



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4085 (Substitute H-4 as passed by the House)
House Bill 4086 (Substitute H-3 as passed by the House)
Sponsor: Representative Lori Stone (H.B. 4085)
Representative John R. Roth (H.B. 4086)
House Committee: Families, Children and Seniors
Senate Committee: Housing and Human Services

Date Completed: 10-31-23

CONTENT

House Bill 4085 (H-4) would amend the child care licensing Act to require a child caring institution to obtain parental or guardian consent within 72 hours to continue providing services to a homeless or runaway youth.

House Bill 4086 (H-3) would amend the child care licensing Act to define "homeless youth" and modify the definition of "minor child".

House Bill 4085 (H-4)

Under the Act, "child caring institution" means a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and that operates throughout the year. The definition includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, and owned, leased, or rented by a licensed agency providing care for between four and 13 minor children. It does not include a hospital, nursing home, or an adult foster care family home or an adult foster care small group home in which a child has been placed.

In effect, the bill would allow a child caring institution to provide services to a homeless or runaway youth for up to 72 hours with or without parental or guardian consent; however, within those 72 hours, the institution would have to obtain consent from the youth's parent or guardian to *continue* providing the youth services. Under the bill, "runaway youth" would mean an individual who is seeking shelter in a runaway and homeless youth center, 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

This provision would not apply to youth who were under a court order exercising jurisdiction under the juvenile Code, youth who had been tried in the same manner as an adult and committed to an institution or agency described in the Youth Rehabilitation Services Act or under Chapter IX (Judgement and Sentence) of the Code of Criminal Procedure,² or to youth who were under the custody of the State or tribal government.

¹ According to 34 USC 11212(a), a runaway or homeless youth center is a locally controlled project (including a host family home) that provides temporary shelter and counseling services to youth who have left home without permission of their parents or guardians or to other homeless youth.

² See MCL 769.1.

House Bill 4086 (H-3)

The bill would define "homeless youth" as 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 homeless youth center for youth under 18 years of age (as described in House Bill 4085 (H-4)).
- Seeking enrollment in a transitional living program,³ is at least 16 years old, and who is either: 1) under the age of 22; or 2) over the age of 22 as of the expiration of the program's maximum period of stay if the individual commenced the stay before reaching 22 years of age.⁴

The bill also would modify the definition of "minor child" to include an individual who is a resident in a child caring institution, foster family home, or foster family group home, who is at least 18 but less than 21 years of age, and who is a homeless youth.

MCL 722.111 et al. (H.B. 4085)
722.111 (H.B. 4086)

Legislative Analyst: Eleni Lionas

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

House Bill 4085 is similar to House Bill 4756 of the 2021-2022 Legislative Session. House Bill 4086 is similar to House Bill 6140 of that Session.

FISCAL IMPACT

The bills would result in an uncertain but likely fiscal cost to State and local units of government. Funding for care for youth served within a child caring institution comes from a variety of Federal, State, and local sources depending on variables related to how the youth came into care and underlying income. The number of youth who would be newly served by a child caring institution as defined by the bills is not known. To the extent there were additional homeless or runaway youths who were not under court jurisdiction or State custody receiving services in child caring institutions, there would be increased costs to the Michigan Department of Health and Human Services and local units of government. The specific allocation of costs would depend on the youth's underlying legal and funding status.

Fiscal Analyst: Humphrey Akujobi

³ A transitional living program provides shelter (such as group homes or supervised apartments) and services (including information and counseling services in basic life skills such as budgeting) to homeless youth. These programs must develop transition living plans for each youth, plans to refer homeless youth to resources such as social service, and outreach programs. For more information on requirements, see 34 USC 11222(a).

⁴ Generally, a youth may participate in a transitional living program for up to 540 days or, in exceptional circumstances, up to 635 days; however, 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.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.