

HOUSE BILL No. 5562

April 14, 2016, Introduced by Rep. Poleski and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 117a (MCL 400.117a), as amended by 2015 PA 81.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) "County juvenile agency" means that term as defined in
4 section 2 of the county juvenile agency act, 1998 PA 518, MCL
5 45.622.

6 (b) "County juvenile agency services" means all juvenile
7 justice services for a juvenile who is within the court's
8 jurisdiction under section 2(a) or (d) of chapter XIIIA of the
9 probate code of 1939, 1939 PA 288, MCL 712A.2, or within the
10 jurisdiction of the court of general jurisdiction under section 606

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

14 (c) "Juvenile justice service" means a service, exclusive of
15 judicial functions, provided by a county for juveniles who are
16 within or likely to come within the court's jurisdiction under
17 section 2 of chapter XIIIA of the probate code of 1939, 1939 PA 288,
18 MCL 712A.2, or within the jurisdiction of the court of general
19 criminal jurisdiction under section 606 of the revised judicature
20 act of 1961, 1961 PA 236, MCL 600.606, if that court commits the
21 juvenile to a county or court juvenile facility under section 27a
22 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL
23 764.27a. A service includes intake, detention, detention
24 alternatives, probation, foster care, diagnostic evaluation and
25 treatment, shelter care, or any other service approved by the
26 office or county juvenile agency, as applicable, including
27 preventive, diversionary, or protective care services. A juvenile

1 justice service approved by the office or county juvenile agency
2 must meet all applicable state and local government licensing
3 standards.

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

8 (3) The department shall promulgate rules under the
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
10 24.328, to monitor juvenile justice services money and to prescribe
11 child care fund accounting, reporting, and authorization controls
12 and procedures and child care fund expenditure classifications. For
13 counties required to have a child care fund, the department shall
14 fund services that conform to the child care rules promulgated
15 under this act.

16 (4) The department shall provide for the distribution of money
17 appropriated by the legislature to counties for the cost of
18 juvenile justice services as follows:

19 (a) For a county that is not a county juvenile agency, the
20 amount distributed shall equal 50% of the annual expenditures from
21 the child care fund of the county established under section 117c,
22 except that expenditures under section 117c(3) and expenditures
23 that exceed the amount of a budget approved under section 117c
24 shall not be included. A distribution under this subdivision shall
25 not be made to a county that does not comply with the requirements
26 of this act. The department may reduce the amount distributed to a
27 county by the amount owed to the state for care received in a state

1 operated facility or for care received under 1935 PA 220, MCL
2 400.201 to 400.214, or under the youth rehabilitation services act,
3 1974 PA 150, MCL 803.301 to 803.309. The distribution may be
4 reduced by the amount of uncontested liability.

5 (b) For a county that is a county juvenile agency, the
6 county's block grant amount as determined under section 117g in
7 equal distributions on October 1, January 1, April 1, and July 1 of
8 each state fiscal year.

9 ~~—— (c) Notwithstanding the provisions in subdivision (a), subject~~
10 ~~to appropriations, until September 30, 2016, the department shall~~
11 ~~pay 100% of the costs of the \$3.00 increase to the administrative~~
12 ~~rate for providers of foster care services provided in the annual~~
13 ~~appropriation for the department budget. For the purposes of this~~
14 ~~subdivision only, "foster care" means 24 hour substitute care for~~
15 ~~children placed away from their parents or guardians, as a result~~
16 ~~of a court order under section 2(b) of chapter XIIA of the probate~~
17 ~~code of 1939, 1939 PA 288, MCL 712A.2, in placements supervised by~~
18 ~~the department or a private child placing agency under contract~~
19 ~~with the department for foster care services. Foster care services~~
20 ~~include supervision of placements in foster family homes, foster~~
21 ~~family group homes, and preadoptive placements.~~

22 (C) ~~(d)~~ Notwithstanding the provisions of subdivision (a), ~~or~~
23 ~~(c), subject to appropriations, for foster care cases established~~
24 ~~after October 1, 2013 until September 30, 2016, the department~~
25 ~~shall pay 100% of the administrative rate for providers of~~
26 ~~treatment foster care services and foster care services provided in~~
27 ~~the annual appropriation for the department budget. For the~~

1 purposes of this subdivision only, "foster care" means 24-hour
2 substitute care for children placed away from their parents or
3 guardians, as a result of a court order under section 2(b) of
4 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
5 in placements supervised by the department or a private child
6 placing agency under contract with the department for foster care
7 services. Foster care services include supervision of placements in
8 foster family homes, foster family group homes, treatment foster
9 care, preadoptive placements, and supervision of children reunified
10 with the parent with whom the child lived at the time of removal.

11 (D) ~~(e)~~ Notwithstanding the provisions in subdivision (a),
12 ~~subject to appropriations, until September 30, 2016,~~ the department
13 shall pay 100% of the costs of any rate increase to the providers
14 of residential foster care services under contract with the
15 department, as provided in the annual appropriation for the
16 department budget.

17 (E) ~~(f)~~ Notwithstanding the provisions in subdivision (a) and
18 subject to appropriations, in a county with a population of not
19 less than 575,000 or more than 650,000, for the purpose of this
20 subdivision only for cases transferred by the department to a child
21 placing agency, the department shall pay 100% of the administrative
22 rate to providers responsible for foster care case management
23 services to families of children who are court-ordered into foster
24 care due to child abuse or child neglect and placed in the care and
25 supervision of the department, regardless of placement setting
26 until the prospective payment system described in subdivision ~~(g)~~
27 (F) is implemented. This subdivision does not apply after May 1,

1 2018.

2 **(F)** ~~(g)~~ Notwithstanding the provisions in subdivision (a) and
3 subject to appropriations, the department shall implement a
4 prospective payment system as part of a state-administered
5 performance-based child welfare system in a county with a
6 population of not less than 575,000 or more than 650,000, for
7 foster care case management in accordance with section 503 of
8 article X of 2014 PA 252. The county is only required to contribute
9 to foster care services payments in an amount that does not exceed
10 the average of the annual net contribution made by the county for
11 cases received under section 2(b) of chapter XIIIA of the probate
12 code of 1939, 1939 PA 288, MCL 712A.2, in the 5 previous fiscal
13 years before October 1, 2015. The prospective payment system as
14 part of the state-administered performance-based child welfare
15 system shall be implemented as described in this subdivision but
16 shall not include in-home care service funding. This subdivision
17 does not apply after May 1, 2018.

18 **(G)** ~~(h)~~ Subdivisions ~~(f)~~ and ~~(g)~~ **(E) AND (F)** only impact child
19 abuse and child neglect services and not juvenile justice program
20 funding. This subdivision does not apply after May 1, 2018.

21 (5) The department is liable for the costs of all juvenile
22 justice services in a county that is a county juvenile agency other
23 than county juvenile agency services.

24 (6) The department shall establish guidelines for the
25 development of county juvenile justice service plans in counties
26 that are not county juvenile agencies.

27 (7) A county that is not a county juvenile agency and receives

1 state funds for in-home or out-of-home care of children shall
2 submit reports to the department at least quarterly or as the
3 department otherwise requires. The reports shall be submitted on
4 forms provided by the executive director and shall include the
5 number of children receiving foster care services and the number of
6 days of care provided.

7 (8) The department shall ~~develop~~ **MAINTAIN** a reporting system
8 providing that reimbursement under subsection (4)(a) shall be made
9 only on submission of billings based on care given to a specific,
10 individual child. ~~The system shall be implemented not later than~~
11 ~~October 1, 1982.~~

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.