

SENATE BILL NO. 418

June 28, 2023, Introduced by Senators SANTANA, CHANG, BAYER, WOJNO, SHINK and GEISS and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 117a (MCL 400.117a), as amended by 2019 PA 114.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 117a. (1) As used in this section and sections 117b to
2 117h:

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.

1 (b) "County juvenile agency services" means all juvenile
2 justice services for a juvenile who is within the court's
3 jurisdiction under section 2(a) or (d) of chapter XIIIA of the
4 probate code of 1939, 1939 PA 288, MCL 712A.2, or within the
5 jurisdiction of the court of general jurisdiction under section 606
6 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if
7 that court commits the juvenile to a county or court juvenile
8 facility under section 27a of chapter IV of the code of criminal
9 procedure, 1927 PA 175, MCL 764.27a. If a juvenile who comes within
10 the court's jurisdiction under section 2(a) or (d) of chapter XIIIA
11 of the probate code of 1939, 1939 PA 288, MCL 712A.2, is at that
12 time subject to a court order in connection with a proceeding for
13 which the court acquired jurisdiction under section 2(b) or (c) of
14 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
15 juvenile justice services provided to the juvenile before the court
16 enters an order in the subsequent proceeding are not county
17 juvenile agency services, except for juvenile justice services
18 related to detention.

19 (c) "Donated funds" means any gifts of money made available to
20 the county child care fund for services for child welfare or
21 delinquency matters, including juvenile justice services.

22 (d) "Donor" means the entity, person, or persons providing the
23 donated funds.

24 (e) "Gross expenditure" means the total adjusted expenditures
25 included in a county's monthly expenditure report and submitted to
26 the department.

27 (f) "In-home care" means expenditure of child care fund money
28 for services and items listed in this section to be an alternative
29 to out-of-home care or to provide an early return home for a child

1 placed out of his or her home.

2 (g) "Juvenile detention facility" means a county-operated or
3 court-operated juvenile facility that houses and provides group
4 care, shelter care, or detention administered and staffed by county
5 or court employees.

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

23 (i) "Out-of-home care" means placement outside of the
24 residence of the child's parent, legal guardian, or, except as
25 provided in this subdivision, relative where the child is found,
26 from which the child was removed by the authority of the court, or
27 in which the child will be placed on a permanent basis.

28 (j) "Technology and software" means risk and needs assessment
29 software or software directly related to treatment or services

1 provided within a reimbursable in-home care program. Technology and
2 software does not include the purchase of new equipment or
3 hardware, or maintenance of equipment or hardware for the
4 reimbursable in-home care program. Technology and software also
5 does not include new equipment cost, maintenance of equipment,
6 technology, or software used exclusively for general support for
7 the court.

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

12 (3) The department shall promulgate rules under the
13 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
14 24.328, to monitor juvenile justice services money and to prescribe
15 child care fund accounting, reporting, and authorization controls
16 and procedures and child care fund expenditure classifications. For
17 counties required to have a child care fund, the department shall
18 fund services that conform to the child care rules promulgated
19 under this act. **The child care fund may be used for programs and
20 practices from prearrest diversion starting at the point of law
21 enforcement contact through residential placement and reentry,
22 excluding general prevention services for all youth at risk of
23 juvenile justice system involvement. The department must align
24 child care fund policies, budget requirements, and oversight
25 practices to support these goals as well as to ensure the
26 appropriate use of funding.**

27 (4) The department shall distribute money appropriated by the
28 legislature to counties for the cost of juvenile justice services
29 as follows:

1 (a) Payment for expenditures for children placed with the
2 department for care, supervision, or placement, including children
3 who are within the court's jurisdiction under section 2(a) and (b)
4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
5 712A.2, shall be paid by the department and reimbursed by the
6 county for all undisputed charges. Implementation of this
7 subdivision takes effect on October 1 of the fiscal year following
8 the appropriation to support new payment processes and the
9 implementation of technological changes to the statewide automated
10 child welfare information system.

11 (b) Payment for expenditures for children not placed with the
12 department for care, supervision, or placement, including children
13 who are within the court's jurisdiction under section 2(a) and (b)
14 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
15 712A.2, shall be paid by a county and be reimbursed by the
16 department for all undisputed charges. Expenditures described in
17 this subdivision include the following:

18 (i) Direct expenditures for out-of-home care, including all of
19 the following:

20 (A) Salaries of county- or court-operated detention center,
21 shelter care, or group care facility specific employees, including,
22 but not limited to, all of the following:

23 (I) Management staff of a facility.

24 (II) Direct service staff of a facility.

25 (III) Mental health staff of a facility.

26 (IV) Support staff including clerical staff of a facility.

27 (V) Janitorial, maintenance, or ground staff of a facility, or
28 any combination of these.

29 (VI) Kitchen staff of a facility.

1 (VII) Security staff of a facility.

2 (VIII) Circuit court employees who support the child care fund
3 county- or court-operated detention center, shelter care, or group
4 care facility.

5 (B) Fringe benefits, including payroll taxes, medical, vision
6 and dental insurance, group life insurance, disability insurance,
7 accident insurance, health savings accounts, retirement
8 contributions, worker's compensation, and accrued severance
9 benefits of county- or court-operated detention center, shelter
10 care, or group care facility specific employees and circuit court
11 administration who administrate and support the child care fund
12 county- or court-operated detention center, shelter care, or group
13 care facility.

14 (C) Clothing for children.

15 (D) Food for children.

16 (E) Meals furnished to staff who are on duty at a county- or
17 court-operated detention center, shelter care, or group care
18 facility and assigned responsibilities for the supervision and care
19 of the youth during facility mealtime.

20 (F) Hygiene supplies for children, including shampoo, soap, or
21 toothpaste.

22 (G) Education costs for children who are temporary residents
23 in a county- or court-operated detention center, shelter care, or
24 group care facility and for whom attendance in a public school
25 system or local education agency is not an option.

26 (H) Utilities of a county- or court-operated detention center,
27 shelter care, or group care facility, including water, gas,
28 electric, trash, and sewer.

29 (I) Janitorial supplies of a county- or court-operated

1 detention center, shelter care, or group care facility.

2 (J) Kitchen supplies of a county- or court-operated detention
3 center, shelter care, or group care facility.

4 (K) Laundry supplies or service of a county- or court-operated
5 detention center, shelter care, or group care facility.

6 (L) Linen supplies or service of a county- or court-operated
7 detention center, shelter care, or group care facility, including
8 towels and bedding.

9 (M) Office supplies that are dedicated solely to the county-
10 or court-operated detention center, shelter care, or group care
11 facility.

12 (N) Cellular telephones, landline telephones, and 2-way radios
13 used for communication that are dedicated solely to the county- or
14 court-operated detention center, shelter care, or group care
15 facility.

16 (O) Copy machine charges that are dedicated to the county- or
17 court-operated detention center, shelter care, or group care
18 facility.

19 (P) Mattress, box spring, or bed frame used in a county- or
20 court-operated detention center, shelter care, or group care
21 facility.

22 (Q) Medical, dental, psychological, and psychiatric services,
23 including medication, for children who are not covered by another
24 source which services are not to determine competency.

25 (R) Periodicals and books of a county- or court-operated
26 detention center, shelter care, or group care facility.

27 (S) Recreational supplies, programs, and television in a
28 county- or court-operated detention center, shelter care, or group
29 care facility.

1 (T) Training for child care fund-funded staff and in-service
2 education directly related to the out-of-home program, excluding
3 tuition grants or scholarships for college credit.

4 (U) Mileage reimbursement rate costs for transporting children
5 of a county- or court-operated detention center, shelter care, or
6 group care facility. Mileage reimbursement rates used must adhere
7 to the county or tribe published rates. Mileage reimbursement rates
8 cover all costs of operating a vehicle, including maintenance,
9 repairs, taxes, gas, insurance, and registration fees.

10 (V) Drug testing for children.

11 (W) Birth certificates for children.

12 (X) Incentives for youth.

13 (Y) Interpreter fees for nonjudicial processes.

14 (Z) Printing, binding, and postage for materials relating to
15 the education or correspondence relating to children in the county-
16 or court-operated detention center, shelter care, or group care
17 facility.

18 (AA) Membership dues or fees for professional credential
19 maintenance of staff who provide or support a service to children
20 under the child care fund, or professional staff for whom
21 professional licensure is required in their respective job
22 description.

23 (BB) Contracted personnel, programming, or services, or any
24 combination of these.

25 (CC) Nonscheduled payments.

26 (DD) New services that the department may agree with counties
27 and tribes to include that are not identified in this section that
28 support eligible children and families.

29 (ii) Administrative or indirect expenditures for out-of-home

1 care. An administrative or indirect cost payment equal to 10% of a
2 county's total monthly gross expenditures will automatically be
3 distributed to the county on a monthly basis. A county is not
4 required to submit documentation to the department for any of the
5 expenditures that are covered under the 10% payment.

6 (iii) Direct expenditures for in-home care, including the
7 following:

8 (A) Salaries of circuit court employees who support the child
9 care fund in-home care program.

10 (B) Fringe benefits, including payroll taxes, medical and
11 dental insurance, group life insurance, disability insurance,
12 accident insurance, health savings accounts, retirement
13 contributions, and accrued severance benefits of circuit court
14 employees who support the child care fund in-home care program. For
15 a county that receives the juvenile court officer grant and the
16 appointed juvenile court officer works within an approved program,
17 the proportional fringe benefits for the juvenile court officer may
18 be reimbursable.

19 (C) Mileage reimbursement rate costs associated with the child
20 care fund in-home care program. Mileage reimbursement rates used
21 must adhere to the county or tribe published rates. Mileage
22 reimbursement rates cover all costs of operating a vehicle,
23 including maintenance, repairs, taxes, gas, insurance, and
24 registration fees.

25 (D) Program supplies and materials, including, but not limited
26 to, all of the following:

27 (I) Program-specific supplies, including risk or needs
28 assessments, recognition plaques, and educational or program
29 licenses.

1 (II) Office supplies related to program activities and pro-
2 social activities.

3 (III) Food related to program activities and pro-social
4 activities.

5 (IV) Drug test kits.

6 (V) Tethers and other forms of electronic monitoring.

7 (E) Other costs, including all of the following:

8 (I) Cellular telephones and other safety tracking technology
9 for child care fund-funded staff.

10 (II) Training for child care fund-funded staff and in-service
11 education related to the in-home care component, excluding tuition
12 grants or scholarships for college credit.

13 (III) Education costs for children who are prohibited from
14 school attendance in a public school system or the local education
15 agency or have severe educational issues and have been court
16 ordered into a child care fund-funded educational program.

17 (IV) Printing, binding, or postage for materials relating to
18 the education or correspondence on behalf of children in the in-
19 home care program.

20 (V) Membership dues or fees - professional credential
21 maintenance of staff who provide or support a service to children
22 under the child care fund or professional staff for whom
23 professional licensure is required in their respective job
24 descriptions.

25 (VI) Business cards.

26 (F) Other program-specific activities costs, including
27 entrance fees for programs.

28 (G) Conference travel costs for other non-child-care-fund-
29 related training, including evidence-based and promising practices

1 training.

2 (H) Contracted personnel, programming, or services, or any
3 combination of these.

4 (I) Unit cost contracts, including all of the following:

5 (I) Contracted - drug testing - lab (per "drug test" basis).

6 (II) Contracted - counselor fees - (per "hour" basis).

7 (III) Contracted - group session dollar per session (per
8 "session" basis). Group roster documentation required.

9 (IV) Contracted - psychological evaluations, excluding
10 competency examinations - (per "evaluation" basis).

11 (V) Contracted - service providers (per "service" basis).

12 (J) Closed-end contracts. Closed-end contracts include, but
13 are not limited to, all of the following:

14 (I) University contracts, including "program evaluation".

15 (II) Private agency services contracts.

16 (III) Educational services contracts.

17 (IV) Court appointed special advocate (CASA) and wraparound
18 contracts.

19 (V) Other contracts identifiable to the program.

20 (K) Nonscheduled payments or case services payments. A
21 nonscheduled payment is a payment to an individual or organization
22 for items specified and defined in the child care fund handbook
23 that are not included in the state-established per diem rate. A
24 nonscheduled payment may include the following list:

25 (I) Emergency costs, including immediate food, clothing,
26 medical, or dental needs that are not covered by another source.

27 (II) Gymnasium or other pro-social activity requiring a
28 membership per child related to program activities.

29 (III) Rewards or incentive pay for youth related to program

1 activities.

2 (IV) Bus tokens or gas cards related to program activities.

3 (V) Mentor costs - meals, mileage, movies, or social costs
4 related to program activities.

5 (VI) Noncontracted service provider related to program
6 activities.

7 (VII) Noncontracted group session related to program
8 activities.

9 (VIII) Noncontracted psychological evaluations, excluding
10 competency examinations.

11 (IX) Family assessment or evaluations.

12 (X) Noncontracted counselor fees.

13 (XI) Noncontracted drug testing - labs.

14 (XII) Camps or field trips.

15 (XIII) Birth certificates for children.

16 (L) New services that the department may agree with counties
17 and tribes to include that are not identified in this section that
18 support eligible children and families.

19 (M) Technology and software.

20 (iv) Administrative or indirect expenditures for in-home care.

21 An administrative or indirect cost payment equal to 10% of a
22 county's total monthly gross expenditures will automatically be
23 distributed to the county on a monthly basis. A county is not
24 required to submit documentation to the department for any of the
25 expenditures that are covered under the 10% payment.

26 (c) Except as provided in subdivision (j), the county amount
27 distributed shall equal 50% of the annual expenditures from the
28 child care fund of the county established under section 117c **for**
29 **residential services of detention and long-term residential**

1 **placements**, except that expenditures under section 117c(3) and
2 expenditures that exceed the amount of a budget approved under
3 section 117c shall not be included. **Except as provided in**
4 **subdivision (j), the county amount distributed shall equal 75% of**
5 **the annual expenditures from the child care fund of the county**
6 **established under section 117c for in-home expenses including**
7 **community-based supervision, services, and related practices, and**
8 **per diem rates for the use of respite care and shelter for less**
9 **than 30 days.** A distribution under this subdivision shall not be
10 made to a county that does not comply with the requirements of this
11 act. Subject to a county's approval, the department may reduce the
12 amount distributed to a county by the amount owed to the state for
13 care received in a state operated facility or for care received
14 under 1935 PA 220, MCL 400.201 to 400.214, or under the youth
15 rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309.

16 (d) For a county that is a county juvenile agency, a county's
17 block grant amount as determined under section 117g in equal
18 distributions on October 1, January 1, April 1, and July 1 of each
19 state fiscal year.

20 (e) Notwithstanding the provisions in subdivision (a), subject
21 to appropriations, the department shall pay 100% of the costs of
22 the \$9.20 increase to the administrative rate for providers of
23 foster care services provided in the annual appropriation for the
24 department budget. For the purposes of this subdivision only,
25 "foster care" means 24-hour substitute care for children placed
26 away from their parents or guardians, as a result of a court order
27 under section 2(b) of chapter XIIA of the probate code of 1939,
28 1939 PA 288, MCL 712A.2, in placements supervised by the department
29 or a private child placing agency under contract with the

1 department for foster care services. Foster care services include
2 supervision of placements in foster family homes, foster family
3 group homes, and preadoptive placements.

4 (f) Notwithstanding the provisions of subdivision (c), the
5 department shall pay 100% of the administrative rate that is in
6 effect on September 26, 2018 for providers of treatment foster care
7 services and foster care services provided in the annual
8 appropriation for the department budget. For the purposes of this
9 subdivision only, "foster care" means 24-hour substitute care for
10 children placed away from their parents or guardians, as a result
11 of a court order under section 2(b) of chapter XIIIA of the probate
12 code of 1939, 1939 PA 288, MCL 712A.2, in placements supervised by
13 the department or a private child placing agency under contract
14 with the department for foster care services. Foster care services
15 include supervision of placements in foster family homes, foster
16 family group homes, treatment foster care, preadoptive placements,
17 and supervision of children reunified with the parent with whom the
18 child lived at the time of removal.

19 (g) Notwithstanding the provisions in subdivision (c), the
20 department shall pay 100% of the costs of any rate increase that is
21 in effect on September 26, 2018 to the providers of residential
22 foster care services under contract with the department, as
23 provided in the annual appropriation for the department budget.

24 (h) Notwithstanding the provisions in subdivision (c) and
25 subject to appropriations, the department shall implement a
26 prospective payment system as part of a state-administered
27 performance-based child welfare system in a county with a
28 population of not less than 575,000 or more than 750,000, for
29 foster care case management in accordance with section 503 of

1 article X of 2014 PA 252. The county is only required to contribute
 2 to foster care services payments in an amount that does not exceed
 3 the average of the annual net contribution made by the county for
 4 cases received under section 2(b) of chapter XIIIA of the probate
 5 code of 1939, 1939 PA 288, MCL 712A.2, in the 5 previous fiscal
 6 years before October 1, 2015. The prospective payment system as
 7 part of the state-administered performance-based child welfare
 8 system shall be implemented as described in this subdivision but
 9 shall not include in-home care service funding.

10 (i) Subdivision (h) only impacts child abuse and child neglect
 11 services and not juvenile justice program funding.

12 (j) Beginning October 1, 2021 **and ending September 30, 2024,**
 13 the state shall pay 100% of the cost to provide juvenile justice
 14 services when a court exercises jurisdiction over a juvenile who is
 15 17 years of age, but under the age of 18 at the time of the
 16 offense. The costs must include all expenditures under subdivision
 17 (b) until jurisdiction is terminated, for youth under section 2(a)
 18 and (d) of chapter XIIIA of the probate code of 1939, 1939 PA 288,
 19 MCL 712A.2. There shall be no change in funding provided for
 20 juveniles who are under 17 years old at the time of the offense.

21 ~~(5) Beginning October 1, 2025, the rate of reimbursement paid~~
 22 ~~by the state for all juveniles is equal to the quotient of the~~
 23 ~~following, expressed as a percentage, using actual expenditures for~~
 24 ~~the fiscal years ending September 30, 2022, September 30, 2023, and~~
 25 ~~September 30, 2024:~~

26 ~~(a) The sum of both of the following:~~

27 ~~(i) Total state expenditures under the reimbursement rate~~
 28 ~~established under subsection (4)(c) for juveniles under 17 years of~~
 29 ~~age at the time of offense.~~

1 ~~(ii) Total expenditures for juveniles 17 years of age under~~
2 ~~this section.~~

3 ~~(b) The sum from subdivision (a) divided by total expenditures~~
4 ~~under this section for all eligible juveniles.~~

5 (5) ~~(6)~~—The purposes for which funding under this section
6 shall be distributed as provided under subsection (4) may be
7 allowed unless otherwise accessible and available by other public
8 assistance programs necessary to achieve the goals and outcomes for
9 in-home care or out-of-home care. Reimbursement shall not be made
10 for costs associated with an otherwise eligible child or family, or
11 both, if the reason for the unavailability of public assistance is
12 due to intentional program violations and disqualification of any
13 public assistance.

14 (6) ~~(7)~~—All service providers shall submit a request for
15 payment within 1 calendar year of the date of service. A request
16 for payment submitted after 1 calendar year from the date of
17 service requires the provider to submit an exception request to the
18 county or the department for approval or denial.

19 (7) ~~(8)~~—The county or the department is not subject to an
20 offset, chargeback, or reimbursement liability when a child care
21 fund cost is approved by the county or the department for payment
22 after 1 year from the date of service.

23 (8) ~~(9)~~—The county is not subject to an offset, chargeback, or
24 reimbursement liability for prior expenditures resulting from an
25 error in foster care fund source determinations.

26 (9) ~~(10)~~—The department is liable for the costs of all
27 juvenile justice services in a county that is a county juvenile
28 agency other than county juvenile agency services.

29 (10) ~~(11)~~—The department shall establish guidelines for the

1 development of county juvenile justice service plans in counties
2 that are not county juvenile agencies.

3 **(11)** ~~(12)~~—A county that is not a county juvenile agency and
4 receives state funds for in-home or out-of-home care of children
5 ~~shall~~**must** submit reports to the department at least quarterly or
6 as the department otherwise requires. The reports ~~shall~~**must** be
7 submitted on forms provided by the executive director and ~~shall~~
8 **must** include the number of children receiving foster care services
9 and the number of days of care provided.

10 **(12)** ~~(13)~~—The department shall maintain a reporting system
11 providing that reimbursement under subsection (4)(c) shall be made
12 only on submission of billings based on care given to a specific,
13 individual child.

14 **(13)** **From the funds received in subsection (4)(c), a county**
15 **must do all of the following:**

16 **(a) Adopt a validated risk screening tool to guide diversion**
17 **and consent calendar decisions.**

18 **(b) Adopt a validated risk assessment tool to use before**
19 **disposition.**

20 **(c) Adopt a detention screening tool to inform the use of**
21 **secure detention.**

22 **(d) Utilize research-based juvenile-specific probation**
23 **standards as developed and approved by the state court**
24 **administrative office.**

25 **(e) Employ a local quality assurance specialist to support the**
26 **county with implementing research-based practices, excluding**
27 **counties or tribes receiving the basic grant.**

28 **(14)** The department shall promulgate rules, policies, and
29 practices to implement the requirements of subsection (13) and to

1 oversee compliance with these requirements by counties and tribes.

2 (15) The department, in consultation with the state court
3 administrative office, must establish performance measures for
4 evaluating county adherence to requirements set forth in subsection
5 (13) and for evaluating the goals of the child care fund more
6 generally. Beginning October 1, 2025, the department must prepare
7 and submit an annual report to the legislature on yearly child care
8 fund juvenile justice expenditures and related performance
9 measures.