

SUBSTITUTE FOR
HOUSE BILL NO. 6009

A bill to amend 1935 PA 220, entitled

"An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,"

by amending sections 3 and 9 (MCL 400.203 and 400.209), section 3 as amended by 1988 PA 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A child under 17 years of age, provision for
2 whose support and education has been made under regulations of
3 the ~~commission~~ **family independence agency**, may be admitted to
4 the Michigan children's institute by ~~either 1 of the following~~
5 ~~provisions:~~ (a) By commitment to the ~~state department of~~
6 ~~social services~~ **family independence agency**. All children
7 committed to the Michigan children's institute shall be
8 considered committed to the ~~state department of social services~~

1 **family independence agency** and shall be subject to review by the
2 juvenile division of the probate court under chapter XIIA of ~~Act~~
3 ~~No. 288 of the Public Acts of 1939, being sections 712A.1 to~~
4 ~~712A.28 of the Michigan Compiled Laws~~ **the probate code of 1939,**
5 **1939 PA 288, MCL 712A.1 to 712A.32.** The superintendent of the
6 institute shall represent the state as guardian of each child
7 committed beginning with the day the child is admitted and
8 continuing until the child is 19, unless the superintendent or
9 the ~~commission~~ **family independence agency** discharges the child
10 sooner as provided in section 8 or 9. ~~of this act.~~ Wherever
11 commitment to the Michigan children's institute is mentioned in
12 any law of this state, it shall be construed to mean commitment
13 to the ~~state department of social services~~ **family independence**
14 **agency.** A child may be committed to the ~~state department of~~
15 ~~social services~~ **family independence agency** by either of the
16 following:

17 **(a)** ~~(i)~~ By the juvenile division of the probate court, if
18 the child is within the court's jurisdiction under section 2(b)
19 of chapter XIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
20 ~~section 712A.2 of the Michigan Compiled Laws~~ **the probate code of**
21 **1939, 1939 PA 288, MCL 712A.2.**

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

25 ~~(b) By observation order. If a child has been decreed to~~
26 ~~be a ward of the probate court or the juvenile division of the~~
27 ~~probate court has acquired formal jurisdiction of a child, and it~~

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

1 ~~expense of caring for the child while under the supervision of~~
2 ~~the institute if the parents or other persons responsible for the~~
3 ~~child's support are financially able to pay reasonable costs of~~
4 ~~the child's care.~~

5 (2) The superintendent of the institute has the power to
6 make decisions on behalf of a child committed to the institute
7 without direction from the family independence agency or the
8 family independence agency director. The attorney general or his
9 or her representative shall represent the Michigan children's
10 institute superintendent in any court proceeding in which the
11 superintendent considers such representation necessary to carry
12 out his or her duties under this act.

13 Sec. 9. (1) The superintendent of ~~said~~ **the** institute is
14 ~~hereby~~ authorized to consent to the adoption, marriage, or
15 emancipation of any child who may have been committed to ~~said~~
16 **the** institute, ~~pursuant~~ **according** to the laws for the adoption,
17 marriage, or emancipation of minors. On such adoption, marriage,
18 or emancipation, the child so adopted, married, or emancipated
19 shall cease to be a ward of the state.

20 (2) On the effective date of the amendatory act that added
21 this subsection, the family independence agency shall discontinue
22 the Michigan children's institute preliminary consent denial
23 review process and the Michigan children's institute
24 superintendent is authorized to provide the consent described in
25 subsection (1) without receiving approval from the family
26 independence agency.