effective
22 date of the transfer, the opportunity to be employed in the state
23 classified service in accordance with procedures established by
24 the Michigan civil service commission.

25 Sec. 1413. The department shall develop a plan that pro-
26 vides for the transfer of county juvenile court probation staff
27 to a local office by the joint concurrence of the county board of

1 commissioners and the presiding judge of the probate court. The
2 plan shall include procedures for negotiations between the state,
3 as represented by the department, and the affected county board
4 of commissioners, the local office, and the presiding judge of
5 the probate court for that county. The plan shall afford persons
6 employed as juvenile court probation staff, who are transferred
7 pursuant to the plan, the opportunity to be employed in the state
8 classified civil service in compliance with procedures estab-
9 lished by the Michigan civil service commission. The plan shall
10 enable the court to maintain sufficient staff to enforce court
11 orders and to perform the preliminary inquiry and monitoring of
12 court wards required by chapter XIIIA of Act No. 288 of the Public
13 Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan
14 Compiled Laws. The plan shall be submitted to the legislature by
15 April 1, 1992.

16 Sec. 1415. (1) A person employed by the department at the
17 W. J. Maxey training school or any of its affiliated facilities,
18 at the Adrian training school, the Arbor Heights center, Camp
19 Nokomis, Camp Shawano, or a similar facility under the jurisdic-
20 tion of the department established or funded by the state on and
21 after January 1, 1990, who is injured during the course of his
22 or her employment as a result of an assault by a recipient of
23 services shall receive his or her full wages by the department
24 until worker's compensation benefits begin and then shall receive
25 in addition to worker's compensation benefits a supplement from
26 the department which together with the worker's compensation
27 benefits shall equal but not exceed the weekly net wage of the

1 employee at the time of the injury. This supplement shall only
2 apply while the person is on the department's payroll and is
3 receiving worker's compensation benefits and shall include an
4 employee who is currently receiving worker's compensation due to
5 an injury covered by former section 1c of the social welfare act,
6 Act No. 280 of the Public Acts of 1939. Fringe benefits normally
7 received by an employee shall be in effect during the time the
8 employee receives the supplement provided by this section from
9 the department.

10 (2) Subsection (1) shall apply whether the employee was
11 directly assaulted or was assaulted as a result of aiding another
12 employee in subduing a recipient.

13 Sec. 1417. Until June 1, 1991, a youth parole and review
14 board is created within the department to consist of 3 members
15 appointed by the director and who shall be within the state civil
16 service. The chairperson of the board shall be designated by the
17 director from the membership of the board.

18 Sec. 1419. (1) Until June 1, 1991, the parole and review
19 board shall have the following duties:

20 (a) Be responsible for approval of releases from all youth
21 training school facilities of the department, return to the
22 facilities from release status, and discharge from legal delin-
23 quency commitment, except for youth committed as follows:

24 (i) A youth committed to the department under
25 section 18(1)(e) of chapter XIIA of Act No. 288 of the Public
26 Acts of 1939, being section 712A.18 of the Michigan Compiled
27 Laws, for an offense which, if committed by an adult, would be

1 punishable by imprisonment for more than 1 year or an offense
2 expressly designated by law to be a felony.

3 (ii) A youth committed to the department under section 1 of
4 chapter IX of the code of criminal procedure, Act No. 175 of the
5 Public Acts of 1927, being section 769.1 of the Michigan Compiled
6 Laws.

7 (b) Have other duties and responsibilities as authorized by
8 law or by the director.

9 (2) The department may be represented in any proceeding
10 before the youth parole and review board by a duly authorized
11 employee or agent of the department.

12 (3) The business which the parole and review board may per-
13 form shall be conducted at a public meeting of the parole and
14 review board held in compliance with the open meetings act, Act
15 No. 267 of the Public Acts of 1976, being sections 15.261 to
16 15.275 of the Michigan Compiled Laws. Public notice of the time,
17 date, and place of the meeting shall be given in the manner
18 required by Act No. 267 of the Public Acts of 1976.

19 Sec. 1421. Departments and other agencies of the executive
20 branch of government shall:

21 (a) Cooperate with the department in the development of
22 plans, budgets, programs, and evaluations pertaining to children,
23 youth, and family services and programs.

24 (b) Provide the director with information and reports
25 required in the administration of the responsibilities of the
26 department.

1 (c) Conform to any directives or orders of the governor
2 pertaining to the coordination, establishment, consolidation,
3 continuation, or revision of children, youth, and family services
4 and programs.

5 ARTICLE 5. LICENSING AND REGULATION

6 Sec. 1501. (1) The office of licensing and regulation is
7 created within the department of children, youth, and families.
8 The office shall exercise its powers and functions, including the
9 functions of budgeting and procurement and management-related
10 functions, as an autonomous entity, independent of the director
11 of the department of children, youth, and family services. The
12 governor shall appoint a director of the office by and with the
13 advice and consent of the senate. The director of the office
14 shall be exempt from the state classified civil service. The
15 director of the office shall receive compensation as provided by
16 the legislature.

17 (2) The office of licensing and regulation shall license and
18 regulate programs operated by or under contract with the depart-
19 ment, set forth standards for those programs, and review the pro-
20 grams on a regular basis.

21 (3) The office shall do all of the following:

22 (a) Inspect local infirmaries and places of detention for
23 juveniles to obtain facts concerning the usefulness and proper
24 management of the infirmaries and places of detention, and to
25 promote proper, efficient, and humane administration of those
26 infirmaries and places of detention. A reasonable order of the
27 department fixing minimum standards of sanitation, fire

1 protection, food, and comfortable lodging may be enforced through
2 mandamus or injunction in the circuit court for the county where
3 the local infirmary or place of detention for the juveniles is
4 located, by the attorney general on behalf of the department.
5 The burden of proof shall be on the department to establish the
6 reasonableness of the order.

7 (b) Develop minimum standards for and license, monitor, and
8 evaluate the local offices and providers.

9 (c) License and regulate child care organizations and pro-
10 grams as described in Act No. 116 of the Public Acts of 1973,
11 being sections 722.111 to 722.128 of the Michigan Compiled Laws.

12 (d) Establish and implement standards of uniform practice
13 for children, youth, and family services programs operated by the
14 state, consistent with the rules promulgated under Act No. 116 of
15 the Public Acts of 1973, being sections 722.111 to 722.128 of the
16 Michigan Compiled Laws. The department shall recommend these
17 standards for other public and private child care organizations.
18 The standards shall include provisions for the administration,
19 organization, training, supervision, and funding of children,
20 youth, and family services and programs.

21 (e) Promulgate rules pursuant to the administrative proce-
22 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
23 sections 24.201 to 24.328 of the Michigan Compiled Laws. In
24 developing the rules, the office shall encourage the active par-
25 ticipation of local offices, the Michigan supreme court, private
26 provider organizations, consumers, and child advocacy
27 organizations.

1 (f) Biennially evaluate all programs administered or
2 contracted by the department against the rules promulgated for
3 such programs.

4 (g) Find the program in compliance, conditional compliance,
5 or unacceptable to deliver the service, and issue reports of such
6 findings for public review.

7 (h) Impose sanctions against programs as provided in this
8 act.

9 (i) Establish policies and procedures necessary to imple-
10 ment, administer, and enforce its powers and duties as described
11 in this article.

12 Sec. 1503. Each local office, state operated service, and
13 each private organization under contract to deliver a core serv-
14 ice, shall be evaluated every 2 years by the office of licensing
15 and regulation and shall be designated as in full compliance,
16 conditional compliance, or unacceptable for each core service it
17 provides under the rules established by the office of licensing
18 and regulation. Compliance with rules shall be the legal basis
19 for distribution of funds.

20 Sec. 1505. Rules promulgated by the office under this arti-
21 cle shall be restricted to:

22 (a) The operation and conduct of core services.

23 (b) The character, suitability, training, and qualifications
24 of department and contractor staff directly responsible for the
25 delivery of the core services.

1 (c) The general financial ability and competence of the
2 department or contractor to provide the necessary service and to
3 maintain prescribed rules.

4 (d) The numbers of individuals or staff required to insure
5 adequate supervision and care of the children, youth, and fami-
6 lies receiving service.

7 (e) The appropriateness, safety, cleanliness, and general
8 adequacy of the premises, including maintenance of adequate fire
9 prevention and health rules to provide for the physical comfort,
10 care, and well-being of recipients of service.

11 (f) Provision to safeguard the legal rights of children,
12 youth, and families served.

13 (g) Maintenance of records pertaining to admission,
14 progress, health, and discharge of recipients of service.

15 (h) Filing of reports with the office.

16 ARTICLE 6. RECIPIENT RIGHTS

17 Sec. 1601. (1) The office of recipient rights is created
18 within the office of licensing and regulation.

19 (2) The head of the office of recipient rights is the admin-
20 istrator of the office of recipient rights. The administrator
21 shall be appointed by the director of the office of licensing and
22 regulation.

23 (3) The office of recipient rights shall protect those
24 rights, benefits, and privileges of recipients of department
25 services guaranteed by the United States and Michigan constitu-
26 tions, this act, and other provisions of law.

1 (4) The provisions of this act shall be construed to protect
2 and promote the basic human dignity to which a recipient of
3 services is entitled.

4 (5) Recipients of services and in the case of minors, the
5 recipient's parent or guardian, shall be notified by the provid-
6 ers of those services of the rights guaranteed by this act.
7 Notice shall be accomplished by providing an accurate summary of
8 this act when the recipient is first accepted for service.

9 ARTICLE 7. EMPLOYEE TRANSFER

10 Sec. 1701. On the effective date of this act, or on the
11 effective date of a program transfer pursuant to section 2101,
12 all current state and probate court employees performing duties
13 or providing services set forth in this act shall be given the
14 opportunity for employment with the department of children,
15 youth, and family services in the state classified service in
16 accordance with procedures established by the Michigan civil
17 service commission.

18 ARTICLE 8. CIVIL ADMISSION AND DISCHARGE

19 PROCEDURES FOR EMOTIONALLY DISTURBED MINORS

20 Sec. 1801. As used in this article:

21 (a) "Certificate" or "certification" means the written con-
22 clusion and statements of a physician or a psychologist that an
23 individual is a person requiring treatment together with the
24 information and opinion, in reasonable detail, which underlie the
25 conclusion, on the form prescribed by the department or on a sub-
26 stantially similar form.

1 (b) "Child psychiatrist" means either of the following:

2 (i) A psychiatrist who specializes in the evaluation and
3 treatment of minors and is certified or eligible for certifica-
4 tion as a child psychiatrist by the American board of psychiatry
5 and neurology as approved by the board of medicine created under
6 article 15 of the public health code, Act No. 368 of the Public
7 Acts of 1978, being sections 333.16101 to 333.18838 of the
8 Michigan Compiled Laws.

9 (ii) A psychiatrist employed by or under contract with the
10 department or county community health board with educational and
11 clinical experience in the evaluation and treatment of minors who
12 is approved by the director.

13 (c) "Children's diagnostic and treatment service" means a
14 children's diagnostic and treatment service as defined in section
15 200.

16 (d) "Court" means the probate court for the county in which
17 a minor who has requested hospitalization, for whom a request for
18 hospitalization has been made, or who has been hospitalized pur-
19 suant to this article either resides or was found.

20 (e) "Department" means the department of mental health or
21 the official designee of the director of the department.

22 (f) "Discharge" means the official release of an individual
23 from a hospital by action of the hospital or a court.

24 (g) "Emotional disturbance" means a substantial disorder of
25 thought or mood which significantly impairs judgment, behavior,
26 capacity to recognize reality, or ability to cope with the
27 ordinary demands of life, or a severe or persistent emotional

1 condition characterized by seriously impaired personality
2 development, individual adjustment, social adjustment, or emo-
3 tional growth, which is demonstrated in behavior symptomatic of
4 that impairment.

5 (h) "Guardian" means a person with authority for the care
6 and custody of a minor pursuant to an order of the probate court
7 or the circuit court.

8 (i) "Hospital" means a facility, or portion of a facility,
9 for the inpatient treatment of persons who are mentally ill which
10 has specialized mental health services for the treatment of
11 minors.

12 (j) "Hospital director" means the chief executive officer of
13 a hospital or his or her designee.

14 (k) "Hospitalization" or "hospitalize" means to provide spe-
15 cialized treatment for a minor as an inpatient in a hospital.

16 Sec. 1802. (l) "Minor" means a person who is less than 18
17 years of age.

18 (2) "Peace officer" means an officer of the department of
19 state police or of a law enforcement agency of a county, town-
20 ship, city, or village, who is responsible for the prevention and
21 detection of crime and enforcement of the criminal laws of this
22 state.

23 (3) "Person in loco parentis" means a person who is not the
24 parent or guardian of a minor, but who has either legal custody
25 of a minor or physical custody of a minor and is providing sup-
26 port and care for the minor.

1 (4) "Physician" means a person licensed by the state to
2 engage in the practice of medicine or osteopathic medicine and
3 surgery under article 15 of the public health code, Act No. 368
4 of the Public Acts of 1978, being sections 333.16101 to 333.18838
5 of the Michigan Compiled Laws.

6 (5) "Protective custody" means the temporary custody of an
7 individual by a peace officer with or without the individual's
8 consent for the purpose of protecting that individual's health
9 and safety, or the health and safety of the public, and for the
10 purpose of transporting the individual if the individual appears,
11 in the judgment of the peace officer, to be a person requiring
12 treatment or is a person requiring treatment. Protective custody
13 is civil in nature and is not to be construed as an arrest.

14 (6) "Psychiatrist" means a psychiatrist as defined in
15 section 400 who has at least 1 year of full-time clinical
16 experience or its equivalent in the evaluation and treatment of
17 minors.

18 (7) "Psychologist" means a person who holds a license to
19 engage in the practice of psychology under article 15 of the
20 public health code, Act No. 368 of the Public Acts of 1978, being
21 sections 333.16101 to 333.18838 of the Michigan Compiled Laws,
22 and who has at least 1 year of full-time clinical experience or
23 its equivalent in the evaluation and treatment of minors.

24 (8) "State ward" means a state ward as defined in section 2
25 of the youth rehabilitation services act, Act No. 150 of the
26 Public Acts of 1974, being section 803.302 of the Michigan
27 Compiled Laws.

1 (9) "Suitable for hospitalization" means a determination
2 concerning a minor that all of the following criteria are met:

3 (a) The minor is emotionally disturbed.

4 (b) The minor requires mental health treatment and is
5 expected to benefit from hospitalization.

6 (c) An appropriate, less restrictive alternative to hospi-
7 talization is not available.

8 (10) "Treatment" means care, diagnostic, and therapeutic
9 services including the administration of drugs and any other
10 service for the treatment of an individual.

11 Sec. 1803. (1) Subject to section 1805 and except as other-
12 wise provided in this article, a minor of any age may be hospi-
13 talized if both of the following conditions are met:

14 (a) The minor's parent, guardian, or a person acting in loco
15 parentis for the minor or, pursuant to subsection (2), the
16 department requests hospitalization of the minor pursuant to this
17 article.

18 (b) The minor is found to be suitable for hospitalization.

19 (2) The department may hospitalize a minor who is 1 of the
20 following:

21 (a) Committed to the department pursuant to Act No. 220 of
22 the Public Acts of 1935, being sections 400.201 to 400.214 of the
23 Michigan Compiled Laws.

24 (b) A ward of the court pursuant to Act No. 288 of the
25 Public Acts of 1939, being sections 710.21 to 712A.28 of the
26 Michigan Compiled Laws, if the department is specifically
27 empowered to do so by an order of the court.

1 (c) Committed to the department as described in section 2 of
2 the youth rehabilitation services act, Act No. 150 of the Public
3 Acts of 1974, being section 803.302 of the Michigan Compiled
4 Laws, except that if the minor is residing with his or her custo-
5 dial parent, the consent of the custodial parent shall be
6 required.

7 (3) Subject to sections 1805, 1807, and 1815, a minor 14
8 years of age or older may be hospitalized if both of the follow-
9 ing conditions are met:

10 (a) The minor requests hospitalization pursuant to this
11 article.

12 (b) The minor is found to be suitable for hospitalization.

13 (4) In making the determination of suitability for hospital-
14 ization, emotional disturbance of a minor shall not be determined
15 solely on the basis of 1 or more of the following conditions:

16 (a) Epilepsy.

17 (b) Developmental disabilities as defined in section 500 of
18 the mental health code, Act No. 258 of the Public Acts of 1974,
19 being section 330.1500 of the Michigan Compiled Laws..

20 (c) Brief periods of intoxication caused by substances such
21 as alcohol or drugs or by dependence upon or addiction to those
22 substances.

23 (d) Juvenile offenses, including school truancy, home truan-
24 cy, or incorrigibility.

25 (e) Sexual activity.

26 (f) Religious activity or beliefs.

(g) Political activity or beliefs.

Sec. 1805. (1) A minor requesting hospitalization or for whom a request for hospitalization was made shall be evaluated to determine suitability for hospitalization pursuant to this section as soon as possible after the request is made.

(2) The local director for the county of residence of a minor requesting hospitalization or for whom a request for hospitalization was made shall evaluate the minor to determine his or her suitability for hospitalization pursuant to this section. In making a determination of a minor's suitability for hospitalization, the local director shall utilize the county program's children's diagnostic and treatment service. If a children's diagnostic and treatment service does not exist in the county program, the local director shall, through written agreement, arrange to have a determination made by the children's diagnostic and treatment service of another county program, or by the appropriate hospital.

(3) To evaluate a minor's suitability for hospitalization, all of the following shall occur:

(a) Both of the following shall be determined:

(i) Whether the minor is emotionally disturbed.

(ii) Whether the minor requires mental health treatment and is expected to benefit from hospitalization.

(b) If the local director determines that there is an appropriate, available alternative to hospitalization, the minor shall be referred to that program.

1 (c) The local director shall consult with the appropriate
2 school, hospital, and other public or private agencies.

3 (d) If the minor is determined to be suitable for hospital-
4 ization, the minor shall be referred to the appropriate
5 hospital.

6 (e) If the minor is determined not to be suitable for hospi-
7 talization, the local director shall determine if the minor needs
8 mental health services. If it is determined that the minor needs
9 mental health services, the local director shall offer an appro-
10 priate treatment program for the minor, if the program is avail-
11 able, or refer the minor to any other appropriate agency for
12 services.

13 Sec. 1807. If a minor is referred to a hospital by a local
14 director pursuant to section 1805, the hospital director may
15 accept the referral and admit the minor, or the hospital director
16 may order an examination of the minor to confirm the minor's
17 suitability for hospitalization. The examination shall begin
18 immediately. If the hospital director confirms the minor's suit-
19 ability for hospitalization, the minor shall be scheduled for
20 admission to the hospital. If the minor cannot be admitted imme-
21 diately because of insufficient space in the hospital, the minor
22 shall be placed on a waiting list and the local director shall
23 provide necessary interim services, including periodic reassess-
24 ment of the suitability for hospitalization. The minor may be
25 referred to another hospital. If the hospital director does not
26 confirm the minor's suitability for hospitalization, the minor
27 shall be referred to the local director, who shall offer an

1 appropriate treatment plan for the minor or refer the minor to
2 any other agency for services.

3 Sec. 1809. If a minor is admitted to a hospital pursuant to
4 this article, the director of the hospital shall cause the minor
5 to be examined by a child psychiatrist within 48 hours after the
6 admission of the minor and shall immediately initiate any of the
7 following tests and evaluations of the minor pursuant to section
8 1815 which, in the hospital director's opinion, may aid in the
9 preparation of a treatment plan for the minor:

10 (a) A comprehensive social and family history including
11 family relationships.

12 (b) A comprehensive educational test and an assessment of
13 educational development.

14 (c) Psychological testing.

15 (d) An evaluation by the staff participating in the treat-
16 ment of the minor.

17 (e) Any relevant test, assessment, or study of, or related
18 to, the minor.

19 Sec. 1811. (1) A parent, guardian, or person in loco paren-
20 tis may request emergency admission of a minor to a hospital, if
21 the person making the request has reason to believe that the
22 minor is emotionally disturbed and that the minor presents a
23 serious danger to self or others.

24 (2) If the hospital to which the request for emergency
25 admission is made is operated by or under contract to the depart-
26 ment, the request shall be made to the emergency services unit of
27 the county community mental health board in the county where the

1 minor resides. The local office family assessment and treatment
2 planning service shall refer the person making the request to
3 that service. If it is determined that emergency admission is
4 not necessary, the person may request hospitalization of the
5 minor pursuant to section 1803. If it is determined that emer-
6 gency admission is necessary, the minor shall be hospitalized or
7 placed in an appropriate alternative program.

8 (3) If a person in loco parentis makes a request for emer-
9 gency admission and the minor is admitted to a hospital pursuant
10 to this section, the hospital director or the local director
11 immediately shall notify the parent or parents or the guardian of
12 the minor.

13 (4) If a minor is hospitalized in a hospital which is oper-
14 ated by or under contract with the department, the hospital
15 director shall notify the appropriate local director within 24
16 hours after the hospitalization occurs.

17 (5) If a peace officer, as a result of personal observation,
18 has reasonable grounds to believe that a minor is emotionally
19 disturbed and that the minor presents a serious danger to self or
20 others and if after a reasonable effort to locate the minor's
21 parent, guardian, or person in loco parentis, the minor's parent,
22 guardian, or person in loco parentis cannot be located, the peace
23 officer may take the minor into protective custody and transport
24 the minor to the appropriate local office family assessment and
25 treatment planning service. After transporting the minor, the
26 peace officer shall execute a written request for emergency
27 hospitalization of the minor stating the reasons, based upon

1 personal observation, the peace officer believes that emergency
2 hospitalization is necessary. The written request shall include
3 a statement that a reasonable effort was made by the peace offi-
4 cer to locate the minor's parent, guardian, or person in loco
5 parentis. If it is determined that emergency hospitalization of
6 the minor is not necessary, the minor shall be returned to his or
7 her parent, guardian, or person in loco parentis if an additional
8 attempt to locate the parent, guardian, or person in loco paren-
9 tis is successful. If the minor's parent, guardian, or person in
10 loco parentis cannot be located, the minor shall be turned over
11 to the protective services program of the department. If it is
12 determined that emergency admission of the minor is necessary,
13 the minor shall be admitted to the appropriate hospital or to an
14 appropriate alternative program. The hospital director or the
15 local director immediately shall notify the parent, guardian, or
16 person in loco parentis. If the hospital is operated by or under
17 contract with the department, the hospital director shall also
18 notify the appropriate local director within 24 hours after the
19 hospitalization occurs.

20 (6) An evaluation of a minor admitted to a hospital under
21 this section shall begin immediately after the minor is
22 admitted. The evaluation shall be conducted in the same manner
23 as provided in section 1805. If the minor is not found to be
24 suitable for hospitalization, the minor shall be released into
25 the custody of his or her parent, guardian, or person in loco
26 parentis and the minor shall be referred to the local director
27 who shall determine if the minor needs mental health services.

1 If it is determined that the minor needs mental health services,
2 the local director shall offer an appropriate treatment program
3 for the minor, if the program is available, or refer the minor to
4 another agency for services.

5 (7) A hospital director shall proceed under either the
6 revised probate code, Act No. 642 of the Public Acts of 1978,
7 being sections 700.1 to 700.933 of the Michigan Compiled Laws, or
8 chapter XIIA of Act No. 288 of the Public Acts of 1939, being
9 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, as war-
10 ranted by the situation and the best interests of the minor,
11 under any of the following circumstances:

12 (a) The hospital director cannot locate a parent, guardian,
13 or person in loco parentis of a minor admitted to a hospital pur-
14 suant to subsection (5).

15 (b) The hospital director cannot locate the parent or guard-
16 ian of a minor admitted to a hospital by a person in loco paren-
17 tis pursuant to this section.

18 Sec. 1813. The parent or guardian of a minor shall be noti-
19 fied immediately of the admission of a minor to a hospital in any
20 case where the parent or guardian of the minor did not execute
21 the application for hospitalization. The notice shall be in the
22 form most likely to reach the person being notified in an expedi-
23 tious manner, and shall inform the person of the right to partic-
24 ipate in any proceedings under this act.

25 Sec. 1815. The parent or guardian of a minor admitted to a
26 hospital under this article shall be requested by the hospital to
27 give written consent to the treatment of the minor and for the

1 release of information from agencies or individuals involved in
2 treating the minor prior to hospitalization considered necessary
3 by the hospital for treatment of the minor. If consent to treat-
4 ment cannot be obtained, the director of the hospital may proceed
5 under either the revised probate code, Act No. 642 of the Public
6 Acts of 1978, being sections 700.1 to 700.933 of the Michigan
7 Compiled Laws, or chapter XIIA of Act No. 288 of the Public Acts
8 of 1939, being sections 712A.1 to 712A.28 of the Michigan
9 Compiled Laws, as warranted by the situation and the best inter-
10 ests of the minor.

11 Sec. 1817. If a minor who has been admitted to a hospital
12 pursuant to this article leaves the hospital without the knowl-
13 edge and permission of the appropriate hospital staff, the hospi-
14 tal shall immediately notify the minor's parent, guardian, or
15 person in loco parentis, the local director if appropriate, and
16 the appropriate police agency.

17 Sec. 1819. (1) Not more than 90 days after the admission of
18 a minor to a hospital pursuant to this article, and at 60-day
19 intervals after the expiration of the 90-day period, the director
20 of the hospital shall perform or arrange to have performed a
21 review of the minor's suitability for hospitalization. If the
22 minor is in a hospital operated by or under contract with the
23 department. The local director shall participate in the
24 reviews.

25 (2) The reviews of the minor's suitability for continued
26 hospitalization shall be conducted pursuant to rules promulgated

1 by the department. Results of the reviews shall be transmitted
2 promptly to all of the following:

3 (a) The minor, if the minor is 14 years of age or older.

4 (b) The parent, guardian, or person in loco parentis of the
5 minor.

6 (c) The appropriate local director.

7 (d) The court, if there was a court hearing on the admission
8 of the minor.

9 Sec. 1821. (1) An objection to the hospitalization of a
10 minor may be made to the court by any of the following persons:

11 (a) A person found suitable by the court.

12 (b) The minor's parent, guardian, or person in loco parentis
13 if the request for hospitalization was made by the minor pursuant
14 to section 1803(3) or by a peace officer pursuant to
15 section 1811(5).

16 (c) The minor who has been hospitalized, if the minor is 14
17 years of age or older.

18 (2) An objection made to the court pursuant to subsection
19 (1) shall be made in writing not more than 30 days after the
20 admission of a minor to a hospital, and may be made subsequently
21 within not more than 30 days after the receipt of the periodic
22 review of the minor's suitability for continued hospitalization
23 as provided for in section 1819. The objection shall state the
24 basis on which it is being raised.

25 (3) If a minor who has been hospitalized for not less than 7
26 days pursuant to this article informs a hospital employee of the
27 minor's desire to object to hospitalization, the hospital

1 employee or a person designated by the hospital shall assist the
2 minor in properly submitting an objection to hospitalization pur-
3 suant to this section. An employee of the hospital shall not
4 interfere with or fail to act upon a minor's objection to
5 hospitalization. A person who violates this subsection is guilty
6 of a misdemeanor.

7 Sec. 1823. (1) Upon receipt of an objection to hospitaliza-
8 tion filed pursuant to section 1821, the court shall schedule a
9 hearing to be held within 7 days, excluding Sundays and
10 holidays. After receipt of the objection, the court shall notify
11 all of the following persons of the time and place for the
12 hearing:

13 (a) The parents or guardian of the minor to whom the objec-
14 tion refers.

15 (b) The person filing the objection.

16 (c) The minor to whom the objection refers.

17 (d) The person who executed the application for hospitaliza-
18 tion of the minor.

19 (e) The hospital director.

20 (f) The local director.

21 (2) The court shall sustain an objection to hospitalization
22 and order the discharge of the minor unless the court finds by
23 clear and convincing evidence that the minor is suitable for
24 hospitalization. If the court does not sustain the objection, an
25 order shall not be entered, the objection shall be dismissed, and
26 the hospital shall continue to hospitalize the minor.

1 (3) The hearing required by subsection (1) shall be governed
2 by sections 451 to 465 of the mental health code, Act No. 258 of
3 the Public Acts of 1974, being sections 330.1451 to 330.1465 of
4 the Michigan Compiled Laws.

5 (4) The court shall not dismiss the objection and refuse to
6 order a discharge of a hospitalized minor on the grounds that the
7 minor's parent or guardian is unwilling or unable to provide or
8 arrange for the management, care, or residence of the minor. If
9 an objection is sustained and the minor's parent or guardian is
10 unwilling or unable to provide or arrange for the management,
11 care, or residence of the minor, the objecting person may, or a
12 person authorized by the court shall, file promptly a petition
13 under section 2(b) of chapter XIIIA of Act No. 288 of the Public
14 Acts of 1939, being section 712A.2 of the Michigan Compiled Laws,
15 to ensure that the minor is provided with appropriate management,
16 care, or residence.

17 (5) If a hospital has officially agreed to admit a minor,
18 but admission has been deferred until a subsequent date, an
19 objection to hospitalization of the minor may be made to the
20 court pursuant to section 1821 before the minor is admitted to
21 the hospital. A minor 14 years of age or older shall be notified
22 of the right to object pursuant to rules promulgated by the
23 department. If the objection is sustained by the court, the
24 minor shall not be hospitalized.

25 Sec. 1825. (1) Except as provided in subsection (4), a
26 minor hospitalized pursuant to this article shall not be kept in
27 the hospital more than 3 days, excluding Sundays and holidays,

1 after receipt by the hospital of a written notice of intent to
2 terminate the hospitalization of the minor executed by the
3 minor's parent, guardian, or person in loco parentis or by the
4 minor if the minor is 14 years of age or older and was admitted
5 to the hospital upon his or her own request.

6 (2) Upon receipt of an oral request to terminate hospital-
7 ization of a minor pursuant to subsection (1), the hospital
8 promptly shall supply the necessary form for termination of hos-
9 pitalization to the person giving notice.

10 (3) Upon receipt of notice or an oral request pursuant to
11 subsection (1) or (2) by a hospital operated by or under contract
12 with the department, the hospital director immediately shall
13 notify the local director.

14 (4) If notice of intent to terminate hospitalization is
15 received by a hospital pursuant to subsection (1) or (2), and the
16 director of the hospital determines that the minor to whom the
17 notice applies should remain in the hospital, the director of the
18 hospital or a person designated by the director of the hospital
19 shall file, within 3 days, excluding Sundays and holidays, after
20 receipt of the notice, a petition with the court requesting an
21 order to continue hospitalization of the minor. The petition
22 shall be accompanied by 1 certificate executed by a child psychi-
23 atrist and 1 certificate executed by either a physician or a psy-
24 chologist who holds other than a limited license to practice
25 psychology. If a petition is filed with the court pursuant to
26 this subsection, the hospital shall continue to hospitalize the
27 minor pending a court hearing on the petition.

1 (5) Upon receipt of a petition to continue hospitalization
2 of a minor pursuant to subsection (4), the court shall schedule a
3 hearing to be held within 7 days, excluding Sundays and holidays,
4 after receipt of the petition. The hearing shall be convened
5 pursuant to sections 451 to 465 of the mental health code, Act
6 No. 258 of the Public Acts of 1974, being sections 330.1451 to
7 330.1465 of the Michigan Compiled Laws.

8 (6) If the court finds the minor to be suitable for hospi-
9 talization by clear and convincing evidence, the court shall
10 order the minor to continue hospitalization for not more than 60
11 days. If the court does not find by clear and convincing evi-
12 dence that the minor is suitable for hospitalization, the court
13 shall order the minor discharged from the hospital.

14 Sec. 1827. (1) Upon periodic review of a hospitalized minor
15 pursuant to section 1819, or at any other time, if it is deter-
16 mined that the minor is no longer suitable for hospitalization,
17 the director of the hospital shall discharge the minor from the
18 hospital.

19 (2) If a minor discharged pursuant to subsection (1) has
20 been hospitalized pursuant to a court order, or if court proceed-
21 ings are pending, the court shall be notified of the minor's dis-
22 charge from the hospital.

23 (3) The director of a hospital shall notify the appropriate
24 local director of the pending discharge of a minor not less than
25 7 days before the minor is discharged from the hospital.

26 (4) Before a minor is discharged from a hospital pursuant to
27 subsection (1), the local director, with the assistance of the

1 hospital, shall develop an individualized prerelease plan for the
2 minor.

3 (5) If the parent or guardian of a minor admitted to a hos-
4 pital pursuant to this article refuses to assume custody of the
5 minor upon discharge of the minor from the hospital, the hospital
6 director shall file or cause to be filed a petition in the juve-
7 nile division of the probate court alleging that the minor is
8 within the provisions of section 2(b) of chapter XIIA of Act
9 No. 288 of the Public Acts of 1939, being section 712A.2 of the
10 Michigan Compiled Laws, to ensure that the minor is provided with
11 appropriate management, care, and residence. Arrangements con-
12 sidered suitable by the hospital director and agreed to by the
13 parent or guardian for care of the minor outside the home of the
14 parent or guardian shall not constitute refusal to assume custody
15 of the minor.

16 Sec. 1829. The department may establish a specialized unit
17 to provide mental health services to emotionally disturbed state
18 wards referred to the department from training schools operated
19 by the department. State wards referred to the department pursu-
20 ant to this section shall not be subject to the admission and
21 discharge criteria and procedures of sections 1801 to 1827,
22 except for section 1821. The department shall promulgate rules
23 which establish criteria and procedures for the admission and
24 discharge of state wards admitted to the specialized unit.

25 Sec. 1831. A state ward who is admitted to the specialized
26 unit established under section 1829 shall remain under the legal
27 jurisdiction of the department. If the state ward no longer

1 requires mental health services in the specialized unit, the
2 state ward shall be discharged from the unit and returned to the
3 custody of the department.

4 ARTICLE 9. FUNDING

5 Sec. 1901. The department shall assume responsibility for
6 the management and allocation of all state, federal, local, and
7 private funds provided or collected for children, youth, and
8 family services authorized under this act. The state fiscal man-
9 agement system shall be responsible for payment for all autho-
10 rized services and shall charge back to the counties their match-
11 ing share of costs as established in this act. The department
12 shall consolidate federal, state, local, and private funds pro-
13 vided or collected to eliminate categorical funding of services.

14 Sec. 1903. The department shall establish a unified funding
15 system. The unified funding system shall be designed to accom-
16 plish all of the following:

17 (a) Subordinate eligibility to need.

18 (b) Maximize federal funding sources, including but not
19 limited to the social security act, being sections IVB, IVE, XIX,
20 and XX, and the juvenile justice and delinquency prevention act,
21 Public Law 93-415.

22 (c) Maximize funding through health insurance.

23 (d) Allocate funds to local offices of the department based
24 upon formulas established by the department.

25 (e) Establish statewide rates based upon costs established
26 under section 1909.

1 (f) Pay for all services authorized by department employees
2 according to department policy and using established rate
3 schedules.

4 (g) Collect fees for services as established in section
5 1911.

6 Sec. 1905. Funds currently allocated by counties to their
7 county child care fund shall upon enactment of this act be used
8 by counties to reimburse the state for the required local match
9 specified in this act. No county shall allocate less funds for
10 reimbursement to the state, of the local match, specified in this
11 statute, than was allocated to the county child care fund, during
12 the fiscal year when this statute became effective. Further,
13 each county shall allocate an amount equal to the local share of
14 children's mental health services allocated by the county during
15 the fiscal year that this act became effective. In subsequent
16 years, the county's share shall be 10% of the core service costs
17 for services provided to residents of the county. Disputes
18 between counties and the department shall be resolved by legisla-
19 tive action subject to the requirements of article IX, section 26
20 of the constitution of the state of Michigan.

21 Sec. 1907. The department shall be responsible for the pay-
22 ment of all authorized core services. The department, following
23 payment, shall on a monthly basis bill counties for their share
24 of authorized payments. The legislature may establish penalties
25 for delayed payments.

26 Sec. 1909. (1) The department shall establish a cost-based
27 rate system of payment for service delivery which is fair, just,

1 and reasonable. The department shall develop a program to
2 collect cost information on all core services provided by the
3 department or other organizations.

4 (2) The established rate shall be based upon the previous
5 year's audited cost for the program, plus an economic increase
6 equal to the consumer price index for Detroit, from the midpoint
7 of the audited year to the midpoint of the year for which the
8 rate is established.

9 (3) The rates shall be published by the department, shall be
10 paid by the department for all contracted services, and shall be
11 used by the department in allocating costs back to local offices
12 for all services authorized by the local office. Further, these
13 rates shall be used by the department in charging back to coun-
14 ties the local share of costs reimbursed by the state.

15 Sec. 1911. (1) The department shall establish, in coopera-
16 tion with the Michigan supreme court, a standard parent guardian
17 fee schedule for all core services other than information and
18 referral; intake, initial assessment, and eligibility determina-
19 tion; community information and education; and families provided
20 services as provided in Act No. 238 of the Public Acts of 1975.

21 (2) Exclusive of the above areas, parents and guardians of
22 children and youth shall be charged for their fair share of serv-
23 ice cost based upon ability to pay as provided by department
24 policy. For children and youth who are wards of the court, the
25 parent or guardian shall pay the fee provided in the court order
26 which shall be set according to the established fee schedule.

1 (3) The fee schedule shall be approved by the director.

2 Sec. 1913. All funds collected by the department from
3 parents and guardians as provided in section 1911 shall be cred-
4 ited to the county of residence of the child or youth. Such
5 funds may be used by the local office to enter into contracts to
6 meet local needs for services for children, youth, and families,
7 not included in the required core services, or may be used to pay
8 the county's 10% share of cost of locally authorized core
9 services.

10 Sec. 1915. Nothing in this act shall be construed as empow-
11 ering any physician or surgeon nor any officer or representative
12 of the state or local offices in carrying out the provisions of
13 this act to compel any person to undergo a surgical operation or
14 to accept any form of medical treatment without the written con-
15 sent of the child's parent or guardian.

16 Sec. 1917. (1) The total funds allocated for prevention
17 services shall not be less than 20% of the total budget of the
18 department and shall be allocated to local offices based on
19 rules, policies, and procedures for allocation of such funds
20 established by the department with the advice of the director.

21 (2) As used in this act, "prevention services" means support
22 or intervention services voluntarily offered to children, youth,
23 and families to prevent family or individual dysfunction and to
24 promote wellness.

25 ARTICLE 11. TRANSFER OF PROGRAMS

26 Sec. 2101. (1) Current law shall remain in effect until the
27 time as specified in subsections (2) to (4), that the transfer of

1 a specific program from another department, agency, local unit of
2 government, or other entity to the department of children, youth,
3 and family services takes place.

4 (2) Juvenile detention facilities operated or contracted by
5 the probate court or county shall be transferred on or before
6 September 30, 1991.

7 (3) Juvenile probation services operated or contracted by
8 the local juvenile division of the probate court or by the county
9 shall be transferred on or before September 30, 1991.

10 (4) Children's mental health services operated or contracted
11 by the department of mental health or community mental health
12 boards shall be transferred on or before September 30, 1992.

13 ARTICLE 41. REPEALERS,

14 TRANSFER OF PROPERTY, AND EFFECTIVE DATE

15 Sec. 5101. The following acts and parts of acts are
16 repealed:

17 (a) Sections 1c, 18c, 18d, and 113 to 121 of the social wel-
18 fare act, Act No. 280 of the Public Acts of 1939, being sections
19 400.1c, 400.18c, 400.18d, and 400.113 to 400.121 of the Michigan
20 Compiled Laws. The equipment, records, supplies, and all other
21 property in the possession of the children, youth, and family
22 services agency under sections 113 to 119b of Act No. 280 of the
23 Public Acts of 1939, being sections 400.113 to 400.119b of the
24 Michigan Compiled Laws, are transferred to the department of
25 children, youth, and family services created in this act. The
26 equipment, records, supplies, and all other property in the
27 possession of the parole and review board under sections 120 and

1 121 of Act No. 280 of the Public Acts of 1939, being sections
2 400.120 and 400.121 of the Michigan Compiled Laws, are trans-
3 ferred to the parole and review board created in this act.

4 (b) Act No. 181 of the Public Acts of 1956, being sections
5 803.211 to 803.215 of the Michigan Compiled Laws.

6 (c) Act No. 229 of the Public Acts of 1962, being section
7 803.317 of the Michigan Compiled Laws. The equipment, records,
8 supplies, and all other property in the possession of the depart-
9 ment of social services under section 17 of Act No. 229 of the
10 Public Acts of 1962, being section 803.317 of the Michigan
11 Compiled Laws, are transferred to the department of children,
12 youth, and family services created in this act.

13 (d) Act No. 145 of the Public Acts of 1963, being sections
14 803.321 to 803.323 of the Michigan Compiled Laws. The equipment,
15 records, supplies, and all other property in the possession of
16 the department of social services under sections 1 to 3 of Act
17 No. 145 of the Public Acts of 1963, being sections 803.321 to
18 803.323 of the Michigan Compiled Laws, are transferred to the
19 department of children, youth, and family services created in
20 this act.

21 (e) Act No. 145 of the Public Acts of 1965, being sections
22 803.331 to 803.333 of the Michigan Compiled Laws. The equipment,
23 records, supplies, and all other property in the possession of
24 the department of social services under sections 1 to 3 of Act
25 No. 145 of the Public Acts of 1965, being sections 803.331 to
26 803.333 of the Michigan Compiled Laws, are transferred to the

1 department of children, youth, and family services created in
2 this act.

3 (f) Chapter 4a of the mental health code, Act No. 258 of the
4 Public Acts of 1974, being sections 330.1498a to 330.1498t of the
5 Michigan Compiled Laws.

6 (g) Section 115f of the social welfare act, Act No. 380 of
7 the Public Acts of 1939, being section 400.115f of the Michigan
8 Compiled Laws.

9 Sec. 5102. This act shall take effect January 1, 1990.