

# SENATE BILL No. 1388

September 14, 2004, Introduced by Senators SANBORN, JOHNSON, CROPSEY,  
 OLSHOVE, PATTERSON, BISHOP, GILBERT, SWITALSKI, GOSCHKA and  
 SCHAUER and referred to the Committee on Judiciary.

A bill to amend 1974 PA 150, entitled  
 "Youth rehabilitation services act,"  
 by amending section 4 (MCL 803.304), as amended by 1998 PA 517.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) A youth agency may establish facilities and  
 2 programs for the care of public wards. A youth agency shall  
 3 supervise and operate facilities and programs or contract for the  
 4 care of public wards, including institutions, halfway houses,  
 5 youth camps, diagnostic centers, regional detention facilities  
 6 and treatment centers, group homes, supervision in the community,  
 7 or other child welfare services.

8       (2) A youth agency may utilize the facilities, services, or  
 9 personnel of ~~any~~ **an** approved agency of this state ~~and~~ **or** its  
 10 political subdivisions or of ~~any~~ **a** licensed private agency for  
 11 the care and rehabilitation of public wards. A youth agency may

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1 contract with the family division of circuit court for the care  
2 and rehabilitation of public wards.

3 (3) A youth agency may supervise a public ward placed in  
4 private home care.

5 (4) A public ward may be placed in ~~any~~ a facility,  
6 residence, or program described in this section. If the youth  
7 agency determines the best interests of a public ward require the  
8 involvement of another state or county entity, other than the  
9 department of corrections, ~~then~~ the youth agency and that state  
10 or county entity shall determine an appropriate care and  
11 treatment plan for the public ward. A youth agency may place a  
12 public ward in a mental ~~institution~~ **health facility** under the  
13 mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, unless  
14 the public ward resides with his or her parents. If the public  
15 ward resides with his or her parents, ~~placement~~ **the department**  
16 **may place the public ward** in a mental ~~institution~~ **requires**  
17 **health facility only with the** consent of the custodial parent.  
18 If placement in a mental ~~institution~~ **health facility** occurs  
19 **under this subsection**, the public ward shall be returned to the  
20 youth agency's custody upon release from the mental ~~institution~~  
21 **health facility**.

22 (5) ~~When necessary, a~~ **A** youth agency may place a public  
23 ward in ~~a public or private~~ **an out-of-state** institution or  
24 agency ~~incorporated under the laws of another state or country~~  
25 ~~and approved or licensed by that state's or country's approving~~  
26 ~~or licensing agency, provided that~~ **if** the program **in** which the  
27 youth agency seeks to place a public ward meets licensing laws,

1 requirements, and rules required for the placement of a public  
2 ward with a public or private institution or agency in Michigan  
3 ~~— However, if 1 or more appropriate juvenile residential care~~  
4 ~~providers located or doing business in this state have bed space~~  
5 ~~available, the youth agency shall use that space rather than a~~  
6 ~~space available by a provider located or doing business in~~  
7 ~~another state. This requirement does not apply if the provider~~  
8 ~~located or doing business in another state offers a specialized~~  
9 ~~program that is not available in this state. For purposes of~~  
10 ~~placements by the department only, "appropriate juvenile~~  
11 ~~residential care provider" means a private nonprofit entity~~  
12 ~~domiciled in this state that is licensed by the department of~~  
13 ~~consumer and industry services and that entered into 1 or more~~  
14 ~~contracts with the department to provide residential care~~  
15 ~~services for youths on or before the effective date of the~~  
16 ~~amendatory act that added this sentence. and either of the~~  
17 **following applies:**

18       (a) The cost of maintaining a public ward in an out-of-state  
19 institution or agency is less than the cost to maintain the  
20 public ward in a facility or program located in this state.

21       (b) The out-of-state institution or agency is considered by  
22 the youth agency to be a greater benefit to the public ward than  
23 an available facility or program located in this state.

24       (6) As used in this section, "out-of-state institution or  
25 agency" means a public or private institution or agency  
26 incorporated under the laws of another state and approved or  
27 licensed by that state's approving or licensing agency.