

HOUSE BILL No. 4251

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Scott, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Jondahl, Wallace, Webb, Bankes, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to create the children and family services agency as an autonomous entity within the department of management and budget and to prescribe its powers and duties; to prescribe the powers and duties of certain governmental entities and officials; to prescribe the powers and duties of certain other state departments, agencies, and boards; to prescribe the powers and duties of certain state officers; to provide for the promulgation of rules; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ARTICLE 1. PRELIMINARY PROVISIONS

2 PART 1. SHORT TITLE AND GENERAL DEFINITIONS

3 Sec. 1101. This act shall be known and may be cited as the
4 "children and family services agency act".

5 Sec. 1103. For purposes of this act, the words and phrases
6 defined in section 1105 have the meanings ascribed to them in

1 that section, unless the context requires otherwise. Other
2 definitions applicable to specific articles, parts, or sections
3 of this act are found in those articles, parts, or sections.

4 Sec. 1105. (1) "Agency" means the children and family serv-
5 ices agency.

6 (2) "Child" means a person who is less than 18 years of age
7 and who is not emancipated as provided in section 4 of Act
8 No. 293 of the Public Acts of 1968, being section 722.4 of the
9 Michigan Compiled Laws.

10 (3) "Director" means the director of the children and family
11 services agency.

12 (4) "District" means a judicial circuit described in chapter
13 5 of the revised judicature act of 1961, Act No. 236 of the
14 Public Acts of 1961, being sections 600.501 to 600.595 of the
15 Michigan Compiled Laws.

16 (5) "District agency" means a district children and family
17 services agency.

18 (6) "District agency board" means a district children and
19 family services agency board.

20 (7) "District director" means the director of a district
21 agency.

22 (8) "Family" means all those adults related to a child or
23 living in the household of a child whom the agency determines
24 should be served by the agency, based on the relationship of the
25 adult's needs and problems to the well-being of the child.

26 (9) "Rule" means a rule promulgated pursuant to the
27 administrative procedures act of 1969, Act No. 306 of the Public

1 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
2 Compiled Laws.

3 PART 3. GENERAL PROVISIONS AND CONSTRUCTION

4 Sec. 1301. A heading or title of an article or part of this
5 act is not a part of the act and shall not be used to construe
6 the act more broadly or narrowly than the text of the sections
7 would indicate. Headings or titles are inserted for convenience
8 only.

9 Sec. 1303. This act shall be liberally construed to promote
10 the physical, emotional, and social well-being of the children
11 and families of this state.

12 Sec. 1305. In order to accomplish the consolidation of
13 services to children and families in this state, departments and
14 other agencies of the executive branch of government shall do all
15 of the following:

16 (a) Cooperate with the agency in the development of plans,
17 budgets, programs, and evaluations pertaining to children and
18 family services and programs.

19 (b) Provide the director with information and reports neces-
20 sary to the administration of the agency.

21 (c) Conform to directives or orders of the governor pertain-
22 ing to the coordination, establishment, consolidation, continua-
23 tion, or revision of children and family services and programs.

24 ARTICLE 2. ADMINISTRATION

25 PART 5. CHILDREN AND FAMILY SERVICES AGENCY

26 Sec. 2501. (1) The children and family services agency is
27 created as an autonomous agency within the department of

1 management and budget. The agency shall exercise its powers and
2 functions, including budgeting, procurement, and related manage-
3 ment functions, as an autonomous entity, independent of the
4 director of the department of management and budget.

5 (2) The agency shall be the primary agency in this state for
6 matters concerning children and family services. In order to
7 ensure that children throughout the state receive, on a uniform
8 basis, those services necessary for their care, protection, and
9 growth, the agency shall determine the categories and levels of
10 services that must, at a minimum, be provided in every district.
11 The determination of minimum services shall be reported to the
12 legislature for its concurrence.

13 Sec. 2503. The governor shall appoint a director of the
14 agency with the advice and consent of the senate. The director
15 shall be exempt from state classified civil service and shall
16 receive compensation as provided by the legislature. The direc-
17 tor shall serve as a special assistant to the governor on matters
18 concerning children and families. Any authority that has by law
19 been vested in any entity or employee of the agency is exercis-
20 able by the director at his or her option.

21 Sec. 2505. The agency shall perform all of the management
22 functions described in article 3 except those identified as dis-
23 trict agency functions in districts that have established a dis-
24 trict agency.

25 Sec. 2507. The agency shall deliver the high cost, low
26 volume services identified in sections 42503 and 43301(d). It
27 shall oversee and coordinate with district agencies for the

1 delivery of all other services provided for in this act, and in
2 districts that have not established a district agency, it shall
3 provide those services.

4 Sec. 2509. In order to promote and enhance services to
5 children and families throughout the state, the agency shall do
6 all of the following:

7 (a) Coordinate educational and public information programs
8 for the purpose of developing appropriate awareness regarding the
9 problems of children and families.

10 (b) Encourage professional groups to recognize and deal with
11 the problems confronting children and families.

12 (c) Make information about the problems of children and fam-
13 ilies available to organizations dealing with juvenile problems
14 and to the general public.

15 (d) Encourage the development of community programs to
16 improve the status of children and families.

17 Sec. 2511. (1) The agency may enter into all contracts nec-
18 essary for the performance of its duties and the execution of its
19 policies. The contracts may be with state agencies, local public
20 agencies, or private agencies, organizations, associations, or
21 persons.

22 (2) If it considers it appropriate, the agency may request
23 the attorney general to bring an action in the proper court to
24 enforce the terms of an agreement or contract entered into by the
25 agency.

26 Sec. 2513. The agency shall develop and publish an
27 information pamphlet explaining the release of information from

1 adoption records pursuant to the Michigan adoption code, chapter
2 X of Act No. 288 of the Public Acts of 1939, being
3 sections 710.21 to 710.70 of the Michigan Compiled Laws.

4 PART 7. DISTRICT CHILDREN AND FAMILY SERVICES AGENCIES

5 Sec. 2701. The board or boards of commissioners in a county
6 or counties within a district may establish a district children
7 and family services agency in the judicial circuit as provided in
8 this act. The establishment of a district agency shall be by
9 majority vote of the board of commissioners in a single-county
10 judicial circuit, or by majority vote of each county board of
11 commissioners in a multicounty judicial district.

12 Sec. 2703. A district agency shall be licensed by the
13 agency pursuant to section 31103, and shall operate in accordance
14 with this act and rules promulgated by the agency, including
15 employee provisions contained in section 31507. It may enter
16 into contracts for the provision of services subject to approval
17 by the agency, as provided in section 42103. It shall perform
18 the management functions identified as district agency functions
19 in article 3, and it shall deliver services as provided in arti-
20 cle 4.

21 Sec. 2705. (1) A district agency shall operate under the
22 direction of a district children and family services board. In a
23 single-county district, the board of commissioners shall appoint
24 the members of the district board. In a multicounty district,
25 each county shall appoint at least 1 board member, and the
26 remaining members shall be appointed by counties in proportion to
27 the number of children in their population. Appointments by each

1 county shall be by majority vote of the county board of
2 commissioners.

3 (2) The district board shall consist of 13 members as
4 follows:

5 (a) Except as provided in subdivisions (c) through (e), mem-
6 bers shall represent providers of children and family services,
7 recipients of children and family services, and the general
8 public.

9 (b) Membership shall reflect the racial and cultural demo-
10 graphics of the county or counties in the judicial circuit.

11 (c) Up to 4 members may be county commissioners.

12 (d) One member shall be an individual who represents a union
13 representing employees of the district agency.

14 (e) One member shall be a probate judge from a county in the
15 district.

16 (3) The term of office of a board member shall be 2 years
17 from January 1 of the year of appointment, except that of the
18 members first appointed, 6 shall be appointed for a term of 1
19 year and 7 shall be appointed for a term of 2 years. A vacancy
20 shall be filled for the remainder of an unexpired term in the
21 same manner as an original appointment. A board member may be
22 removed from office by the appointing board of commissioners for
23 neglect of official duty or misconduct in office after being
24 given a written statement of reasons and an opportunity to be
25 heard on the removal.

26 (4) A board member shall be paid a per diem set by the
27 district agency board. The per diem shall be no larger than the

1 highest per diem for members of other county boards. A board
2 member shall also be reimbursed for necessary travel expenses for
3 each meeting attended, at a reimbursement rate set by the dis-
4 trict agency board that shall not exceed the mileage reimburse-
5 ment rate determined by the state officers compensation
6 commission. A board member shall not receive more than 1 per
7 diem payment per day regardless of the number of meetings sched-
8 uled by the board for that day. The agency shall reimburse the
9 district agency pursuant to regulations for district allotments
10 and matchable expenses for per diem payments and payments for
11 number of meetings per year.

12 Sec. 2707. The district agency board shall appoint a dis-
13 trict agency director who is qualified according to standards
14 established by the agency pursuant to section 31501. The dis-
15 trict agency director shall implement policies and perform func-
16 tions as directed by the district agency board.

17 ARTICLE 3. MANAGEMENT

18 PART 9. PLANNING, RESEARCH, AND EVALUATION

19 Sec. 3901. (1) The agency shall annually submit to the gov-
20 ernor, legislature, and supreme court a state plan for children
21 and family services. The plan shall include at a minimum all of
22 the following:

23 (a) An assessment of current and projected service needs of
24 children and families, available resources to meet those needs,
25 and program gaps.

26 (b) A statement of policy goals and recommendations to
27 improve the effectiveness of public and private services to

1 children and families, and to ensure equal availability and
2 quality of such services throughout the state.

3 (c) A description of proposed programs and services for the
4 coming year and a projection of anticipated future changes.

5 (d) An evaluation of programs and services currently being
6 provided.

7 (e) A compilation of the information collected pursuant to
8 subsection (2).

9 (2) The plan required under subsection (1) shall be based
10 upon the following:

11 (a) The consolidation of district agency plans submitted to
12 the agency pursuant to section 3905.

13 (b) The collection and analysis of information related to
14 service needs, existing problems, and resources available within
15 the system.

16 (c) The examination and analysis of district agency
17 decision-making in order to assess the degree of uniformity and
18 equity in the statewide provision of services.

19 (d) The projection of potential changes in the client popu-
20 lation being served.

21 (e) An evaluation of changes made during the prior year to
22 state statutes, court rules, and funding arrangements.

23 (f) An evaluation of the results of research undertaken
24 during the prior year.

25 (g) An evaluation of the results of monitoring with respect
26 to performance standards developed pursuant to section 31101.

1 Sec. 3903. (1) The agency shall establish rules for the
2 development of plans and budgets to be submitted by district
3 agencies pursuant to section 3905. The rules shall include, at a
4 minimum, the following:

5 (a) Standard definitions of terms to be used.

6 (b) Specifications for the collection of data assessing
7 service needs in the district.

8 (c) Specification of the contents that are required to be in
9 the plan and budget, including description of proposed programs,
10 staffing, and funding needs.

11 (d) The date on which the district agency plans and budgets
12 must be submitted.

13 (e) Specification of the procedures that will be used by the
14 agency to evaluate district agency plans and budgets.

15 (f) Specification of appeal rights and procedures to be used
16 by district agencies wishing to contest agency decisions.

17 (2) The agency shall provide the rules described in subsec-
18 tion (1) to district agencies at least 6 months prior to the date
19 established in subsection (1)(d) for the submission of plans and
20 budgets.

21 (3) The agency shall review and evaluate the district agency
22 plan and budget according to the guidelines developed pursuant to
23 subsection (1). The agency shall approve or disapprove each plan
24 and budget in whole or in part and shall identify those changes
25 that need to be made in order for the plan and budget to be
26 approved.

1 Sec. 3905. (1) A district agency shall submit a 2-year plan
2 and budget to the agency as specified in the rules established
3 pursuant to section 3903. The submission constitutes the dis-
4 trict agency's official application for state funds.

5 (2) The district agency shall submit its plan and budget to
6 the board of commissioners of each county in the district for
7 county approval of expenditures to be made using local funds.
8 Prior to its submission of the plan and budget to the county
9 boards of commissioners, the district agency shall hold a public
10 hearing, after giving adequate notice to all interested persons.

11 (3) The district agency shall have the right to appeal the
12 agency's disapproval of all or any part of the plan and budget
13 pursuant to procedures established in the rules.

14 Sec. 3907. (1) The agency shall develop a plan that permits
15 the voluntary transfer of county nonjudicial juvenile court staff
16 to a district agency by the joint concurrence of each county
17 board of commissioners and the presiding judge of the probate
18 court of each county in the district. The plan shall include, at
19 a minimum, the following:

20 (a) Procedures for negotiations between the state, as repre-
21 sented by the agency, and the affected county board of commis-
22 sioners, the district agency, and the presiding judge of the pro-
23 bate court.

24 (b) Procedures for the transfer of persons from the juvenile
25 court staff to state classified civil service in compliance with
26 rules of the Michigan civil service commission.

1 (c) Provisions that allow the probate court to maintain
2 sufficient staff to enforce court orders and to perform the
3 preliminary inquiry and monitoring of court wards required by
4 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
5 sections 712A.1 to 712A.28 of the Michigan Compiled Laws.

6 (2) The plan required under subsection (1) shall be submit-
7 ted to the legislature by April 1, 1991.

8 Sec. 3909. (1) The agency shall develop a plan for the
9 establishment, maintenance, and operation of regional facilities
10 to detain children concerning whom an order of detention has been
11 issued under section 14, 15, or 16 of chapter XIIIA of Act No. 288
12 of the Public Acts of 1939, being sections 712A.14 to 712A.16 of
13 the Michigan Compiled Laws, or section 27a of chapter IV of the
14 code of criminal procedure, Act No. 175 of the Public Acts of
15 1927, being section 764.27a of the Michigan Compiled Laws. The
16 primary focus of the plan shall be on providing a service network
17 to areas of the state that do not have detention facilities.

18 (2) The plan required under subsection (1) shall include all
19 of the following:

20 (a) An assessment of need for secure detention beds and a
21 proposal for providing and funding the needed beds.

22 (b) An evaluation of detention alternatives and a proposal
23 for caring for children needing custody while awaiting probate
24 court hearings.

25 (c) Provisions for a transportation network to serve areas
26 at a distance from secure facilities.

1 (3) The plan shall encourage the use of emergency shelter
2 facilities and alternatives to secure detention where
3 appropriate.

4 (4) The plan shall provide that the county from which an
5 order of detention is issued by the juvenile division of the pro-
6 bate court or the court of general criminal jurisdiction shall be
7 liable to the state for 50% of the cost of care of the child.

8 (5) In formulating the plan, the agency shall consult with
9 law enforcement agencies, district agencies, judges of probate
10 and judges of courts of general criminal jurisdiction, public and
11 private agencies that deal with children's services, and other
12 persons concerned with children and family services.

13 (6) The plan shall be submitted to the legislature not later
14 than March 31, 1991, and shall be revised annually.

15 Sec. 3911. (1) The agency shall cooperate in the develop-
16 ment of the state plan required by the juvenile justice and
17 delinquency prevention act of 1974, Public Law 93-415,
18 88 Stat. 1109.

19 (2) The agency shall assist the legislature in evaluating
20 the plan developed under former Act No. 280 of the Public Acts of
21 1975.

22 Sec. 3913. The agency shall conduct research necessary to
23 provide effective services to children and families throughout
24 the state. Research shall be integrated with planning activities
25 and may include projects designed to evaluate current programs
26 and methodologies as well as to test new and innovative programs
27 and methodologies.

1 Sec. 3915. The agency shall enter into interstate or other
2 types of agreements, if appropriate, for the purpose of joint
3 research and planning with other states or the federal
4 government.

5 Sec. 3917. The agency shall monitor and evaluate agency and
6 district agency services according to performance standards and
7 guidelines established pursuant to section 31101.

8 PART 11. RULES AND LICENSING

9 Sec. 31101. The agency shall promulgate rules for all of
10 the following:

11 (a) The standards for licensing district agencies.

12 (b) Performance objectives to be met by district agencies.

13 (c) Procedures for monitoring district agencies' compliance
14 with this act and rules promulgated pursuant to this act.

15 (d) Standards of practice for services to children and
16 families. The standards shall be consistent with rules promul-
17 gated under Act No. 116 of the Public Acts of 1973, being sec-
18 tions 722.111 to 722.128 of the Michigan Compiled Laws, and shall
19 include, at a minimum, provisions for administration, organi-
20 zation, training, supervision, and funding of children and family
21 services and programs.

22 (e) Standards for the licensing of child care organizations,
23 as provided in Act No. 116 of the Public Acts of 1973, being sec-
24 tions 722.111 to 722.128 of the Michigan Compiled Laws.

25 (f) Policies and reimbursement rates for purchased services,
26 including out-of-home care and adoption services. In the case of
27 children receiving services by or through child caring agencies

1 licensed under Act No. 116 of the Public Acts of 1973, the daily
2 rates may include an average daily rate for agency supervision.
3 In a case of demonstrated need, an exception for payment above
4 the established rate may be obtained through prior written agree-
5 ment with the agency.

6 (g) Procedures to be used by district agencies in monitoring
7 compliance with existing standards.

8 (h) Criteria to be used by all district agencies in
9 decision-making at the following decision points:

10 (i) Identification of the least restrictive environment
11 suitable for a child's needs.

12 (ii) Provision of foster care as opposed to in-home
13 services.

14 (i) Rules for the certification of children's diagnostic and
15 treatment services, as provided in section 42505, requiring at
16 least all of the following:

17 (i) Services shall facilitate hospitalization, if hospital-
18 ization is necessary.

19 (ii) Services shall facilitate treatment.

20 (iii) Services shall be staffed by persons trained or
21 experienced in providing mental health services to minors.

22 (j) Rules concerning adoption subsidies, as provided in sec-
23 tions 42907 to 42919.

24 (k) Rules pertaining to payment for services pursuant to
25 section 42107, including all of the following:

1 (i) Identification of those services provided under this act
2 for which payment is to be made by the person financially
3 responsible for a child.

4 (ii) Criteria for determining the financial ability of the
5 responsible person to pay for services.

6 (iii) A sliding scale payment schedule based on ability to
7 pay.

8 (iv) Procedures for review and redetermination of financial
9 ability.

10 (4) Any other rules necessary to implement this act.

11 Sec. 31103. (1) The office of licensing and regulation is
12 created within the agency. It shall be headed by an administra-
13 tor appointed by the director, and shall be assigned sufficient
14 staff to efficiently carry out its duties. The administrator and
15 staff of the office shall be engaged only in licensing and regu-
16 latory activities as provided in this section, and shall have no
17 responsibility in the delivery, administration, or coordination
18 of services.

19 (2) The office shall do all of the following:

20 (a) License and regulate district agencies according to
21 rules promulgated under section 31101.

22 (b) License and regulate child care organizations according
23 to section 31101 and Act No. 116 of the Public Acts of 1973,
24 being sections 722.111 to 722.128 of the Michigan Compiled Laws.

25 (c) Monitor the compliance of child care organizations and
26 district agencies according to section 31101 and Act No. 116 of
27 the Public Acts of 1973.

PART 13. FINANCING

1
2 Sec. 31301. (1) The agency shall establish a single fiscal
3 management system for the funding of children and family services
4 under this act. The agency shall do all of the following:

5 (a) Accept gifts, grants, bequests, and other donations for
6 use in performing its functions. Funds or property accepted
7 shall be used as directed by the donor and in accordance with law
8 and the rules and procedures of the agency.

9 (b) If necessary in order to provide services that are
10 wholly or partially financed with federal funds, enter into con-
11 tracts with the state agency designated under federal law to
12 administer funds for federal programs.

13 (c) Recommend to the governor and the legislature appropri-
14 ate allocations of public funds for children and family services
15 and programs.

16 (d) Apply for, accept, and disburse private, state, and fed-
17 eral grants and other types of funding available for the types of
18 activities that the agency is required or authorized to engage in
19 under this act.

20 (e) Serve as a special advisor to the governor on children
21 and family services budgets and programs.

22 (f) Administer grants, subsidies, incentive payments, and
23 other fiscal programs authorized by the legislature, including,
24 but not limited to, all of the following:

25 (i) Subsidies or incentives to insure adequate locally-based
26 probation and other services for children under the jurisdiction
27 of the juvenile division of the probate court.

1 (ii) Cost-sharing programs between the state and districts
2 concerning children's services, including funding prescribed for
3 juvenile justice services.

4 (iii) Allocation of funds budgeted to the agency for govern-
5 mental or private organizations operating delinquency prevention
6 programs or projects in accordance with standards established by
7 the agency.

8 (g) Establish guidelines for the development of district
9 agency budgets, as provided in section 3903.

10 (h) Develop and allocate the budget of the agency.

11 (i) Administer the children's trust fund pursuant to the
12 child abuse and neglect prevention act, Act No. 250 of the Public
13 Acts of 1982, being sections 722.601 to 722.613 of the Michigan
14 Compiled Laws.

15 (2) The total funds allocated for prevention services shall
16 not be less than 20% of the total budget of the agency and shall
17 be allocated to district agencies based on rules, policies, and
18 procedures for allocation of such funds established by the agency
19 with the advice of the director.

20 (3) As used in this act, "prevention services" means support
21 or intervention services voluntarily offered to children and fam-
22 ilies to prevent family or individual dysfunction and to promote
23 wellness.

24 Sec. 31303. (1) The agency shall establish and administer a
25 juvenile justice funding system, including supervision of dis-
26 trict agency child care funds established under section 31309.
27 The agency shall promulgate rules to monitor juvenile justice

1 services money and to prescribe child care fund accounting,
2 reporting, authorization controls and procedures, and expenditure
3 classifications.

4 (2) As used in this section and section 43301, "juvenile
5 justice service" means a service, exclusive of judicial func-
6 tions, provided by a district or county for juveniles who are
7 within, or are likely to come within, the jurisdiction of the
8 juvenile division of the probate court under section 2 of chapter
9 XIIIA of Act No. 288 of the Public Acts of 1939, being section
10 712A.2 of the Michigan Compiled Laws, or within the jurisdiction
11 of the court of general criminal jurisdiction under section 606
12 of the revised judicature act of 1961, Act No. 236 of the Public
13 Acts of 1961, being section 600.606 of the Michigan Compiled
14 Laws, or section 10a(1)(c) of Act No. 369 of the Public Acts of
15 1919, being section 725.10a of the Michigan Compiled Laws, if the
16 court of general criminal jurisdiction commits the juvenile to a
17 county or court juvenile facility under section 27a of chapter IV
18 of the code of criminal procedure, Act No. 175 of the Public Acts
19 of 1927, being section 764.27a of the Michigan Compiled Laws. A
20 juvenile justice service includes intake, detention, detention
21 alternatives, probation, foster care, diagnostic evaluation and
22 treatment, shelter care, or any other service approved by the
23 agency, including preventive, diversionary, or protective care
24 services.

25 (3) The agency shall distribute to district agencies money
26 appropriated by the legislature for the foster care of children.
27 The amount distributed to each district agency shall equal 50% of

1 the annual expenditures from the child care fund of the district
2 agency established pursuant to section 31309, except the annual
3 expenditures shall not include funds provided by the state or
4 expenditures that exceed the amount of a budget approved under
5 section 3903. A distribution shall not be made to a district
6 agency that does not comply with the requirements of this act.
7 The agency may reduce the amount distributed to each district by
8 the amount owed to the state for care received in a state oper-
9 ated facility, for care received pursuant to Act No. 220 of the
10 Public Acts of 1935, being sections 400.201 to 400.214 of the
11 Michigan Compiled Laws, or for care received pursuant to the
12 youth rehabilitation services act, Act No. 150 of the Public Acts
13 of 1974, being sections 803.301 to 803.309 of the Michigan
14 Compiled Laws. The distribution may be reduced by the amount of
15 liability uncontested by the district.

16 (4) In making an allocation of state appropriated funds to a
17 district agency juvenile justice services program, the agency
18 shall consider:

19 (a) The state's juvenile justice needs.

20 (b) The district agency's juvenile justice needs.

21 (c) The state's need for a reasonable degree of statewide
22 standardization and control of juvenile justice services.

23 (d) The need for a reasonable degree of flexibility and
24 freedom to design, staff, and administer services in a manner
25 that the district agency considers appropriate to its
26 circumstances.

1 (e) The demonstrated relevancy, quality, effectiveness, and
2 efficiency of the district agency's existing and planned juvenile
3 justice services.

4 (f) The adequacy of the district agency's juvenile justice
5 accounting procedures for the expenditure of federal, state, dis-
6 trict, and other public and private funds.

7 (g) The maximum use of existing juvenile justice services,
8 whether district, state, or privately administered.

9 (h) An equitable statewide distribution of funds for juve-
10 nile justice programs.

11 Sec. 31305. The agency may award an annual basic grant of
12 state funds for juvenile justice services to a district agency
13 for each county in its judicial circuit having a population of
14 less than 75,000. Basic grants shall be in the amount of
15 \$15,000.00 and shall be awarded only to those district agencies
16 that meet the requirements of this act. A district agency shall
17 not be required to contribute matching funds to receive state
18 financial support under this section. A basic grant may be used
19 only to supplement added juvenile justice service costs and shall
20 not be used to replace district agency money currently being
21 expended on juvenile justice services.

22 Sec. 31307. Each district agency shall do all of the
23 following:

24 (a) Develop and submit to the agency the 2-year plan and
25 budget as provided in section 3905.

26 (b) Take such actions as it considers necessary and
27 appropriate to secure private, federal, and other public funds to

1 help support the district agency's programs, subject to any
2 applicable regulations of the agency.

3 Sec. 31309. (1) The district agency is the custodian of all
4 money provided for the use of the district agency and the juve-
5 nile division of the probate court in the district. The district
6 agency shall create and maintain a child care fund consisting of
7 the following money:

8 (a) All money raised by the district for the use of the dis-
9 trict agency for the foster care of children with respect to whom
10 the juvenile division of the probate court has not taken
11 jurisdiction.

12 (b) Money for the foster care of children under the juris-
13 diction of the juvenile division of the probate court raised by
14 the county or district for the purpose of receiving supplementary
15 funds from the state as provided in section 31303(3).

16 (c) All funds made available by the state government for the
17 foster care of children.

18 (d) All payments made pursuant to support orders issued by
19 the probate court for the reimbursement of government for expen-
20 ditures made or to be made from the child care fund for the
21 foster care of children.

22 (e) All prepayments and refunds for reimbursement of a dis-
23 trict agency for the foster care of children.

24 (f) All funds made available to the district agency for the
25 foster care of children from any other source whatsoever, except
26 gifts which are conditioned on a different disposition or
27 reimbursements of the general fund.

1 (g) Money for the foster care of children under the
2 jurisdiction of the court of general criminal jurisdiction com-
3 mitted to a facility operated by or under contract with the dis-
4 trict agency or a juvenile division of the probate court facility
5 in the county in which the court of general criminal jurisdiction
6 is located.

7 (h) All payments made pursuant to support orders issued by
8 the court of general criminal jurisdiction for the reimbursement
9 of government for expenditures made or to be made from the child
10 care fund for the foster care of children.

11 (2) The child care fund shall be used for the costs of pro-
12 viding foster care for children under parts 29 and 33 and under
13 the jurisdiction of the probate court and the court of general
14 criminal jurisdiction.

15 (3) The child care fund may be used for payment of the dis-
16 trict agency's share of the cost of maintaining children commit-
17 ted to the Michigan children's institute pursuant to Act No. 220
18 of the Public Acts of 1935, being sections 400.201 to 400.214 of
19 the Michigan Compiled Laws, or of the costs of state wards pursu-
20 ant to the youth rehabilitation services act, Act No. 150 of the
21 Public Acts of 1974, being sections 803.301 to 803.309 of the
22 Michigan Compiled Laws.

23 (4) The account for the child care fund shall be maintained
24 separate and apart from all other accounts of district agency
25 funds. The fund shall be used exclusively for carrying out the
26 purposes authorized by this section. Each county board of
27 commissioners shall distinguish in its appropriations for the

1 child care fund the sums of money to be used by the juvenile
2 division of the probate court and those to be used by the dis-
3 trict agency. The district agency shall keep these segregated in
4 proper subaccounts.

5 (5) A district agency shall include in its plan and budget
6 required under section 3905 a plan and budget for the funding of
7 foster care services. Funds shall not be distributed by the
8 agency under section 31303(3) except for reimbursement of expen-
9 ditures made pursuant to an approved plan and budget.

10 (6) A district agency shall make and preserve accurate
11 records of its juvenile justice services and expenditures. Upon
12 the request of the agency, it shall make available the informa-
13 tion contained in the records.

14 Sec. 31311. A county shall not allocate less money for a
15 program under this act than the county allocated in the fiscal
16 year this act becomes effective. Funding disputes between coun-
17 ties and the agency regarding funding shall be resolved by legis-
18 lative action subject to the requirements of article IX,
19 section 29 of the state constitution of 1963.

20 PART 15. PERSONNEL ADMINISTRATION

21 Sec. 31501. The agency shall develop guidelines establish-
22 ing personnel standards and procedures in the following areas:

23 (a) Minimum standards for children and family services
24 personnel.

25 (b) Procedures for the certification of personnel that meet
26 standards prescribed pursuant to subdivision (a).

1 (c) Standards for training programs and procedures for
2 accreditation of programs meeting those standards.

3 (d) Standards and procedures for the retraining of employees
4 transferring to the agency or to district agencies from other
5 departments of the state or other units of government.

6 (e) Standards and procedures for the monitoring of personnel
7 performance.

8 Sec. 31503. (1) A person employed by the agency who is
9 injured during the course of his or her employment as a result of
10 an assault by a recipient of services shall receive his or her
11 full wages from the agency until worker's compensation benefits
12 begin and then shall receive in addition to worker's compensation
13 benefits a supplement from the agency which together with the
14 worker's compensation benefits equals but does not exceed the
15 weekly net wage of the employee at the time of the injury. This
16 supplement only applies while the person is on the agency's pay-
17 roll and is receiving worker's compensation benefits and includes
18 an employee who is currently receiving worker's compensation due
19 to an injury covered by former section 1c of the social welfare
20 act, Act No. 280 of the Public Acts of 1939, or section 113 of
21 the mental health code, Act No. 258 of the Public Acts of 1974,
22 being section 330.1113 of the Michigan Compiled Laws. Fringe
23 benefits normally received by an employee shall be in effect
24 during the time the employee receives the supplement provided by
25 this section from the agency.

1 (2) Subsection (1) applies whether the employee was directly
2 assaulted or was assaulted as a result of aiding another employee
3 in subduing a recipient.

4 Sec. 31505. The agency shall perform all of the following
5 administrative functions with respect to juvenile court probation
6 staff:

7 (a) Develop and recommend to the supreme court standards and
8 qualifications for employment and other criteria designed to
9 develop an adequate career service.

10 (b) Maintain information as to court employment needs and
11 assist in recruitment of qualified personnel.

12 (c) Provide, with legislative approval, a statewide system
13 of preservice and inservice training, which may include full- and
14 part-time scholarships.

15 (d) Develop recommendations regarding the functions of the
16 agency of county juvenile officer.

17 Sec. 31507. (1) District agencies shall employ, supervise,
18 and monitor children and family services personnel in accordance
19 with standards established by the agency pursuant to
20 section 31501.

21 (2) As a condition of licensing under this act, district
22 agencies shall employ individuals who are, immediately before the
23 effective date of this act, employed by state or local agencies
24 whose functions are transferred to the agency by this act. The
25 county board of commissioners of each county that composes a dis-
26 trict agency shall pass a resolution by majority vote agreeing to
27 all of the following:

1 (a) Each state or local government employee whose duties are
2 transferred to the district agency shall be given a comparable
3 position with the district agency at a rate of compensation that
4 is not less than the employee was being paid by the state or
5 local government immediately before the effective date of this
6 act. The salary and position to which an employee is entitled
7 under this subdivision may be altered by a future collective bar-
8 gaining agreement.

9 (b) Annual leave accumulated to a maximum of 160 hours shall
10 be transferred with the employee. The employee shall have an
11 option to receive a cash payment for the value of his or her
12 accumulated annual leave in excess of 160 hours to be paid over a
13 period of time not to exceed 2 years, or a payment of that amount
14 in the form of deferred compensation. The employee shall have 90
15 days after the transfer of employment to exercise his or her
16 option.

17 (c) Seniority rights, sick leave, longevity, and any other
18 benefits that a transferred employee has accumulated shall not be
19 diminished or impaired as a result of the individual becoming an
20 employee of the district agency. The rights and benefits pro-
21 tected by this subdivision may be altered by a future collective
22 bargaining agreement.

23 (d) A transferred employee shall be entitled to receive
24 insurance benefits not less than those insurance benefits
25 received as an employee of the state or local government. The
26 insurance benefits to which an employee is entitled under this

1 subdivision may be altered under a future collective bargaining
2 agreement.

3 (e) All transferred employees shall be entitled to the
4 rights and privileges provided by Act No. 336 of the Public Acts
5 of 1947, being sections 423.201 to 423.216 of the Michigan
6 Compiled Laws.

7 (f) A representative of the transferred employees who repre-
8 sents or is entitled to represent the employees or a group of
9 employees of the state or local government pursuant to Act
10 No. 336 of the Public Acts of 1947 shall continue to represent
11 them after they are transferred to the district agency. This
12 subdivision does not limit the right of the employees, pursuant
13 to applicable law, to assert that a bargaining representative
14 protected by this subdivision is no longer their representative.

15 (g) The county board of commissioners shall pass all resolu-
16 tions and take all actions necessary to implement the agreements
17 set forth in subdivisions (a) through (f).

18 PART 17. COORDINATION OF SERVICES

19 Sec. 31701. There is created a human services cabinet
20 council. The purpose of the human services cabinet council is to
21 advise the governor on human services issues and concerns. The
22 council shall be chaired by the director and shall include each
23 of the following members:

24 (a) The director or his or her designee.

25 (b) The director of the department of mental health, or his
26 or her designee.

1 (c) The director of the department of social services, or
2 his or her designee.

3 (d) The director of the department of public health, or his
4 or her designee.

5 (e) The chief justice of the Michigan supreme court, or his
6 or her designee.

7 (f) The director of the department of education, or his or
8 her designee.

9 (g) The director of the department of labor, or his or her
10 designee.

11 (h) The director of the office of substance abuse services,
12 or his or her designee.

13 (i) The director of the office of services to the aging, or
14 his or her designee.

15 (j) The director of the department of state police, or his
16 or her designee.

17 (k) The director of the department of corrections, or his or
18 her designee.

19 (l) The director of the department of management and budget,
20 or his or her designee.

21 (m) The president of the Michigan judges association, or his
22 or her designee.

23 (n) The president of the Michigan probate judges associa-
24 tion, or his or her designee.

25 (o) The state court administrator, or his or her designee.

26 Sec. 31703. The council shall do all of the following:

1 (a) Review the state's human services needs and provide
2 long-range planning, policy-making, and advocacy, for both human
3 services and human resources.

4 (b) Advise the governor as to allocation of funds for human
5 services.

6 (c) Provide information on statewide cooperative efforts,
7 competing, and overlapping human services.

8 (d) Promote coordinating efforts to avoid fragmentation and
9 unplanned duplication of funds and human services.

10 (e) Analyze the human services mandates of state and local
11 departments, agencies, or offices.

12 (f) Advise the governor and legislature of any needed reor-
13 dering of human services to assure efficient operation of state
14 and local programs.

15 PART 19. INFORMATION SYSTEMS

16 Sec. 31901. (1) The agency shall develop and implement an
17 information system to provide adequate, accurate, and up-to-date
18 information on clients and services in the agency and district
19 agencies throughout the state. The system shall have, at a mini-
20 mum, all of the following features:

21 (a) All services provided or purchased by the agency or dis-
22 trict agencies shall be entered into the system according to
23 standard reporting methods prescribed by the agency.

24 (b) Provisions shall be made to maintain confidentiality of
25 individual clients.

26 (c) Information shall be retrievable from or entered into
27 the system from remote terminals in each district.

1 (d) The system shall collect information on service needs,
2 rate at which services are used, type and amount of activity
3 workers are engaged in, cost of services, and other information
4 necessary to the effective provision of services to children and
5 families.

6 (e) Training programs shall be developed and made available
7 for all personnel using the system.

8 (2) Each district agency shall implement the information
9 system developed by the agency, and shall record information as
10 required by the agency.

11 Sec. 31903. A district agency shall establish a central
12 community resource repository and information clearinghouse for
13 children and family services in the district. It shall develop
14 and distribute a comprehensive local service directory to iden-
15 tify all available services for children and families within the
16 district regardless of whether those services are provided by the
17 district agency, the agency, or other public or private
18 organizations.

19 ARTICLE 4. SERVICES

20 PART 21. GENERAL PROVISIONS

21 Sec. 42101. (1) The district agency for the county in which
22 a child resides, or the office of the agency in that district if
23 there is no district agency, shall be the single point of entry
24 for the provision of all services to children and families in
25 that district. Any other provider of services for children and
26 families shall immediately refer the person requesting or
27 referred for services to the agency or district agency.

1 (2) A child or family requesting or referred for services
2 under this act shall immediately be assigned a case manager by
3 the agency or district agency. All services provided to that
4 child or family shall be coordinated by the case manager.

5 Sec. 42103. All services provided pursuant to this act may
6 be provided directly by the agency or district agency, by con-
7 tract with other public or private providers of the service, or
8 through a combination of contract and direct delivery. Providers
9 shall meet the standards of practice established pursuant to sec-
10 tion 31101, and all licensing or certification required under
11 applicable law.

12 Sec. 42105. Except as otherwise provided, licensed district
13 agencies shall provide services in those districts that have
14 established district agencies. The agency shall provide the
15 services in those districts that either have not established dis-
16 trict agencies or that have failed to obtain a license. The min-
17 imum services and level of services prescribed by the agency pur-
18 suant to section 2501 shall be provided in each district.

19 Sec. 42107. Except as otherwise provided by the agency, all
20 services delivered under this act shall be paid for by the person
21 or persons who are financially responsible for the child accord-
22 ing to ability to pay, pursuant to rules promulgated under
23 section 31101.

24 Sec. 42109. The listing of services in article 4 is not an
25 inclusive list or a limiting description of services that may be
26 provided to children and families in this state. The agency and
27 district agencies shall engage in planning, research, and

1 evaluation, as provided in this act, to identify needs, design
2 programs, and deliver services that meet the changing needs of
3 children and families.

4 Sec. 42111. The agency shall cooperate with the United
5 States government in the provision of services to children and
6 families and shall coordinate agency activities with federal pro-
7 grams where possible.

8 Sec. 42113. The agency or district agency shall assume
9 responsibility for all children committed to it by the juvenile
10 division of the probate court or the court of general criminal
11 jurisdiction. The district agency may provide care necessary to
12 meet the needs of those children and families or it may obtain
13 appropriate services from other state agencies, local public
14 agencies, other district agencies, or private agencies. If the
15 program of another state agency is considered to best serve the
16 needs of the child, the other state agency shall give priority to
17 the child.

18 Sec. 42115. The equipment, records, supplies, and all other
19 property in the possession of the agencies or departments that
20 were providing the services transferred under this act are trans-
21 ferred to the agency.

22 PART 23. PHYSICAL HEALTH SERVICES

23 Sec. 42301. The agency and district agencies shall provide
24 services that protect and enhance the physical health of children
25 and families in this state. The following physical health serv-
26 ices provided by the department of public health and any other
27 department or agency of state government to children and families

1 are transferred to the agency and shall be delivered as provided
2 in sections 42103 and 42105:

3 (a) Family planning services for children of reproductive
4 age.

5 (b) Women, infant, and children program, also known as the
6 WIC program.

7 (c) Prenatal care.

8 (d) Maternity and postpartum care.

9 (e) Perinatal intensive care.

10 (f) Early periodic screening, diagnosis, and treatment.

11 (g) Services for crippled children.

12 (h) Teen health programs.

13 (i) Vision and hearing programs.

14 (j) Dental programs.

15 (k) Lead poisoning prevention programs.

16 (l) Sudden infant death syndrome programs.

17 Sec. 42303. The agency shall consult with the department of
18 public health, local health departments, and the department of
19 labor concerning physical health services to children and fami-
20 lies that are not being transferred under this act. If the
21 agency determines that those services are not being adequately
22 provided, it may provide the services pursuant to sections 42103
23 and 42105.

24 Sec. 42305. The agency shall consult with the office of
25 substance abuse services created in section 6201 of the public
26 health code, Act No. 368 of the Public Acts of 1978, being
27 section 333.6201 of the Michigan Compiled Laws, concerning

1 children and families in need of substance abuse services. If
2 the agency determines that those services are inadequate, it may
3 provide substance abuse services directly or authorize district
4 agencies to provide substance abuse services to children and fam-
5 ilies within the district.

6 PART 25. MENTAL HEALTH SERVICES

7 Sec. 42501. The agency and district agencies shall provide
8 services to protect and enhance the mental health of children and
9 families in this state and to treat children with mental disease
10 or disability. The mental health services to children and fami-
11 lies provided by community mental health boards and by the
12 department of mental health, the department of social services,
13 or any other department of state government that are described in
14 this part are transferred to the agency and shall be delivered as
15 provided in sections 42103 and 42105.

16 Sec. 42503. The agency shall operate all child and adoles-
17 cent psychiatric hospitals.

18 Sec. 42505. The agency, through district agencies where
19 appropriate, shall provide the following services to children and
20 families:

21 (a) Infant mental health programs.

22 (b) Programs teaching parenting skills and improving nurtur-
23 ing relationships.

24 (c) Training programs for the development of positive social
25 behavior, problem-solving skills, and self-esteem and
26 stress-management skills.

1 (d) Adolescent sex offender treatment.

2 (e) Residential and nonresidential services for emotionally
3 disturbed children.

4 (f) Prevention services for children at risk of mental
5 health problems.

6 (g) Respite programs.

7 (h) Children's diagnostic and treatment services as
8 described in section 42509.

9 Sec. 42507. For purposes of sections 42509 through 42565,
10 the words and phrases defined in sections 42509 and 42511 have
11 the meanings ascribed to them in those sections.

12 Sec. 42509. (1) "Certificate" means a certificate as
13 defined in section 400 of the mental health code, Act No. 258 of
14 the Public Acts of 1974, being section 330.1400 of the Michigan
15 Compiled Laws.

16 (2) "Child psychiatrist" means either of the following:

17 (a) A psychiatrist who specializes in the evaluation and
18 treatment of children and is certified or eligible for certifica-
19 tion as a child psychiatrist by the American board of psychiatry
20 and neurology as approved by the board of medicine created under
21 article 15 of the public health code, Act No. 368 of the Public
22 Acts of 1978, being sections 333.16101 to 333.18838 of the
23 Michigan Compiled Laws.

24 (b) A psychiatrist employed by or under contract with the
25 agency or a district agency with educational and clinical
26 experience in the evaluation and treatment of children who is
27 approved by the director.

1 (3) "Children's diagnostic and treatment service" means a
2 program operated by the agency or a district agency pursuant to
3 rules promulgated under section 31101 that provides examination,
4 evaluation, and referrals for children, including emergency
5 referrals, and that provides or facilitates treatment for
6 children.

7 (4) "Court" means the probate court for the county in which
8 a child who has requested hospitalization, for whom a request for
9 hospitalization has been made, or who has been hospitalized pur-
10 suant to this part either resides or was found.

11 (5) "Discharge" means the official release of an individual
12 from a hospital by action of the hospital or a court.

13 (6) "Emotional disturbance" means mental illness as defined
14 in section 400a of the mental health code, Act No. 258 of the
15 Public Acts of 1974, being section 330.1400a of the Michigan
16 Compiled Laws, or a severe or persistent emotional condition
17 characterized by seriously impaired personality development,
18 individual adjustment, social adjustment, or emotional growth,
19 which is demonstrated in behavior symptomatic of that
20 impairment.

21 (7) "Guardian" means a person with authority for the care
22 and custody of a child pursuant to an order of the probate court
23 or the circuit court.

24 (8) "Hospital" means a hospital as defined in section 400 of
25 the mental health code, Act No. 258 of the Public Acts of 1974,
26 being section 330.1400 of the Michigan Compiled Laws, which has

1 specialized mental health services for the treatment of
2 children.

3 (9) "Hospital director" means the chief executive officer of
4 a hospital or his or her designee.

5 (10) "Hospitalization" or "hospitalize" means to provide
6 specialized treatment for a child as an inpatient in a hospital.

7 Sec. 42511. (1) "Peace officer" means an officer of the
8 department of state police or of a law enforcement agency of a
9 county, township, city, or village, who is responsible for the
10 prevention and detection of crime and enforcement of the criminal
11 laws of this state.

12 (2) "Person in loco parentis" means a person who is not the
13 parent or guardian of a child, but who has either legal custody
14 of a child or physical custody of a child and is providing sup-
15 port and care for the child.

16 (3) "Physician" means a physician as defined in section 400
17 of the mental health code, Act No. 258 of the Public Acts of
18 1974, being section 330.1400 of the Michigan Compiled Laws.

19 (4) "Protective custody" means the temporary custody of an
20 individual by a peace officer with or without the individual's
21 consent for the purpose of protecting that individual's health
22 and safety, or the health and safety of the public, and for the
23 purpose of transporting the individual if the individual appears,
24 in the judgment of the peace officer, to be a person requiring
25 treatment or is a person requiring treatment. Protective custody
26 is civil in nature and is not to be construed as an arrest.

1 (5) "Psychiatrist" means a psychiatrist as defined in
2 section 400 of the mental health code, Act No. 258 of the Public
3 Acts of 1974, who has at least 1 year of full-time clinical
4 experience or its equivalent in the evaluation and treatment of
5 children.

6 (6) "Psychologist" means a person who holds a license to
7 engage in the practice of psychology under article 15 of the
8 public health code, Act No. 368 of the Public Acts of 1978, being
9 sections 333.16101 to 333.18838 of the Michigan Compiled Laws,
10 and who has at least 1 year of full-time clinical experience or
11 its equivalent in the evaluation and treatment of children.

12 (7) "State ward" means a state ward as defined in section 2
13 of the youth rehabilitation services act, Act No. 150 of the
14 Public Acts of 1974, being section 803.302 of the Michigan
15 Compiled Laws.

16 (8) "Suitable for hospitalization" means a determination
17 concerning a child that all of the following criteria are met:

18 (a) The child is emotionally disturbed.

19 (b) The child requires mental health treatment and is
20 expected to benefit from hospitalization.

21 (c) An appropriate, less restrictive alternative to hospi-
22 talization is not available.

23 (9) "Treatment" means treatment as defined in section 400 of
24 the mental health code, Act No. 258 of the Public Acts of 1974.

25 Sec. 42513. (1) Subject to section 42515 and except as oth-
26 erwise provided in this part, a child of any age may be
27 hospitalized if both of the following conditions are met:

1 (a) The child's parent, guardian, or a person acting in loco
2 parentis for the child or, pursuant to subsection (2), the agency
3 or a district agency requests hospitalization of the child pursu-
4 ant to this chapter.

5 (b) The child is found to be suitable for hospitalization.

6 (2) The agency or a district agency may request hospitaliza-
7 tion of a child who is 1 of the following:

8 (a) Committed to the agency pursuant to Act No. 220 of the
9 Public Acts of 1935, being sections 400.201 to 400.214 of the
10 Michigan Compiled Laws.

11 (b) A ward of the court pursuant to chapter XIIA of Act
12 No. 288 of the Public Acts of 1939, being sections 712A.1 to
13 712A.28 of the Michigan Compiled Laws, if the agency or district
14 agency is specifically empowered to do so by an order of the
15 court.

16 (c) Committed to the agency as described in section 2 of the
17 youth rehabilitation services act, Act No. 150 of the Public Acts
18 of 1974, being section 803.302 of the Michigan Compiled Laws,
19 except that if the child is residing with his or her custodial
20 parent, the consent of the custodial parent shall be required.

21 (3) Subject to sections 42515, 42517, and 42519, a child 14
22 years of age or older may be hospitalized if both of the follow-
23 ing conditions are met:

24 (a) The child requests hospitalization pursuant to this
25 part.

26 (b) The child is found to be suitable for hospitalization.

1 (4) In making the determination of suitability for
2 hospitalization, emotional disturbance of a child shall not be
3 determined solely on the basis of 1 or more of the following
4 conditions:

5 (a) Epilepsy.

6 (b) Developmental disabilities as defined in section 500 of
7 the mental health code, Act No. 258 of the Public Acts of 1974,
8 being section 330.1500 of the Michigan Compiled Laws.

9 (c) Brief periods of intoxication caused by substances such
10 as alcohol or drugs or by dependence upon or addiction to those
11 substances.

12 (d) Juvenile offenses, including school truancy, home truan-
13 cy, or incorrigibility.

14 (e) Sexual activity.

15 (f) Religious activity or beliefs.

16 (g) Political activity or beliefs.

17 Sec. 42515. (1) A child requesting hospitalization or for
18 whom a request for hospitalization was made shall be evaluated to
19 determine suitability for hospitalization pursuant to this sec-
20 tion as soon as possible after the request is made.

21 (2) The director or district director for the district of
22 residence of a child requesting hospitalization or for whom a
23 request for hospitalization was made shall evaluate the child to
24 determine his or her suitability for hospitalization pursuant to
25 this section. In making a determination of a child's suitability
26 for hospitalization, the director or district director shall
27 utilize the children's diagnostic and treatment service operated

1 by the agency or district agency. If a children's diagnostic and
2 treatment service does not exist in the district, the director or
3 district director shall, through written agreement, arrange to
4 have a determination made by the children's diagnostic and treat-
5 ment service of another district or by the appropriate hospital.

6 (3) To evaluate a child's suitability for hospitalization,
7 all of the following shall occur:

8 (a) Both of the following shall be determined:

9 (i) Whether the child is emotionally disturbed.

10 (ii) Whether the child requires mental health treatment and
11 is expected to benefit from hospitalization.

12 (b) If the director or district director determines that
13 there is an appropriate, available alternative to hospitaliza-
14 tion, the child shall be referred to that program.

15 (c) The director or district director shall consult with the
16 appropriate school, hospital, and other public or private
17 agencies.

18 (d) If the director or district director determines that the
19 child is suitable for hospitalization, the child shall be
20 referred to the appropriate hospital.

21 (e) If the director or district director determines that the
22 child is not suitable for hospitalization, the director or dis-
23 trict director shall determine if the child needs mental health
24 services. If it is determined that the child needs mental health
25 services, the director or district director shall offer an appro-
26 priate treatment program for the child, if the program is

1 available, or refer the child to any other appropriate agency for
2 services.

3 (4) If a child has been admitted to a hospital not operated
4 by or under contract with the agency or a district agency and the
5 hospital considers it necessary to transfer the child to a hospi-
6 tal operated by or under contract with the agency, the hospital
7 shall submit an application for transfer to the agency or dis-
8 trict agency. The director or district director shall determine
9 if there is an appropriate, available alternative to hospitaliza-
10 tion of the child. If the director or district director deter-
11 mines that there is an appropriate, available alternative pro-
12 gram, the child shall be referred to that program. If the direc-
13 tor or district director determines that there is not an appro-
14 priate, alternative program, the child shall be referred to a
15 hospital operated by or under contract with the agency or a dis-
16 trict agency.

17 (5) Except as provided in subsections (1) and (4), this sec-
18 tion shall only apply to hospitals operated by or under contract
19 with the agency or a district agency.

20 Sec. 42517. If a child is referred to a hospital by the
21 director or a district director pursuant to section 42515, the
22 hospital director may accept the referral and admit the child, or
23 the hospital director may order an examination of the child to
24 confirm the child's suitability for hospitalization. The exami-
25 nation shall begin immediately. If the hospital director con-
26 firms the child's suitability for hospitalization, the child
27 shall be scheduled for admission to the hospital. If the child

1 cannot be admitted immediately because of insufficient space in
2 the hospital, the child shall be placed on a waiting list and the
3 director or district director shall provide necessary interim
4 services, including periodic reassessment of the suitability for
5 hospitalization. The child may be referred to another hospital.
6 If the hospital director does not confirm the child's suitability
7 for hospitalization, the child shall be referred to the director
8 or district director, who shall offer an appropriate treatment
9 plan for the child or refer the child to any other agency for
10 services.

11 Sec. 42519. If a child is admitted to a hospital pursuant
12 to this part, the director of the hospital shall have the child
13 examined by a child psychiatrist within 48 hours after the admis-
14 sion of the child and shall immediately initiate any of the fol-
15 lowing tests and evaluations of the child pursuant to section
16 42525 which, in the hospital director's opinion may aid in the
17 preparation of a treatment plan for the child:

18 (a) A comprehensive social and family history including
19 family relationships.

20 (b) A comprehensive educational test and an assessment of
21 educational development.

22 (c) Psychological testing.

23 (d) An evaluation by the staff participating in the treat-
24 ment of the child.

25 (e) Any relevant test, assessment, or study of, or related
26 to, the child.

1 Sec. 42521. (1) A parent, guardian, or person in loco
2 parentis may request emergency admission of a child to a
3 hospital, if the person making the request has reason to believe
4 that the child is emotionally disturbed and that the child
5 presents a serious danger to self or others.

6 (2) If the hospital to which the request for emergency
7 admission is made is not operated by or under contract to the
8 agency or a district agency, the request for emergency hospital-
9 ization shall be made directly to the hospital. If the hospital
10 director agrees that the child needs emergency admission, the
11 child shall be hospitalized. If the hospital director does not
12 agree, the person making the request may request hospitalization
13 of the child pursuant to section 42513.

14 (3) If the hospital to which the request for emergency
15 admission is made is operated by or under contract to the agency
16 or a district agency, the request shall be made to the children's
17 diagnostic and treatment service of the agency or district agency
18 in the district where the child resides. In districts where
19 there is no children's diagnostic and treatment service, the
20 agency or district agency shall refer the person making the
21 request to the appropriate hospital. If it is determined that
22 emergency admission is not necessary, the person may request hos-
23 pitalization of the child pursuant to section 42513. If it is
24 determined that emergency admission is necessary, the child shall
25 be hospitalized or placed in an appropriate alternative program.

26 (4) If a person in loco parentis makes a request for
27 emergency admission and the child is admitted to a hospital

1 pursuant to this section, the hospital director or the director
2 or district director immediately shall notify the parent or par-
3 ents or the guardian of the child.

4 (5) If a child is hospitalized in a hospital which is oper-
5 ated by or under contract with the agency or a district agency,
6 the hospital director shall notify the appropriate county direc-
7 tor within 24 hours after the hospitalization occurs.

8 (6) If a peace officer, as a result of personal observation,
9 has reasonable grounds to believe that a child is emotionally
10 disturbed and that the child presents a serious danger to self or
11 others and if after a reasonable effort to locate the child's
12 parent, guardian, or person in loco parentis, the child's parent,
13 guardian, or person in loco parentis cannot be located, the peace
14 officer may take the child into protective custody and transport
15 the child to the agency or district agency, if the district has a
16 children's diagnostic and treatment service, or to a hospital if
17 the district does not have a children's diagnostic and treatment
18 service. After transporting the child, the peace officer shall
19 execute a written request for emergency hospitalization of the
20 child stating the reasons, based upon personal observation, the
21 peace officer believes that emergency hospitalization is
22 necessary. The written request shall include a statement that a
23 reasonable effort was made by the peace officer to locate the
24 child's parent, guardian, or person in loco parentis. If it is
25 determined that emergency hospitalization of the child is not
26 necessary, the child shall be returned to his or her parent,
27 guardian, or person in loco parentis if an additional attempt to

1 locate the parent, guardian, or person in loco parentis is
2 successful. If the child's parent, guardian, or person in loco
3 parentis cannot be located, the child shall be turned over to the
4 protective services program of the agency or district agency. If
5 it is determined that emergency admission of the child is neces-
6 sary, the child shall be admitted to the appropriate hospital or
7 to an appropriate alternative program. The hospital director or
8 the director or district director immediately shall notify the
9 parent, guardian, or person in loco parentis. If the hospital is
10 operated by or under contract with the agency or district agency,
11 the hospital director shall also notify the appropriate director
12 or district director within 24 hours after the hospitalization
13 occurs.

14 (7) An evaluation of a child admitted to a hospital under
15 this section shall begin immediately after the child is
16 admitted. The evaluation shall be conducted in the same manner
17 as provided in section 42515. If the child is not found to be
18 suitable for hospitalization, the child shall be released into
19 the custody of his or her parent, guardian, or person in loco
20 parentis and the child shall be referred to the director or dis-
21 trict director who shall determine if the child needs mental
22 health services. If it is determined that the child needs mental
23 health services, the director or district director shall offer an
24 appropriate treatment program for the child, if the program is
25 available, or refer the child to another agency for services.

26 (8) A hospital director shall proceed under either the
27 revised probate code, Act No. 642 of the Public Acts of 1978,

1 being sections 700.1 to 700.993 of the Michigan Compiled Laws, or
2 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
3 sections 712A.1 to 712A.28 of the Michigan Compiled Laws, as war-
4 ranted by the situation and the best interests of the child,
5 under any of the following circumstances:

6 (a) The hospital director cannot locate a parent, guardian,
7 or person in loco parentis of a child admitted to a hospital pur-
8 suant to subsection (6).

9 (b) The hospital director cannot locate the parent or guard-
10 ian of a child admitted to a hospital by a person in loco paren-
11 tis pursuant to this section.

12 Sec. 42523. The parent or guardian of a child shall be
13 notified immediately of the admission of a child to a hospital in
14 any case where the parent or guardian of the child did not exe-
15 cute the application for hospitalization. The notice shall be in
16 the form most likely to reach the person being notified in an
17 expeditious manner, and shall inform the person of the right to
18 participate in any proceedings under this act.

19 Sec. 42525. The parent or guardian of a child admitted to a
20 hospital under this part shall be requested by the hospital to
21 give written consent to the treatment of the child and for the
22 release of information from agencies or individuals involved in
23 treating the child prior to hospitalization considered necessary
24 by the hospital for treatment of the child. If consent to treat-
25 ment cannot be obtained, the director of the hospital may proceed
26 under either the revised probate code, Act No. 642 of the Public
27 Acts of 1978, being sections 700.1 to 700.993 of the Michigan

1 Compiled Laws, or chapter XIIIA of Act No. 288 of the Public Acts
2 of 1939, being sections 712A.1 to 712A.28 of the Michigan
3 Compiled Laws, as warranted by the situation and the best inter-
4 ests of the child.

5 Sec. 42527. (1) If a child who has been admitted to a hos-
6 pital pursuant to this part leaves the hospital without the
7 knowledge and permission of the appropriate hospital staff, the
8 hospital shall immediately notify the child's parent, guardian,
9 or person in loco parentis, the director or district director if
10 appropriate, and the appropriate police agency.

11 (2) If a child has left a hospital without the knowledge and
12 permission of the appropriate hospital staff or has refused a
13 request to return to the hospital while on an authorized absence
14 from the hospital, and the hospital director believes that the
15 child should be returned to the hospital, the hospital director
16 shall request that the child's parent, guardian, or person in
17 loco parentis transport the child to the hospital. If the
18 parent, guardian, or person in loco parentis is unable, after
19 reasonable effort, to transport the child, a request may be sub-
20 mitted to the court for an order to transport the child. If the
21 court is satisfied that a reasonable effort was made to transport
22 the child, the court shall order a peace officer to take the
23 child into protective custody for the purpose of returning the
24 child to the hospital.

25 (3) An opportunity for appeal, and notice of that opportuni-
26 ty, shall be provided to any child and to the parent or guardian
27 of any child who is returned over the child's objection from any

1 authorized leave in excess of 10 days. In the case of a child
2 less than 14 years of age, the appeal shall be made by the parent
3 or guardian of the child or person in loco parentis.

4 Sec. 42529. (1) Not more than 90 days after the admission
5 of a child to a hospital pursuant to this part, and at 60-day
6 intervals after the expiration of the 90-day period, the director
7 of the hospital shall perform or arrange to have performed a
8 review of the child's suitability for hospitalization. If the
9 child is in a hospital operated by or under contract with the
10 agency or a district agency and if the district of residence of
11 the child does not have a children's diagnostic and treatment
12 service, the director or district director shall be invited to
13 participate in the reviews. If the district of residence of the
14 child does have a children's diagnostic and treatment service,
15 the director or district director shall participate in the
16 reviews.

17 (2) The reviews of the child's suitability for continued
18 hospitalization shall be conducted pursuant to rules promulgated
19 by the agency. Results of the reviews shall be transmitted
20 promptly to all of the following:

21 (a) The child, if the child is 14 years of age or older.

22 (b) The parent, guardian, or person in loco parentis of the
23 child.

24 (c) The appropriate director or district director.

25 (d) The court, if there was a court hearing on the admission
26 of the child.

1 Sec. 42531. (1) An objection to the hospitalization of a
2 child may be made to the court by any of the following persons:

3 (a) A person found suitable by the court.

4 (b) The child's parent, guardian, or person in loco parentis
5 if the request for hospitalization was made by the child pursuant
6 to section 42513 or by a peace officer pursuant to
7 section 42521.

8 (c) The child who has been hospitalized, if the child is 14
9 years of age or older.

10 (2) An objection made to the court pursuant to subsection
11 (1) shall be made in writing not more than 30 days after the
12 admission of a child to a hospital, and may be made subsequently
13 within not more than 30 days after the receipt of the periodic
14 review of the child's suitability for continued hospitalization
15 as provided for in section 42529. The objection shall state the
16 basis on which it is being raised.

17 (3) If a child who has been hospitalized for not less than 7
18 days pursuant to this chapter informs a hospital employee of the
19 child's desire to object to hospitalization, the hospital
20 employee or a person designated by the hospital shall assist the
21 child in properly submitting an objection to hospitalization pur-
22 suant to this section. An employee of the hospital shall not
23 interfere with or fail to act upon a child's objection to
24 hospitalization. A person who violates this subsection is guilty
25 of a misdemeanor.

26 Sec. 42533. (1) Upon receipt of an objection to
27 hospitalization filed pursuant to section 42531, the court shall

1 schedule a hearing to be held within 7 days, excluding Sundays
2 and holidays. After receipt of the objection, the court shall
3 notify all of the following persons of the time and place for the
4 hearing:

5 (a) The parents or guardian of the child to whom the objec-
6 tion refers.

7 (b) The person filing the objection.

8 (c) The child to whom the objection refers.

9 (d) The person who executed the application for hospitaliza-
10 tion of the child.

11 (e) The hospital director.

12 (f) The director or district director.

13 (2) The court shall sustain an objection to hospitalization
14 and order the discharge of the child unless the court finds by
15 clear and convincing evidence that the child is suitable for
16 hospitalization. If the court does not sustain the objection, an
17 order shall not be entered, the objection shall be dismissed, and
18 the hospital shall continue to hospitalize the child.

19 (3) The hearing required by subsection (1) shall be governed
20 by sections 42535 to 42551.

21 (4) The court shall not dismiss the objection and refuse to
22 order a discharge of a hospitalized child on the grounds that the
23 child's parent or guardian is unwilling or unable to provide or
24 arrange for the management, care, or residence of the child. If
25 an objection is sustained and the child's parent or guardian is
26 unwilling or unable to provide or arrange for the management,
27 care, or residence of the child, the objecting person may, or a

1 person authorized by the court shall, file promptly a petition
2 under section 2(b) of chapter XIIIA of Act No. 288 of the Public
3 Acts of 1939, being section 712A.2 of the Michigan Compiled Laws,
4 to ensure that the child is provided with appropriate management,
5 care, or residence.

6 (5) If a hospital has officially agreed to admit a child,
7 but admission has been deferred until a subsequent date, an
8 objection to hospitalization of the child may be made to the
9 court pursuant to section 42531 before the child is admitted to
10 the hospital. A child 14 years of age or older shall be notified
11 of the right to object pursuant to rules promulgated by the
12 department. If the objection is sustained by the court, the
13 child shall not be hospitalized.

14 Sec. 42535. Court hearings convened under authority of this
15 part shall be governed by sections 42535 to 42551.

16 Sec. 42537. Within 4 days of the court's receipt of an
17 objection made pursuant to section 42531, the court shall give
18 the child a copy of the objection, notice of his or her right to
19 a full court hearing, notice of his or her right to be present at
20 the hearing, and notice of his or her right to be represented by
21 legal counsel.

22 Sec. 42539. (1) Every child who is the subject of an objec-
23 tion is entitled to be represented by legal counsel.

24 (2) Unless an appearance has been entered on behalf of the
25 child, the court shall, within 48 hours after its receipt of an
26 objection, appoint counsel to represent the child, except that if

1 a child has been hospitalized under section 42521, counsel shall
2 be appointed within 24 hours after the hospitalization.

3 (3) If the child is indigent, the court shall compensate
4 appointed counsel from court funds in an amount which is reason-
5 able and based upon time and expenses.

6 (4) The supreme court may, by court rule, establish the com-
7 pensation to be paid for counsel of indigents and may require
8 that counsel be appointed from a system or organization estab-
9 lished for the purpose of providing representation in proceedings
10 governed by this part.

11 (5) Legal counsel shall consult in person with the child at
12 least 24 hours before the time set for a court hearing.

13 (6) After the consultation required in subsection (5), coun-
14 sel promptly shall file with the court a certificate stating that
15 he or she personally has seen and has consulted with the child as
16 required by this section.

17 Sec. 42541. (1) Hearings may be held in such quarters as
18 the court directs; either within or without the county in which
19 the court has its principal office, in a hospital or other con-
20 venient place. Whenever practicable, the court shall convene
21 hearings in a hospital.

22 (2) The child, any interested person, or the court on its
23 own motion may request a change of venue because of residence,
24 convenience to parties, witnesses, or the court, or the child's
25 mental or physical condition.

26 Sec. 42543. The prosecuting attorney of the county in which
27 a court has its principal office shall participate, either in

1 person or by assistant, in hearings convened by the court of his
2 or her county under this part.

3 Sec. 42545. (1) The parties in a proceeding under this
4 chapter have the right to present documents and witnesses and to
5 cross-examine witnesses.

6 (2) The court shall receive all relevant, competent, and
7 material evidence which may be offered. The rules of evidence in
8 civil actions are applicable, except to the extent that specific
9 exceptions have been provided for in this part or elsewhere by
10 statute or court rule.

11 Sec. 42547. Counsel for the child shall be allowed adequate
12 time for investigation of the matters at issue and for prepara-
13 tion, and shall be permitted to present the evidence that counsel
14 believes necessary to a proper disposition of the proceedings,
15 including evidence as to alternatives to hospitalization.

16 Sec. 42549. (1) Requests for continuances for any reason-
17 able time shall be granted to the child for good cause.

18 (2) Unless the child or his or her attorney objects, the
19 failure to timely notify a parent, guardian, person in loco par-
20 entis, relative, or other person determined by the court to be
21 entitled to notice shall not be cause to adjourn or continue a
22 hearing.

23 Sec. 42551. Copies of court orders issued pursuant to this
24 part shall be given to the child who is the subject of the order,
25 to his or her parent, guardian, or person in loco parentis, to
26 his or her attorney, and to the director of any hospital in which
27 the individual is or will be a patient.

1 Sec. 42553. (1) Except as provided in subsection (4), a
2 child hospitalized pursuant to this part shall not be kept in the
3 hospital more than 3 days, excluding Sundays and holidays, after
4 receipt by the hospital of a written notice of intent to termi-
5 nate the hospitalization of the child executed by the child's
6 parent, guardian, or person in loco parentis or by the child if
7 the child is 14 years of age or older and was admitted to the
8 hospital upon his or her own request.

9 (2) Upon receipt of an oral request to terminate hospital-
10 ization of a child pursuant to subsection (1), the hospital
11 promptly shall supply the necessary form for termination of hos-
12 pitalization to the person giving notice.

13 (3) Upon receipt of notice or an oral request pursuant to
14 subsection (1) or (2) by a hospital operated by or under contract
15 with the agency or district agency, the hospital director immedi-
16 ately shall notify the director or district director.

17 (4) If notice of intent to terminate hospitalization is
18 received by a hospital pursuant to subsection (1) or (2), and the
19 director of the hospital determines that the child to whom the
20 notice applies should remain in the hospital, the director of the
21 hospital or a person designated by the director of the hospital
22 shall file, within 3 days, excluding Sundays and holidays, after
23 receipt of the notice, a petition with the court requesting an
24 order to continue hospitalization of the child. The petition
25 shall be accompanied by 1 certificate executed by a child psychi-
26 atrist and 1 certificate executed by either a physician or a
27 psychologist who holds other than a limited license to practice

1 psychology. If a petition is filed with the court pursuant to
2 this subsection, the hospital shall continue to hospitalize the
3 child pending a court hearing on the petition.

4 (5) Upon receipt of a petition to continue hospitalization
5 of a child pursuant to subsection (4), the court shall schedule a
6 hearing to be held within 7 days, excluding Sundays and holidays,
7 after receipt of the petition. The hearing shall be convened
8 pursuant to sections 42535 to 42551.

9 (6) If the court finds by clear and convincing evidence that
10 the child is suitable for hospitalization, the court shall order
11 the child to continue hospitalization for not more than 60 days.
12 If the court does not find by clear and convincing evidence that
13 the child is suitable for hospitalization, the court shall order
14 the child discharged from the hospital.

15 Sec. 42555. (1) Upon periodic review of a hospitalized
16 child pursuant to section 42529, or at any other time, if it is
17 determined that the child is no longer suitable for hospitaliza-
18 tion, the director of the hospital shall discharge the child from
19 the hospital.

20 (2) If a child discharged pursuant to subsection (1) has
21 been hospitalized pursuant to a court order, or if court proceed-
22 ings are pending, the court shall be notified of the child's dis-
23 charge from the hospital.

24 (3) The director of a hospital shall notify the director or
25 district director of the pending discharge of a child not less
26 than 7 days before the child is discharged from the hospital.

1 (4) Before a child is discharged from a hospital pursuant to
2 subsection (1), the director or district director, with the
3 assistance of the hospital, shall develop an individualized
4 pre-release plan for the child pursuant to section 42559.

5 (5) If the parent or guardian of a child admitted to a hos-
6 pital pursuant to this chapter refuses to assume custody of the
7 child upon discharge of the child from the hospital, the hospital
8 director shall file or cause to be filed a petition in the juve-
9 nile division of the probate court alleging that the child is
10 within the provisions of section 2(b) of chapter XIIIA of Act
11 No. 288 of the Public Acts of 1939, being section 712A.2 of the
12 Michigan Compiled Laws, to ensure that the child is provided with
13 appropriate management, care, and residence. Arrangements con-
14 sidered suitable by the hospital director and agreed to by the
15 parent or guardian for care of the child outside the home of the
16 parent or guardian shall not constitute refusal to assume custody
17 of the child.

18 Sec. 42557. A hospital that is not operated by or under
19 contract with the agency or a district agency immediately shall
20 notify the agency or district agency of the admittance of a child
21 to the hospital if any of the following occur:

22 (a) The child, who was a voluntary admission, consents to
23 notification.

24 (b) The child was admitted administratively by a parent,
25 guardian, or person in loco parentis and does not object to the
26 admission pursuant to section 42531.

1 (c) The child was referred to the hospital by a
2 representative of the agency or district agency.

3 (d) The child was committed by court order.

4 Sec. 42559. (1) Upon admission of a child to a hospital
5 under section 42515, 42517, or 42521, or upon receipt of the
6 notice required by section 42557, the agency or district agency,
7 with the assistance of the hospital, shall develop an individual-
8 ized pre-release plan for appropriate community placement and a
9 pre-release plan for aftercare services appropriate for each
10 child admitted. In developing a pre-release plan, the agency or
11 district agency and the hospital shall include all of the follow-
12 ing in the planning process:

13 (a) The child, if the child is 14 years of age or older.

14 (b) The parent, guardian, or person in loco parentis of the
15 child.

16 (c) Personnel from the school and other agencies if
17 possible.

18 (2) In the case of a child in need of an aftercare service
19 with a residential component or an alternative to hospitaliza-
20 tion, if the agency or district agency cannot locate a suitable
21 service or alternative for the child in the service area of the
22 district, but a suitable service or alternative is available in
23 the service area of another district agency, the agency or dis-
24 trict agency responsible for planning for the child may contract
25 with the other district agency or with another agency operating
26 the service or alternative for the provision of services. The

1 district agency or other agency contracted with shall be located
2 as close to the child's place of residence as possible.

3 (3) A hospital that is not operated by or under contract
4 with the agency or a district agency shall advise a child about
5 whom the agency or district agency has not received notice pursu-
6 ant to section 42557 of the availability of pre-release planning
7 services offered by the agency or district agency. If the child
8 requests those services, the agency or district agency shall be
9 notified and shall develop a plan for that child.

10 (4) The agency or district agency shall offer post-release
11 planning services to each child, within 10 days after the release
12 of the child from the hospital, if pre-release planning cannot be
13 completed for 1 of the following reasons:

14 (a) The child did not consent to notification of his or her
15 admission until shortly before release from the hospital.

16 (b) The child did not remain in the hospital for a time that
17 was sufficient to develop a pre-release plan.

18 (5) Unless covered by contractual agreement, disclosure of
19 information about the child by the hospital shall be made to
20 those individuals involved in the development of the plans, but
21 shall be limited to:

22 (a) Home address, gender, and medication record.

23 (b) Other information necessary to determine financial and
24 social service needs, program needs, residential needs, and medi-
25 cation needs.

26 Sec. 42561. Notwithstanding the provisions of chapter 4 of
27 the mental health code, Act No. 258 of the Public Acts of 1974,

1 being sections 330.1400 to 330.1497 of the Michigan Compiled
2 Laws, the civil admission and discharge procedures for emotion-
3 ally disturbed children shall be governed by this part.

4 Sec. 42563. If a person who requests hospitalization of a
5 child pursuant to section 42513 or 42521 is unable, after reason-
6 able efforts, to transport the child for the evaluation required
7 by section 42515, a request may be submitted to the court for an
8 order to transport the child. If the court is satisfied that a
9 reasonable effort was made by the person requesting hospitaliza-
10 tion to transport the child for evaluation, the court shall order
11 a peace officer to take the child into protective custody for the
12 purpose of transporting the child immediately to the evaluation
13 site, and if necessary, from the evaluation site to the hospital
14 for admission. The person requesting the transport order shall
15 meet the child at the evaluation site and remain with the child
16 for the duration of the evaluation.

17 Sec. 42565. (1) A child 14 years of age or older may
18 request and receive mental health services and an employee of the
19 agency or district agency qualified pursuant to agency rules may
20 provide mental health services, on an outpatient basis, excluding
21 pregnancy termination referral services and the use of chemother-
22 apy, without the consent or knowledge of the child's parent,
23 guardian, or person in loco parentis. Except as otherwise pro-
24 vided in this section, the child's parent, guardian, or person in
25 loco parentis shall not be informed of the services without the
26 consent of the child unless the employee treating the child
27 determines that there is a compelling need for disclosure based

1 on a substantial probability of harm to the child or to other
2 persons, and if the child is notified of the employee's intent to
3 inform the child's parent, guardian, or person in loco parentis.

4 (2) Services provided to a child pursuant to this section
5 shall, to the extent possible, promote the child's relationship
6 to the parent, guardian, or person in loco parentis, and shall
7 not undermine the values that the parent, guardian, or person in
8 loco parentis has sought to instill in the child.

9 (3) Services provided to a child pursuant to this section
10 shall be limited to not more than 12 sessions or 4 months per
11 request for services. After the twelfth session or fourth month
12 of services the employee shall terminate the services or, with
13 the consent of the child, notify the parent, guardian, or person
14 in loco parentis to obtain consent to provide further outpatient
15 services.

16 (4) The child's parent, guardian, or person in loco parentis
17 shall not be liable for the costs of services which are received
18 by a child under subsection (1).

19 (5) This section shall not relieve an employee from his or
20 her duty to report suspected child abuse or neglect pursuant to
21 section 3 of the child protection law, Act No. 238 of the Public
22 Acts of 1975, being section 722.623 of the Michigan Compiled
23 Laws.

24 PART 27. PROTECTIVE SERVICES

25 Sec. 42701. The agency and district agencies shall provide
26 services that protect children from abuse and neglect. In
27 providing such services, it shall encourage participation by

1 other governmental and private agencies. The agency or district
2 agency shall initiate action in an appropriate court if such
3 action is required because of the conduct of a parent, guardian,
4 or custodian. Where it is possible to provide in-home services
5 to children and families as an alternative to foster care or
6 other out-of-home placement, the in-home services shall be
7 provided.

8 Sec. 42703. The following services to children and families
9 are transferred to the agency from the departments of mental
10 health, social services, or any other department or agency of
11 state government, and shall be delivered as provided in
12 sections 42103 and 42105:

13 (a) Intervention and follow-up for suspected child abuse or
14 neglect situations.

15 (b) Counseling for parents and children.

16 (c) Shelters for parents and children experiencing domestic
17 violence.

18 (d) Out-of-home placement for children for whom in-home
19 services are not sufficiently protective.

20 (e) Homemaker services and other in-home services for chil-
21 dren and families at risk.

22 (f) Shelters for adolescent parents and their children.

23 (g) Adult role-model services.

24 (h) Team services for intensive in-home treatment and
25 support.

26 (i) Assessment services to determine capability of parent to
27 provide minimum necessary child care and support.

1 (j) Child care programs.

2 PART 29. CHILD CARE, ADOPTION, AND FOSTER CARE

3 Sec. 42901. The agency and district agencies shall provide
4 services for children who need homes or who need care outside of
5 their homes. The following child care, adoption, foster care,
6 and other out-of-home placement services provided to children by
7 the department of social services or any other department or
8 agency of state government are transferred to the agency and
9 shall be delivered as provided in sections 42103 and 42105:

10 (a) State-operated or administered day care programs,
11 including federally funded programs.

12 (b) Operation of the Michigan children's institute pursuant
13 to Act No. 220 of the Public Acts of 1935, being sections 400.201
14 to 400.214 of the Michigan Compiled Laws.

15 (c) Adoption services, including the programs or services
16 described in sections 42903 to 42919, and services described in
17 Act No. 288 of the Public Acts of 1939, being sections 710.21 to
18 710.70 of the Michigan Compiled Laws.

19 (d) Foster care and residential treatment.

20 (e) Shelter care.

21 Sec. 42903. (1) The agency or district agency shall conduct
22 an investigation prescribed by section 46 of chapter X of Act
23 No. 288 of the Public Acts of 1939, being section 710.46 of the
24 Michigan Compiled Laws, when an adoption agency or organization
25 proposes to place for adoption, with a person domiciled in this
26 state, a child who is a citizen of or who resides in a country
27 other than the United States or Canada.

1 (2) The investigation shall be conducted within 180 days
2 after receipt of the request from the adoption agency or
3 organization.

4 (3) In a district where the agency or district agency deter-
5 mines it to be more feasible both geographically and economical-
6 ly, the agency or district agency may purchase the adoption serv-
7 ices up to the actual cost of providing those services.

8 (4) The agency or district agency shall charge parent fees
9 prescribed by the legislature.

10 Sec. 42905. (1) The following foster care or adoption
11 placements in this state shall be under the supervision of the
12 agency or district agency:

13 (a) Placement of a child in a family home of persons unre-
14 lated to the child by a person not a resident of this state.

15 (b) Placement of a child in any family home by an adoption
16 agency or organization that does not have a place of business in
17 this state.

18 (2) Foster care or adoption placements described in subsec-
19 tion (1) shall not be made without written approval of the agency
20 or district agency.

21 (3) The person, adoption agency, or organization described
22 in subsection (1) shall furnish the agency with necessary infor-
23 mation regarding the child and the prospective foster parents and
24 a guaranty required by the agency to protect the interests of the
25 district in which the child is to be placed. The information
26 shall be forwarded for investigation to the district agency of
27 the district in which the prospective home is located, if the

1 judge of probate has given prior general consent to the
2 procedure, or to the director of a licensed child-placing agency,
3 or to an employee of the agency. If, in the investigator's opin-
4 ion, the placement should be made, the investigator shall file an
5 approval with the agency.

6 (4) If the proposed placement is or appears to be made with
7 the intention that the child shall be adopted under the law of
8 this state by the family with whom the child is to be placed, the
9 prior approval of the proposed placement by the judge of probate
10 of the county of residence of the family is required.

11 (5) If requested, the agency may require supervision of the
12 child in the home until the child is legally adopted or otherwise
13 discharged from care.

14 Sec. 42907. (1) The agency shall administer an adoption
15 subsidy program as described in sections 42909 to 42919.

16 (2) As used in sections 42909 to 42919:

17 (a) "Adoptee" means the child who is to be adopted or who is
18 adopted.

19 (b) "Certification" means a determination of eligibility by
20 the agency that an adoptee is eligible for a support or medical
21 subsidy, or both.

22 (c) "Medical subsidy" means payment for medical, surgical,
23 hospital, and related expenses necessitated by a specified physi-
24 cal, mental, or emotional condition of a child who has been
25 placed for adoption.

26 (d) "Support subsidy" means payment for support of a child
27 who has been placed for adoption.

1 Sec. 42909. (1) The agency may pay a support subsidy to the
2 adopting parent or parents of a child placed for adoption pursu-
3 ant to chapter X of Act No. 288 of the Public Acts of 1939, being
4 sections 710.21 to 710.70 of the Michigan Compiled Laws, if all
5 of the following requirements are met:

6 (a) The adoptee was in foster care for not less than 4
7 months before certification.

8 (b) A reasonable effort has failed to identify a person
9 qualified and willing to adopt without subsidy or a prospective
10 placement is the only placement in the best interest of the child
11 and the family is unwilling to adopt without a subsidy.

12 (c) Certification for a support subsidy has been made by the
13 agency before the petition for adoption.

14 (2) The agency may pay a medical subsidy for the adoptee's
15 specified medical, surgical, hospital, and related expenses to
16 the adopting parent or parents of a child placed for adoption
17 pursuant to chapter X of Act No. 288 of the Public Acts of 1939,
18 if the expenses to be covered by the medical subsidy are necessi-
19 tated by a physical, mental, or emotional condition of the
20 adoptee that existed or the cause of which existed before the
21 adoption petition was filed or certification was established,
22 whichever occurred first.

23 Sec. 42911. The agency shall make the payment of an adop-
24 tion subsidy without respect to the income of the adopting parent
25 or parents if the following conditions apply:

26 (a) The adoptee is certified by the agency as being eligible
27 for a subsidy.

1 (b) The adopting parent or parents request a subsidy of the
2 agency. The request for a support subsidy shall be made not
3 later than the date of confirmation of the adoption. The request
4 for a medical subsidy may be made any time after the petition for
5 adoption is filed.

6 (c) The support subsidy does not exceed the family foster
7 care rate that was paid for the same adoptee. Support subsidy
8 payments shall be subject to increases made in the foster care
9 rate paid by the agency.

10 (d) The agency and the adopting parent or parents enter into
11 a contract setting forth:

12 (i) The type of subsidy to be paid.

13 (ii) The amount to be paid, if known with certainty.

14 (iii) The identity of the physical, mental, or emotional
15 condition that is covered by a medical subsidy.

16 (iv) Conditions for continued payment of the subsidy as
17 established by statute. The adopting parent or parents shall
18 receive a copy of the contract.

19 (e) All other available public money is used before payment
20 of a medical subsidy is made.

21 (f) The adopting parent or parents file a verified report
22 with the agency at least once each year as to the location of the
23 adoptee and other matters relating to the continuing eligibility
24 of the adoptee for a subsidy. The report shall not contain
25 information concerning the financial condition of the adopting
26 parent or parents.

1 Sec. 42913. (1) An adoption subsidy shall continue until 1
2 of the following occurs:

3 (a) The adoptee becomes 18 years of age.

4 (b) The adoptee is emancipated.

5 (c) The adoptee dies.

6 (d) The adoption is terminated.

7 (e) A determination of ineligibility is made by the agency.

8 (2) If sufficient funds are appropriated, the agency may
9 continue a subsidy for an adoptee under 21 years of age if the
10 agency determines that the adoptee is a student regularly attend-
11 ing a high school, college, university, or a course of vocational
12 training in pursuance of a course of study leading to a high
13 school diploma, college degree, or gainful employment.

14 (3) The agency may modify or discontinue an adoption subsidy
15 on the basis of changed conditions as indicated in a report filed
16 under section 42911(f) or other information received by the
17 agency.

18 (4) An adoption subsidy shall continue even if the adopting
19 parent or parents leave the state.

20 Sec. 42915. (1) An adoptee, the adoptee's guardian, or the
21 adopting parent or parents have the right to appeal a determina-
22 tion of the agency made under this section. The appeal shall be
23 conducted pursuant to the administrative procedures act of 1969,
24 Act No. 306 of the Public Acts of 1969, being sections 24.201 to
25 24.328 of the Michigan Compiled Laws.

26 (2) An adoptee, the adoptee's guardian, or the adopting
27 parent or parents have the right to appeal a final determination

1 of the agency pursuant to sections 101 to 106 of Act No. 306 of
2 the Public Acts of 1969, being sections 24.301 to 24.306 of the
3 Michigan Compiled Laws, except that the appeal shall be heard as
4 follows:

5 (a) In the case of an adoptee residing in this state, by the
6 probate court for the county in which the petition for adoption
7 was filed or in which the adoptee is found.

8 (b) In the case of an adoptee not residing in this state, by
9 the probate court for the county in which the petition for adop-
10 tion was filed.

11 (3) The agency shall notify the adoptee and the adopting
12 parent or parents of their right of appeal under this section.

13 Sec. 42917. An adopting parent or parents receiving a sub-
14 sidy under former section 13a or 48 of chapter X of Act No. 288
15 of the Public Acts of 1939 shall continue to receive a subsidy
16 for which they qualified under those sections and shall have an
17 opportunity to request a modification of the subsidy to conform
18 with section 42909(2) or section 42913(2), or both. A modifica-
19 tion in the subsidy shall not take effect until the date the
20 request is approved by the agency. A payment authorized by this
21 section shall not be retroactive.

22 Sec. 42919. An adoption subsidy does not affect the legal
23 status of the adoptee or the legal rights and responsibilities of
24 the adoptive parent or parents.

25 PART 31. EDUCATION, TRAINING, AND EMPLOYMENT SERVICES

26 Sec. 43101. The agency and district agencies shall provide
27 educational, training, and employment services to promote the

1 social, emotional, and economic well-being of children and
2 families in this state. The agency, through its office of coor-
3 dination of children and family services, shall work with the
4 department of education, the department of labor, local school
5 districts, and other agencies of state and local government to
6 coordinate the provision of educational, training, and employment
7 services to children and families that are not transferred under
8 this act.

9 Sec. 43103. The following services for children and fami-
10 lies are transferred from the department of education, the
11 department of labor, or any other department or agency of state
12 government to the agency and shall be delivered as provided in
13 sections 42103 and 42105:

14 (a) Latchkey programs.

15 (b) Nutrition programs.

16 (c) Vocational consumer home economic and parenthood train-
17 ing programs.

18 (d) Single parent and homemaker educational support
19 services.

20 (e) Early childhood education programs including the head
21 start program.

22 (f) Michigan model for comprehensive school health
23 education.

24 (g) Dropout prevention programs.

25 Sec. 43107. All training and employment programs for chil-
26 dren provided or administered by the department of social
27 services, department of labor, or other department or agency of

1 state government are transferred to the agency and shall be
2 delivered as provided in section 42105.

3 PART 33. JUVENILE JUSTICE SERVICES

4 Sec. 43301. (1) The agency and district agencies shall pro-
5 vide services in conjunction with the probate courts to prevent
6 juvenile delinquency and care for and treat children in the juve-
7 nile justice system of this state. The following services are
8 transferred to the agency from the department of social services
9 or any other executive department or agency of state government
10 and shall be delivered as provided in sections 42103 and 42105:

11 (a) Programs encouraging the prevention of delinquency.

12 (b) Investigation, supervision, and foster care services
13 ordered by the probate court.

14 (c) Training programs for delinquent children, including
15 camps, training schools, and programs operated in conjunction or
16 by contract with other public or private agencies or
17 organizations.

18 (d) Operation of half-way houses, detention facilities,
19 training schools and camps, group homes, regional short-term
20 treatment centers, and other facilities and programs established
21 with the approval of the legislature to provide effective
22 out-of-home care for children placed in the care and custody of
23 the agency by probate courts, courts of general criminal juris-
24 diction, or, where provided by law, the voluntary action of par-
25 ents or guardians.

26 (e) Inspection of county infirmaries and places of detention
27 for juveniles in order to promote proper, efficient, and humane

1 administration of the facilities. A reasonable order of the
2 agency fixing minimum standards of sanitation, fire protection,
3 food, and comfortable lodging may be enforced by the attorney
4 general on behalf of the agency through mandamus or injunction in
5 the circuit court for the county where the district infirmary or
6 place of detention for juveniles is located. The burden of proof
7 shall be on the agency to establish the reasonableness of the
8 order.

9 (f) Supervision for juveniles on conditional release from
10 facilities of the agency, either through direct agency programs
11 or, with the approval of the legislature, by agreement with other
12 units of state, district, or local government, or with private
13 agencies.

14 (g) Consultation and assistance to the juvenile probation
15 service of the probate court.

16 (h) Other juvenile justice services as defined in section
17 31303, in accordance with funding provisions of sections 31303
18 and 31305.

19 (2) The equipment, records, supplies, and all other property
20 in the possession of the department of social services under sec-
21 tion 17 of Act No. 229 of the Public Acts of 1962, being section
22 803.317 of the Michigan Compiled Laws, under sections 1 to 3 of
23 Act No. 145 of the Public Acts of 1963, being sections 803.321 to
24 803.323 of the Michigan Compiled Laws, and under sections 1 to 3
25 of Act No. 145 of the Public Acts of 1965, being sections 803.331
26 to 803.333 of the Michigan Compiled Laws, are transferred to the
27 agency.

1 Sec. 43303. (1) The agency, to the extent of funds
2 appropriated for that purpose, may assume the administration and
3 operation or the administration, operation, and facilities of a
4 detention home established as an agency of the probate court
5 under section 16 of chapter XIIA of Act No. 288 of the Public
6 Acts of 1939, being section 712A.16 of the Michigan Compiled
7 Laws.

8 (2) The agency shall not assume the administration, opera-
9 tion, or facilities of a detention home unless an agreement is
10 made with the county board of commissioners and the presiding
11 judge of the probate court to transfer the administration, opera-
12 tion, or facilities of the detention home to the agency.

13 (3) The agency may offer persons employed at a detention
14 home transferred pursuant to this section, as of the effective
15 date of the transfer, the opportunity to be employed in the state
16 classified service in accordance with procedures established by
17 the Michigan civil service commission.

18 Sec. 43305. (1) Until June 1, 1991, a youth parole and
19 review board is created within the agency to consist of 3 members
20 appointed by the director who shall be within the state civil
21 service. The chairperson of the board shall be designated by the
22 director from the membership of the board.

23 (2) Until June 1, 1991, the parole and review board shall
24 have the following duties:

25 (a) Be responsible for approval of releases from all youth
26 training school facilities of the agency, return to the

1 facilities from release status, and discharge from legal
2 delinquency commitment, except for youth committed as follows:

3 (i) A youth committed to the agency under section 18(1)(e)
4 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being
5 section 712A.18 of the Michigan Compiled Laws, for an offense
6 which, if committed by an adult, would be punishable by imprison-
7 ment for more than 1 year or an offense expressly designated by
8 law to be felony.

9 (ii) A youth committed to the agency under section 1 of
10 chapter IX of the code of criminal procedure, Act No. 175 of the
11 Public Acts of 1927, being section 769.1 of the Michigan Compiled
12 Laws.

13 (b) Have other duties and responsibilities as authorized by
14 law or by the director.

15 (3) The agency may be represented in any proceeding before
16 the youth parole and review board by a duly authorized employee
17 or agent of the agency.

18 (4) The business which the parole and review board may per-
19 form shall be conducted at a public meeting of the parole and
20 review board held in compliance with the open meetings act, Act
21 No. 267 of the Public Acts of 1976, being sections 15.261 to
22 15.275 of the Michigan Compiled Laws. Public notice of the time,
23 date, and place of the meeting shall be given in the manner
24 required by Act No. 267 of the Public Acts of 1976.

25 (5) The equipment, records, supplies, and all other property
26 in the possession of the parole and review board under sections
27 120 and 121 of Act No. 280 of the Public Acts of 1939, being

1 sections 400.120 and 400.121 of the Michigan Compiled Laws, are
 2 transferred to the parole and review board created in this act.

3

ARTICLE 5

4

PART 35. REPEALS AND PROVISIONS AS TO EFFECT

5

Sec. 53501. The following acts and parts of acts are

6 repealed:

7

(a) Sections 1c, 18c, 18d, and 113 to 121 of the social wel-
 8 fare act, Act No. 280 of the Public Acts of 1939, being sections
 9 400.1c, 400.18c, 400.18d, and 400.113 to 400.121 of the Michigan
 10 Compiled Laws.

11

(b) Act No. 181 of the Public Acts of 1956, being sections
 12 803.211 to 803.215 of the Michigan Compiled Laws.

13

(c) Act No. 229 of the Public Acts of 1962, being section
 14 803.317 of the Michigan Compiled Laws.

15

(d) Act No. 145 of the Public Acts of 1963, being sections
 16 803.321 to 803.323 of the Michigan Compiled Laws.

17

(e) Act No. 145 of the Public Acts of 1965, being sections
 18 803.331 to 803.333 of the Michigan Compiled Laws.

19

Sec. 53503. This act shall take effect October 1, 1990.

20

Sec. 53505. This act shall not take effect unless all of
 21 the following bills of the 85th Legislature are enacted into

22 law:

23

(a) Senate Bill No. _____ or House Bill No. 4251 (request
 24 no. 00593'89 a).

25

(b) Senate Bill No. _____ or House Bill No. 4252 (request
 26 no. 00593'89 b).

1 (c) Senate Bill No. _____ or House Bill No. 4253 (request
2 no. 00593'89 c).

3 (d) Senate Bill No. _____ or House Bill No. 4254 (request
4 no. 00593'89 d).

5 (e) Senate Bill No. _____ or House Bill No. 4255 (request
6 no. 00593'89 e).

7 (f) Senate Bill No. _____ or House Bill No. 4256 (request
8 no. 00593'89 f).

9 (g) Senate Bill No. _____ or House Bill No. 4257 (request
10 no. 00593'89 g).

11 (h) Senate Bill No. _____ or House Bill No. 4258 (request
12 no. 00593'89 h).

13 (i) Senate Bill No. _____ or House Bill No. 4259 (request
14 no. 00593'89 i).

15 (j) Senate Bill No. _____ or House Bill No. 4260 (request
16 no. 00593'89 j).

17 (k) Senate Bill No. _____ or House Bill No. 4261 (request
18 no. 00593'89 k).

19 (l) Senate Bill No. _____ or House Bill No. 4262 (request
20 no. 00593'89 l).

21 (m) Senate Bill No. _____ or House Bill No. 4263 (request
22 no. 00593'89 m).

23 (n) Senate Bill No. _____ or House Bill No. 4264 (request
24 no. 00593'89 n).

25 (o) Senate Bill No. _____ or House Bill No. 4265 (request
26 no. 00593'89 o).

1 (p) Senate Bill No. _____ or House Bill No. 4266 (request
2 no. 00593'89 p).

3 (q) Senate Bill No. _____ or House Bill No. 4267 (request
4 no. 00593'89 q).

5 (r) Senate Bill No. _____ or House Bill No. 4268 (request
6 no. 00593'89 r).

7 (s) Senate Bill No. _____ or House Bill No. 4269 (request
8 no. 00593'89 s).