



**House
Legislative
Analysis
Section**

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CHILDREN AND FAMILY SERVICES AGENCY

House Bills 4251-4270

Sponsor: Rep. Teola Hunter

Committee: Social Services & Youth

Complete to 9-21-89

**A SUMMARY OF HOUSE BILLS
4251-4270 AS INTRODUCED 2-21-89**

House Bill 4251 would create the Children and Family Services Agency within the Department of Management and Budget to consolidate services to children and families in the state. Various duties of the Department of Social Services, and associated boards and institutes, related to the care and protection of children would be transferred to the new agency. (House Bills 4252 through 4270 would accomplish this and make other needed technical changes. The bills are described at the end of the summary.)

House Bill 4251 would require the new Children and Family Services Agency to conduct research necessary to provide effective services to children and families throughout the state. The research would be integrated with planning activities. The agency would be authorized to enter into interstate or other agreements for the purpose of joint planning and research with other states or the federal government. The new agency would also monitor and evaluate agency and district agency services according to performance standards and guidelines established by the agency through the promulgation of rules. The rules would include standards and performance criteria for district agencies, standards of practice for services to children and families, licensing standards to be met by district agencies and child care organizations, and standards and criteria concerning payment for services and financial ability.

District Agencies. The bill would provide for the board of commissioners in a county within a district (judicial circuit) to establish a district children and family services agency in the judicial circuit. A district agency would be licensed by the Children and Family Services Agency. The district agency would operate under the direction of a district children and family services board. The boards would represent providers and recipients of children and family services and would reflect the racial and cultural demographics of the county or counties in the judicial circuit.

The bill would require district agencies to submit a 2-year plan and budget to the Children and Family Services Agency. The Children and Family Services Agency would establish rules for the development of plans and budgets to be submitted by district agencies and would approve plans and budgets submitted by district agencies.

Financing. The agency would establish a fiscal management system for the funding of children and family services. The bill would provide several means by which the agency could receive funding for services, including the following. It could enter into contracts with state agencies designated under federal law to administer funds for federal programs if necessary to provide services that were partially financed with federal funds. It would recommend allocations of public funds for children and family services programs to the governor and the legislature and could accept and administer private, state and federal grants.

In addition, the agency would administer the Children's Trust Fund.

The funds allocated for prevention services would have to be at least 20 percent of the total budget of the agency and be allocated to district agencies according to procedures established by agency rules. Under the bill, prevention services would mean support or intervention services voluntarily offered to children and families to prevent family or individual dysfunction and to promote wellness.

The agency would have to establish and administer a juvenile justice funding system, including supervision of district agency child care funds established under the bill. Juvenile justice services would include services provided by a district or county for juveniles who were within, or were likely to come within, the jurisdiction of the juvenile division of the probate court. Money distributed to each district agency for the foster care of children would have to equal 50 percent of the annual expenditures from the child care fund of the district agency.

District agencies would also be required to create and maintain child care funds to be used for the costs of providing foster care for certain children including those under the jurisdiction of the probate court and the court of general criminal jurisdiction. The funds could also be used for payment of the district agency's share of the cost of maintaining children committed to the Michigan Children's Institute or of the cost of state wards under the Youth Rehabilitation Services Act.

The bill would prohibit counties from allocating less money for a program under the bill than the county allocated in the fiscal year the bill became effective. Funding disputes between counties and the agency would be resolved by legislative action.

Coordination of Services. The bill would create a human services cabinet council to advise the governor on human services issues and concerns. The council would be chaired by the director of the agency and would include the directors of the departments of Mental Health, Social Services, Public Health, Education, Labor, State Police, Corrections, and Management and Budget. The directors of the offices of Substance Abuse Services and Services to the Aging would be included as members of the cabinet in addition to the chief justice of the Michigan Supreme Court, the presidents of the Michigan Judges Association and the Michigan Probate Judges Association, and the state court administrator. The council would be the policy-making body for the state's human services and human resources needs.

Information Services. The bill would require the agency to develop and implement an information system to provide adequate, accurate, and up-to-date information on clients and services in the agency and district agencies throughout the state. The agency would also be required to develop and publish an information pamphlet explaining the release of information from adoption records according to

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the Michigan Adoption Code. In addition, district agencies would be required to establish a central community resource and information clearinghouse for children and family services in the district. Further, district agencies would also be required to develop and distribute a comprehensive local service directory to identify all available services for children and families within the district regardless of the identity of the provider of the services.

Agency plans. The agency would annually submit a state plan for children and family services to the governor, legislature, and supreme court. The plan would include an assessment of current and projected service needs of children and families, available resources to meet those needs, and program gaps. In addition, the plan would include policy goals and recommendations to improve effectiveness of services to children and families. Descriptions of proposed programs and services for the upcoming year as well as an evaluation of programs and services currently being provided would be included in the plan.

The agency would be required to develop a plan to permit the voluntary transfer of county nonjudicial juvenile court staff to a district agency and to develop a plan for the establishment, maintenance, and operation of regional facilities for children that have been detained under the Juvenile Division of the Probate Code. The primary focus of the plan for the regional facilities would be on providing a service network to areas of the state that do not have detention facilities. The agency would also cooperate in the development of the state plan required by the federal Juvenile Justice and Delinquency Prevention Act.

Office of Licensing and Regulation. The bill would create an office of licensing and regulation within the agency to license and regulate district agencies and child care organizations. The office would also monitor compliance of child care organizations and district agencies to agency rules.

Services. The district agency for the county in which a child resided, or the office of the Children and Family Services Agency in the district, would be the single point of entry for the provision of all services to children and families in that district. Other providers of services would immediately refer the person requesting or referred for services to the agency or district agency. Persons referred to a district agency would immediately be assigned a case manager, and all services provided to that child or family would be coordinated by the case manager. The bill would detail physical health services, mental health services, protective services and child care, adoption, and foster care services, and education, training, and employment services to be provided by the agency or district agencies.

Personnel Policy. The agency would be required to establish guidelines for personnel standards and procedures relating to the certification and training of employees to provide children and family services. District agencies would be required to employ, supervise, and monitor children and family services personnel in accordance with standards established by the agency. As a condition of licensing under the bill, district agencies would employ individuals who were, immediately before the effective date of the bill, employed by the state or local agencies whose functions were transferred to the agency by the bill. Annual leave accumulated to a maximum of 160 hours would be transferred with each employee. Any other benefits that a transferred employee had accumulated would not be

diminished or impaired as a result of the individual becoming an employee of the district agency. A representative of the transferred employees would continue to represent them after they were transferred to the district agency.

Repeals and tie-bars. The bill would repeal obsolete or contradictory sections of the Social Welfare Act and other acts, including sections relating to the foster care of children, youth services, adoptions, the youth advisory committee, the youth parole and review board, boys' vocational school, and the conservation rehabilitation camp for male delinquent youth.

House Bill 4251 is tie-barred to House Bills 4252-4270 that would make complementary changes to acts relating to the bill, changing references to the Department of Social Services (DSS) and other state and local agencies to the proposed Children and Family Services Agency. Following are descriptions of those bills.

The Michigan Children's Institute was created to provide family home care for children committed to the care of the state. House Bill 4252 would amend the Michigan Children's Institute Act to transfer control of the institute from the Michigan Social Welfare Commission to the Children and Family Services Agency. Commitment to the institute would mean commitment to the agency. MCL 400.202 et al.

House Bill 4253 would amend the Michigan Adoption Code to delete obsolete references to the Department of Social Services and the Office of Children and Youth Services. MCL 710.22 et al.

House Bill 4254 would delete obsolete provisions requiring the DSS to investigate matters pertaining to dependent, neglected, and delinquent children and wayward minors and provisions requiring the department to furnish the probate court with investigational services in respect to the hospitalization of children under the program of services applied for crippled children. The bill would also delete provisions requiring the DSS to assist in the development of social programs and standards of child welfare and to promote programs and policies to prevent conditions adversely affecting the welfare of families and children. MCL 400.14 et al.

House Bill 4255 would amend the Child Care Organization Act to transfer responsibility for development of rules for the care and protection of children from the DSS to the Child and Family Services Agency. However, the DSS would be represented on an ad hoc committee established by the agency when the agency formulated or amended rules under the bill. MCL 722.111 et al

The Mental Health Code requires the development of a pre-release plan for minors before an individual is placed in a supervised community living arrangement. The code specifies what components are to be included in the planning process and allows aftercare service to be sought from other counties if a county program cannot locate suitable service for a minor within the county's service area. In addition, the code requires the involvement of the parents or legal guardian of a minor individual in pre-release or post-release planning before an individual is placed in a supervised community living arrangement. House Bill 4256 would delete these provisions. MCL 330.1200, 330.1209a, and 330.1209b

The Youth Rehabilitation Services Act provides for acceptance and care of youths committed to the DSS as state wards. House Bill 4257 would amend the act to

transfer the department's responsibilities under the act to the Children and Family Services Agency. MCL 803.302 et al.

House Bill 4258 would amend current law to transfer from DSS to the Children and Family Services Agency responsibilities for legal counsel for foster parents. MCL 722.161 et al.

The Child Abuse and Neglect Prevention Board is responsible for the biennial development of a state plan for the distribution of funds from the Children's Trust Fund. The board is an autonomous agency in the Department of Management and Budget. House Bill 4259 would amend the Child Abuse and Neglect Prevention Act to put the board under the Children and Family Services Agency. Under the bill, an additional public member would be appointed to the board and the director of the Children and Family Services Agency would be added to the board. The bill would also require a representative of the agency to serve upon the board of directors of each local council that was attempting to receive money from the trust. MCL 722.603, 722.604, and 722.610

(Please note: a technical amendment is needed to make the number of board members, 16, coincide with the description of the seventeen members of board.)

House Bill 4260 would amend the Foster Care Review Board Act to transfer DSS duties under the act to the Children and Family Services Agency. MCL 1722.131 et al.

House Bill 4261 would amend the Child Protection Law to transfer DSS duties under the law to the Children and Family Services Agency. MCL 722.622 et al.

House Bill 4262 would amend the Use Tax Act by changing references concerning licensure of parent cooperative preschools by the DSS to licensure by the Children and Family Services Agency. MCL 205.94

House Bill 4263 would amend the General Property Tax Act by changing references concerning licensure of parent cooperative preschools by the DSS to licensure by the Children and Family Services Agency. MCL 211.9

House Bill 4264 would amend the Single Business Tax Act by changing references of licensure by the Department of Social Services to licensure by the Children and Family Services Agency. MCL 208.39a

Under the criminal justice commission, the office of criminal justice is required to prepare plans and provide technical assistance to address adult and juvenile criminal justice needs and problems. House Bill 4265 would amend the act by requiring the office to address only adult criminal justice needs and problems. The bill would also repeal the creation of the committee on juvenile justice and delete all references to the committee. MCL 18.401 and 18.403

House Bill 4266 would amend the Code of Criminal Procedure by changing references about the DSS to references about the Children and Family Services Agency. MCL 769.1 and 771.14a

House Bill 4267 would amend current law concerning the establishment of regional facilities for the diagnosis and custody of delinquent and neglected minors to delete references to the DSS and insert references to the Children and Family Services Agency. MCL 720.651, 720.652, and 720.659

House Bill 4268 would amend current law concerning the transfer of juveniles from certain state institutions and

agencies to other state institutions and agencies for the purpose of receiving care and training to delete obsolete references to the DSS. MCL 720.601

House Bill 4269 would amend the Juvenile Facilities Act to transfer duties of the DSS under the act to the Children and Family Services Agency. MCL 803.222 et al.

House Bill 4270 would amend the Crime Victim's Rights Act concerning notification of a victim before a juvenile is dismissed from court jurisdiction or transferred from a secure detention or treatment facility to a nonsecure residential facility to change references about the DSS to references about the Children and Family Services Agency. MCL 780.798