

# HOUSE BILL No. 4961

September 4, 2013, Introduced by Rep. MacGregor and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117a (MCL 400.117a), as amended by 1998 PA 516.

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

1           Sec. 117a. (1) As used in **THIS SECTION AND** sections ~~117a-117B~~  
2 to 117g:

3           (a) "County juvenile agency" means that term as defined in  
4 section 2 of the county juvenile agency act, **1998 PA 518, MCL**  
5 **45.622.**

6           (b) "County juvenile agency services" means all juvenile  
7 justice services for a juvenile who is within the court's  
8 jurisdiction under section 2(a) or (d) of chapter XIIIA of **THE**  
9 **PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.2, or within the  
10 jurisdiction of the court of general jurisdiction under section 606  
11 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if

1 that court commits the juvenile to a county or court juvenile  
2 facility under section 27a of chapter IV of the code of criminal  
3 procedure, 1927 PA 175, MCL 764.27a. If a juvenile who comes within  
4 the court's jurisdiction under section 2(a) or (d) of chapter XIIIA  
5 of **THE PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.2, is at that  
6 time subject to a court order in connection with a proceeding for  
7 which the court acquired jurisdiction under section 2(b) or (c) of  
8 chapter XIIIA of **THE PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.2,  
9 juvenile justice services provided to the juvenile before the court  
10 enters an order in the subsequent proceeding are not county  
11 juvenile agency services, except for juvenile justice services  
12 related to detention.

13 (c) "Juvenile justice service" means a service, exclusive of  
14 judicial functions, provided by a county for juveniles who are  
15 within or likely to come within the court's jurisdiction under  
16 section 2 of chapter XIIIA of **THE PROBATE CODE OF 1939**, 1939 PA 288,  
17 MCL 712A.2, or within the jurisdiction of the court of general  
18 criminal jurisdiction under section 606 of the revised judicature  
19 act of 1961, 1961 PA 236, MCL 600.606, if that court commits the  
20 juvenile to a county or court juvenile facility under section 27a  
21 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL  
22 764.27a. A service includes intake, detention, detention  
23 alternatives, probation, foster care, diagnostic evaluation and  
24 treatment, shelter care, or any other service approved by the  
25 office or county juvenile agency, as applicable, including  
26 preventive, diversionary, or protective care services. A juvenile  
27 justice service approved by the office or county juvenile agency

1 must meet all applicable state and local government licensing  
2 standards.

3 (2) A juvenile justice funding system for counties that are  
4 not county juvenile agencies, including a child care fund, is  
5 established and shall be administered under the department's  
6 superintending control.

7 (3) The department shall promulgate rules under the  
8 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
9 24.328, to monitor juvenile justice services money and to prescribe  
10 child care fund accounting, reporting, and authorization controls  
11 and procedures and child care fund expenditure classifications. For  
12 counties required to have a child care fund, the department shall  
13 fund services that conform to the child care rules promulgated  
14 under this act.

15 (4) The department shall provide for the distribution of money  
16 appropriated by the legislature to counties for the cost of  
17 juvenile justice services as follows:

18 (a) For a county that is not a county juvenile agency, the  
19 amount distributed shall equal 50% of the annual expenditures from  
20 the child care fund of the county established under section 117c,  
21 except that expenditures under section 117c(3) and expenditures  
22 that exceed the amount of a budget approved under section 117c  
23 shall not be included. A distribution under this subdivision shall  
24 not be made to a county that does not comply with the requirements  
25 of this act. The department may reduce the amount distributed to a  
26 county by the amount owed to the state for care received in a state  
27 operated facility or for care received under 1935 PA 220, MCL

1 400.201 to 400.214, or under the youth rehabilitation services act,  
2 1974 PA 150, MCL 803.301 to 803.309. The distribution may be  
3 reduced by the amount of uncontested liability.

4 (b) For a county that is a county juvenile agency, the  
5 county's block grant amount as determined under section 117g in  
6 equal distributions on October 1, January 1, April 1, and July 1 of  
7 each state fiscal year.

8 (C) NOTWITHSTANDING THE PROVISIONS IN SUBDIVISION (A), THE  
9 DEPARTMENT SHALL PAY PROVIDERS OF FOSTER CARE SERVICES THE FULL  
10 AMOUNT OF THE \$3.00 INCREASE TO THE ADMINISTRATIVE RATE PROVIDED IN  
11 SECTION 546(4) OF ARTICLE X OF 2013 PA 59.

12 (5) The department is liable for the costs of all juvenile  
13 justice services in a county that is a county juvenile agency other  
14 than county juvenile agency services.

15 (6) The department shall establish guidelines for the  
16 development of county juvenile justice service plans in counties  
17 that are not county juvenile agencies.

18 (7) A county that is not a county juvenile agency and receives  
19 state funds for in-home or out-of-home care of children shall  
20 submit reports to the department at least quarterly or as the  
21 department otherwise requires. The reports shall be submitted on  
22 forms provided by the executive director and shall include the  
23 number of children receiving foster care services and the number of  
24 days of care provided.

25 (8) The department shall develop a reporting system providing  
26 that reimbursement under subsection (4)(a) shall be made only on  
27 submission of billings based on care given to a specific,

1 individual child. The system shall be implemented not later than  
2 October 1, 1982.