

SENATE BILL No. 437

June 14, 2011, Introduced by Senators JANSEN, CASWELL, PROOS, NOFS, EMMONS and MOOLENAAR and referred to the Committee on Appropriations.

A bill to amend 1935 PA 220, entitled

"An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,"

by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A child under 17 years of age, provision for whose
2 support and education has been made under regulations of the ~~family~~
3 ~~independence agency~~ **DEPARTMENT**, may be admitted to the Michigan
4 children's institute by commitment to the ~~family independence~~
5 ~~agency~~ **DEPARTMENT**. All children committed to the Michigan
6 children's institute shall be considered committed to the ~~family~~
7 ~~independence agency~~ **DEPARTMENT** and shall be subject to review by

1 the juvenile division of the probate court under chapter XIIIA of
2 the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. The
3 superintendent of the institute shall represent the state as
4 guardian of each child committed beginning with the day the child
5 is admitted and continuing until the child is ~~19-21~~, unless **A CHILD**
6 **AT LEAST 18 YEARS OF AGE BUT LESS THAN 21 YEARS OF AGE REQUESTS TO**
7 **BE DISCHARGED OR** the superintendent or the ~~family independence~~
8 ~~agency-DEPARTMENT~~ discharges the child sooner as provided in
9 section 8 or 9. **A CHILD AT LEAST 18 YEARS OF AGE MAY OPT TO REMAIN**
10 **A WARD OF THE MICHIGAN CHILDREN'S INSTITUTE UNTIL HE OR SHE IS 21**
11 **YEARS OF AGE UNDER THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.**

12 Wherever commitment to the Michigan children's institute is
13 mentioned in any law of this state, it shall be construed to mean
14 commitment to the ~~family independence agency-DEPARTMENT~~. A child
15 may be committed to the ~~family independence agency-DEPARTMENT~~ by
16 either of the following:

17 (a) By the juvenile division of the probate court, if the
18 child is within the court's jurisdiction under section 2(b) of
19 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

20 (b) By the probate court, if the child is a ward of the court
21 and the court has denied an order of adoption for the child.

22 (c) By observation order. If a child has been decreed to be a
23 ward of the probate court or the juvenile division of the probate
24 court has acquired formal jurisdiction of a child, and it appears
25 to the probate court that, because of the circumstances of the case
26 or because the child's condition might be benefited, the court may
27 make a temporary commitment to the ~~family independence agency~~

1 **DEPARTMENT** and direct that the child be taken to a facility of the
2 Michigan children's institute for observation for a period not to
3 exceed 90 days. Before the expiration of this order of observation,
4 the superintendent of the institute shall report to the probate
5 court the results of the observation of the child. If the
6 superintendent reports to the probate court that the order of
7 observation should be extended or that the child is in need of
8 treatment for emotional disturbance that does not require hospital
9 care and for which the institute has facilities, then the court may
10 extend the temporary commitment and continue the observation order
11 or establish a treatment period for the child to any date prior to
12 the nineteenth birthday of the child. If the child has ceased to be
13 a ward of the court, written consent of the person or persons
14 lawfully having custody of the child shall be secured. Before the
15 expiration of this extended order of observation or treatment, the
16 superintendent shall report to the probate court the results of the
17 observation or treatment of the child and an opinion stating what
18 disposition can be made of the child. Before any child is sent to a
19 facility of the institute for observation, the superintendent of
20 the institute shall notify the probate court that there is room to
21 receive the child and shall designate the facility of the institute
22 for the reception of the child. The commission may by regulation
23 establish conditions for the reimbursement of the expense of caring
24 for the child while under the supervision of the institute if the
25 parents or other persons responsible for the child's support are
26 financially able to pay reasonable costs of the child's care.

27 (2) The superintendent of the institute has the power to make

1 decisions on behalf of a child committed to the institute. The
2 attorney general or his or her representative shall represent the
3 Michigan children's institute superintendent in any court
4 proceeding in which the superintendent considers such
5 representation necessary to carry out his or her duties under this
6 act.

7 (3) AS USED IN THIS ACT, "DEPARTMENT" MEANS THE DEPARTMENT OF
8 HUMAN SERVICES.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. 435

11 of the 96th Legislature is enacted into law.