

Legislative Analysis



HOMELESS AND RUNAWAY YOUTH

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4085 (H-4) as reported from committee
Sponsor: Rep. Lori Stone

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4086 (H-3) as reported from committee
Sponsor: Rep. John R. Roth

Committee: Families, Children and Seniors
Complete to 10-14-23

SUMMARY:

House Bill 4085 would amend 1973 PA 116, known as the child care licensing act, to require a *child caring institution* to obtain parental or guardian consent within 72 hours in order to continue to provide services to a *homeless youth* or a *runaway youth*.

The act defines a child caring institution as a child care facility that is organized to receive minor children for care, maintenance, and supervision, usually on a 24-hour basis,¹ in buildings maintained by the institution for that purpose, and that operates throughout the year.

House Bill 4086 would define *homeless youth* for purposes of the act to mean an individual for whom it is not possible to live in a safe environment with a relative, who has no other safe alternative living arrangement, and who is either of the following:

- Seeking shelter in a runaway and youth center for youth under 18 years of age as described in federal law.²
- Seeking enrollment in a transitional living program as described in federal law and either of the following:
 - At least 16 but less than 22 years of age.
 - 22 years of age or older as of the expiration of the maximum period of stay permitted under federal law³ if the individual commences the stay before reaching 22 years of age.

Runaway youth would mean an individual who is seeking shelter in a runaway and homeless youth center as described in federal law, who is less than 18 years of age, and who absents themselves from home or a place of legal residence without the permission of a parent or legal guardian.

¹ The bill would add an exception to the 24-hour requirement for runaway or homeless youth provided services under its provisions.

² Specifically, [34 USC 11222\(a\)](https://www.acf.hhs.gov/fysb/runaway-homeless-youth). For further information, see: <https://www.acf.hhs.gov/fysb/runaway-homeless-youth> and https://www.acf.hhs.gov/sites/default/files/documents/fysb/rhy_factsheet_043018_508.pdf

³ 34 USC 11222(a)(2) specifies the provision of shelter and services to individual homeless youth “throughout a continuous period not to exceed 540 days, or in exceptional circumstances 635 days, except that a youth... who has not reached 18 years of age on the last day of the 635-day period may, in exceptional circumstances and if otherwise qualified for the program, remain in the program until the youth’s 18th birthday.”

A child caring institution would have to obtain parental or guardian consent within 72 hours to continue to provide services to a homeless or runaway youth.

The bill would not apply to youth who are under a court order exercising jurisdiction under chapter XIII of the Probate Code (known as the juvenile code), or to youth who have been tried in the same manner as an adult and committed to an institution or an agency described in the Youth Rehabilitation Services Act, or section 1 of chapter IX of the Code of Criminal Procedure, or to youth who are currently under the custody of the state.

MCL 722.111 and proposed MCL 722.111b

House Bill 4086 would amend the same act to expand the definition of *minor child* for purposes of the act (and to define *homeless youth* as described above).

Currently, *minor child* means either an individual who is less than 18 years of age or an individual who meets all of the following:

- The individual is at least 18 but less than 21 years of age.
- The individual is a resident in a child caring institution, family foster home, or family foster group home.
- The individual meets the requirements of the Young Adult Voluntary Foster Care Act.⁴

Under the bill, *minor child* would additionally include an individual who meets all of the following:

- The individual is at least 18 but less than 21 years of age.
- The individual is a resident in a child caring institution, family foster home, or family foster group home.
- The individual is a *homeless youth* (defined as above).

MCL 722.111

FISCAL IMPACT:

House Bills 4085 and 4086 would increase costs for the Department of Health and Human Services (DHHS) and local units of government by an indeterminate amount. The fiscal impact of the bill would be dependent on an increased number of homeless or runaway youths, who are not under court jurisdiction or state custody, receiving services in child caring institutions. Child caring institutions that contract with DHHS receive both state per diem and county per diem rates based on services provided and capacity. Child caring institutions may also experience increased staffing costs due to contracted staff-to-youth ratios. An increase of youth in residential care would require an increased number of staff to comply with contracted ratios.

POSITIONS:

Representatives of the following entities testified in support of the bills:

- Detroit Phoenix Center (5-16-23)
- Youth Protection Council (9-26-23)

⁴ <https://www.michigan.gov/mdhhs/faq/fc1821>

The following organizations indicated support for the bills:

- Arbor Circle (5-16-23)
- Michigan Catholic Conference (9-26-23)
- Michigan Center for Youth Justice (5-16-23)
- Michigan Coalition Against Homelessness (5-16-23)
- Michigan County Social Services Association (9-26-23)
- Michigan Federation for Children and Families (5-16-23)
- Michigan League for Public Policy (5-16-23)
- Michigan's Children (9-26-23)
- Reach and Traverse Place (5-16-23)
- Saginaw Youth Protection Council (5-16-23)
- SchoolHouse Connection (5-16-23)
- Strategic Education Plan (5-16-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.