

Act No. 417
Public Acts of 1996
Approved by the Governor
October 30, 1996
Filed with the Secretary of State
October 31, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Geake

ENROLLED SENATE BILL No. 1046

AN ACT to amend sections 2, 5, and 7 of Act No. 150 of the Public Acts of 1974, entitled "An act to provide for the acceptance and care of youths committed to the department of social services as state wards; to prescribe the liability of counties for the cost of services for state wards; to prescribe procedures for the return of state wards who absent themselves without permission; to provide a penalty for the violation of this act; and to repeal certain acts and parts of acts," section 2 as amended by Act No. 253 of the Public Acts of 1996, section 5 as amended by Act No. 325 of the Public Acts of 1984, and section 7 as amended by Act No. 246 of the Public Acts of 1996, being sections 803.302, 803.305, and 803.307 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 2, 5, and 7 of Act No. 150 of the Public Acts of 1974, section 2 as amended by Act No. 253 of the Public Acts of 1996, section 5 as amended by Act No. 325 of the Public Acts of 1984, and section 7 as amended by Act No. 246 of the Public Acts of 1996, being sections 803.302, 803.305, and 803.307 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2. As used in this act:

(a) "Department" means the family independence agency.

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

(i) A person accepted for care by the department who is at least 12 years of age at the time committed to the department by the juvenile division of the probate court or the family division of circuit court under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, if the court acquired jurisdiction over the person under section 2(a) or (d) of chapter XIIA of Act No. 288 of the Public Acts

of 1939, being section 712A.2 of the Michigan Compiled Laws, and if the act for which the youth is committed occurred before his or her seventeenth birthday.

(ii) A person accepted for care by the department who is at least 14 years of age at the time committed to the department by the court of general criminal jurisdiction under section 1 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1 of the Michigan Compiled Laws, if the act for which the person is committed occurred before his or her seventeenth birthday.

Sec. 5. (1) The county from which the state ward is committed is liable to the state for 50% of the cost of his or her care, but this amount may be reduced by the use of funds from the annual original foster care grant of the state to the county, or otherwise, for any period in respect to which the department has made a finding that the county is unable to bear 50% of the cost of care. If the department reduces a county's liability under this section, the director shall inform the respective chairpersons of the appropriations committees of the senate and house of representatives at least 14 days before granting the reduction. The county of residence of the state ward is liable to the state, rather than the county from which the youth was committed, if the juvenile division of the probate court or the family division of circuit court of the county of residence withheld consent to a transfer of proceedings under section 2 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, as determined by the department. The finding that the county is unable to bear 50% of the expense shall be based on a study of the financial resources and necessary expenditures of the county made by the department.

(2) The cost of care shall be determined by the department on a per diem basis using the initial annual allotment of appropriations for the current fiscal year exclusive of capital outlay and the projected occupancy figures upon which that allotment was based. The cost of care so determined applies in determining required reimbursement to the state for care provided during the calendar year immediately following the beginning of the current fiscal year for which the state expenditures were allotted.

Sec. 7. (1) A youth accepted by the department shall remain a ward of the state until discharged from state wardship with the approval of any of the following and, if placed in an institution, shall remain until released with the approval of any of the following:

(a) If the youth was committed to the department under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, for an offense that, if committed by an adult, would be punishable by imprisonment for more than 1 year or an offense expressly designated by law to be a felony, with the approval of the family division of circuit court.

(b) If the youth was committed to the department under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939 and the youth was adjudicated as being in the court's jurisdiction under section 2(a) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, with the approval of the family division of circuit court. This subdivision takes effect June 1, 1991 and applies to a youth in the custody of the department on or after that date regardless of when the youth was committed to the department.

(c) If the youth was committed to the department under section 1 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1 of the Michigan Compiled Laws, with the approval of the court of general criminal jurisdiction under section 1b of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1b of the Michigan Compiled Laws.

(2) Except as otherwise provided in this section, a youth accepted as a state ward shall be automatically discharged from state wardship upon reaching the age of 19. Except as provided in subsection (3), a youth committed to the department under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939 for an offense that, if committed by an adult, would be a violation or attempted violation of section 72, 83, 84, 86, 88, 89, 91, 110a(2), 186a, 316, 317, 349, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.72, 750.83, 750.84, 750.86, 750.88, 750.89, 750.91, 750.110a, 750.186a, 750.316, 750.317, 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, 750.530, and 750.531 of the Michigan Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 and 333.7403 of the Michigan Compiled Laws, shall be automatically discharged from state wardship upon reaching the age of 21. Except as provided in subsection (4), a youth committed to the department under section 1 of chapter IX of Act No. 175 of the Public Acts of 1927 shall be automatically discharged from state wardship upon reaching the age of 21.

(3) If the family division of circuit court imposes a delayed sentence on the youth under section 18(1)(n) of chapter XIIA of Act No. 288 of the Public Acts of 1939, the youth shall be discharged from state wardship and committed under the court's order.

(4) If a court of general criminal jurisdiction sentences the youth to a sentence provided by law for an adult offender under section 1b of chapter IX of Act No. 175 of the Public Acts of 1927, the youth shall be discharged from state wardship and committed under the court's order.

Section 2. This amendatory act shall take effect January 1, 1998.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 1052 of the 88th Legislature is enacted into law.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.