

HOUSE BILL No. 5323

February 9, 2016, Introduced by Reps. Irwin, Robinson, Plawecki, Pagan and Hovey-Wright and referred to the Committee on Criminal Justice.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115n and 117a (MCL 400.115n and 400.117a), section 115n as added by 1996 PA 483 and section 117a as amended by 2015 PA 81.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 115n. (1) If a juvenile escapes from a facility or
2 residence funded or authorized under this act in which he or she
3 has been placed, other than his or her own home or the home of his
4 or her parent or guardian, the individual at that facility or
5 residence having responsibility for maintaining custody of the
6 juvenile at the time of the escape shall immediately notify 1 of
7 the following of the escape or cause 1 of the following to be
8 immediately notified of the escape:

9 (a) If the escape occurs in a city, village, or township that

1 has a police department, the police department of that city,
2 village, or township.

3 (b) Except as provided in subdivision (a), 1 of the following:

4 (i) The sheriff department of the county in which the escape
5 occurs.

6 (ii) The department of state police post having jurisdiction
7 over the area in which the escape occurs.

8 (2) A police agency that receives notification of an escape
9 under subsection (1) shall enter that notification into the law
10 enforcement information network without undue delay.

11 (3) As used in this section:

12 (a) "Escape" means to leave without lawful authority or to
13 fail to return to custody when required.

14 (b) "Juvenile" means ~~1 or more~~ **EITHER** of the following:

15 (i) An individual under the jurisdiction of the juvenile
16 division of the probate court or the family division of circuit
17 court under section 2(a)(1) of chapter XIIA of ~~Act No. 288 of the~~
18 ~~Public Acts of 1939, being section 712A.2 of the Michigan Compiled~~
19 ~~Laws.~~ **THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2.**

20 (ii) ~~An~~ **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
21 **REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**
22 **236, MCL 600.606, AN** individual under the jurisdiction of the
23 circuit court under section 606 of the revised judicature act of
24 1961, ~~Act No. 236 of the Public Acts of 1961, being section 600.606~~
25 ~~of the Michigan Compiled Laws.~~ **1961 PA 236, MCL 600.606.**

26 ~~—— (iii) An individual under the jurisdiction of the recorder's~~
27 ~~court of the city of Detroit under section 10a(1)(c) of Act No. 369~~

1 ~~of the Public Acts of 1919, being section 725.10a of the Michigan~~
2 ~~Compiled Laws.~~

3 Sec. 117a. (1) As used in this section and sections 117b to
4 117g:

5 (a) "County juvenile agency" means that term as defined in
6 section 2 of the county juvenile agency act, 1998 PA 518, MCL
7 45.622.

8 (b) "County juvenile agency services" means all juvenile
9 justice services for a juvenile who is within the court's
10 jurisdiction under section 2(a) or (d) of chapter XIIIA of the
11 probate code of 1939, 1939 PA 288, MCL 712A.2, or, **UNTIL THE**
12 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 606 OF**
13 **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606,**
14 within the jurisdiction of the court of general jurisdiction under
15 section 606 of the revised judicature act of 1961, 1961 PA 236, MCL
16 600.606, if that court commits the juvenile to a county or court
17 juvenile facility under section 27a of chapter IV of the code of
18 criminal procedure, 1927 PA 175, MCL 764.27a. If a juvenile who
19 comes within the court's jurisdiction under section 2(a) or (d) of
20 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
21 is at that time subject to a court order in connection with a
22 proceeding for which the court acquired jurisdiction under section
23 2(b) or (c) of chapter XIIIA of the probate code of 1939, 1939 PA
24 288, MCL 712A.2, juvenile justice services provided to the juvenile
25 before the court enters an order in the subsequent proceeding are
26 not county juvenile agency services, except for juvenile justice
27 services related to detention.

1 (c) "Juvenile justice service" means a service, exclusive of
2 judicial functions, provided by a county for juveniles who are
3 within or likely to come within the court's jurisdiction under
4 section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288,
5 MCL 712A.2, or, **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
6 **REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**
7 **236, MCL 600.606**, within the jurisdiction of the court of general
8 criminal jurisdiction under section 606 of the revised judicature
9 act of 1961, 1961 PA 236, MCL 600.606, if that court commits the
10 juvenile to a county or court juvenile facility under section 27a
11 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL
12 764.27a. A service includes intake, detention, detention
13 alternatives, probation, foster care, diagnostic evaluation and
14 treatment, shelter care, or any other service approved by the
15 office or county juvenile agency, as applicable, including
16 preventive, diversionary, or protective care services. A juvenile
17 justice service approved by the office or county juvenile agency
18 must meet all applicable state and local government licensing
19 standards.

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

24 (3) The department shall promulgate rules under the
25 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
26 24.328, to monitor juvenile justice services money and to prescribe
27 child care fund accounting, reporting, and authorization controls

1 and procedures and child care fund expenditure classifications. For
2 counties required to have a child care fund, the department shall
3 fund services that conform to the child care rules promulgated
4 under this act.

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

8 (a) For a county that is not a county juvenile agency, the
9 amount distributed shall equal 50% of the annual expenditures from
10 the child care fund of the county established under section 117c,
11 except that expenditures under section 117c(3) and expenditures
12 that exceed the amount of a budget approved under section 117c
13 shall not be included. A distribution under this subdivision shall
14 not be made to a county that does not comply with the requirements
15 of this act. The department may reduce the amount distributed to a
16 county by the amount owed to the state for care received in a state
17 operated facility or for care received under 1935 PA 220, MCL
18 400.201 to 400.214, or under the youth rehabilitation services act,
19 1974 PA 150, MCL 803.301 to 803.309. The distribution may be
20 reduced by the amount of uncontested liability.

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

25 (c) Notwithstanding the provisions in subdivision (a), subject
26 to appropriations, until September 30, 2016, the department shall
27 pay 100% of the costs of the \$3.00 increase to the administrative

1 rate for providers of foster care services provided in the annual
2 appropriation for the department budget. For the purposes of this
3 subdivision only, "foster care" means 24-hour substitute care for
4 children placed away from their parents or guardians, as a result
5 of a court order under section 2(b) of chapter XIIA of the probate
6 code of 1939, 1939 PA 288, MCL 712A.2, in placements supervised by
7 the department or a private child placing agency under contract
8 with the department for foster care services. Foster care services
9 include supervision of placements in foster family homes, foster
10 family group homes, and preadoptive placements.

11 (d) Notwithstanding the provisions of subdivision (a) or (c),
12 subject to appropriations, for foster care cases established after
13 October 1, 2013 until September 30, 2016, the department shall pay
14 100% of the administrative rate for providers of treatment foster
15 care services and foster care services provided in the annual
16 appropriation for the department budget. For the purposes of this
17 subdivision only, "foster care" means 24-hour substitute care for
18 children placed away from their parents or guardians, as a result
19 of a court order under section 2(b) of chapter XIIA of the probate
20 code of 1939, 1939 PA 288, MCL 712A.2, in placements supervised by
21 the department or a private child placing agency under contract
22 with the department for foster care services. Foster care services
23 include supervision of placements in foster family homes, foster
24 family group homes, treatment foster care, preadoptive placements,
25 and supervision of children reunified with the parent with whom the
26 child lived at the time of removal.

27 (e) Notwithstanding the provisions in subdivision (a), subject

1 to appropriations, until September 30, 2016, the department shall
2 pay 100% of the costs of any rate increase to the providers of
3 residential foster care services under contract with the
4 department, as provided in the annual appropriation for the
5 department budget.

6 (f) Notwithstanding the provisions in subdivision (a) and
7 subject to appropriations, in a county with a population of not
8 less than 575,000 or more than 650,000, for the purpose of this
9 subdivision only for cases transferred by the department to a child
10 placing agency, the department shall pay 100% of the administrative
11 rate to providers responsible for foster care case management
12 services to families of children who are court-ordered into foster
13 care due to child abuse or child neglect and placed in the care and
14 supervision of the department, regardless of placement setting
15 until the prospective payment system described in subdivision (g)
16 is implemented. This subdivision does not apply after May 1, 2018.

17 (g) Notwithstanding the provisions in subdivision (a) and
18 subject to appropriations, the department shall implement a
19 prospective payment system as part of a state-administered
20 performance-based child welfare system in a county with a
21 population of not less than 575,000 or more than 650,000, for
22 foster care case management in accordance with section 503 of
23 article X of 2014 PA 252. The county is only required to contribute
24 to foster care services payments in an amount that does not exceed
25 the average of the annual net contribution made by the county for
26 cases received under section 2(b) of chapter XIIA of the probate
27 code of 1939, 1939 PA 288, MCL 712A.2, in the 5 previous fiscal

1 years before October 1, 2015. The prospective payment system as
2 part of the state-administered performance-based child welfare
3 system shall be implemented as described in this subdivision but
4 shall not include in-home care service funding. This subdivision
5 does not apply after May 1, 2018.

6 (h) Subdivisions (f) and (g) only impact child abuse and child
7 neglect services and not juvenile justice program funding. This
8 subdivision does not apply after May 1, 2018.

9 (5) The department is liable for the costs of all juvenile
10 justice services in a county that is a county juvenile agency other
11 than county juvenile agency services.

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

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

22 (8) The department shall develop a reporting system providing
23 that reimbursement under subsection (4)(a) shall be made only on
24 submission of billings based on care given to a specific,
25 individual child. The system shall be implemented not later than
26 October 1, 1982.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No. _____ or House Bill No. 5317 (request no.
4 02924'15) of the 98th Legislature is enacted into law.