

SFA



BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bills 665 through 675 (Substitutes S-1 as passed by the Senate)

Senate Bills 677 through 681 (Substitutes S-1 as passed by the Senate)

Senate Bills 964 through 968 (as passed by the Senate)

Sponsor: Senator Jack Welborn (Senate Bills 665, 671, 680, 681, and 964-968)

Senator Rudy J. Nichols (Senate Bills 666, 667, and 673)

Senator Christopher D. Dingell (Senate Bills 668 and 670)

Senator Lana Pollack (Senate Bills 669 and 672)

Senator Doug Carl (Senate Bills 674, 675, 678, and 679)

Senator Connie Binsfeld (Senate Bill 677)

Mich. State Law Library

Committee: Criminal Justice and Urban Affairs

Date Completed: 8-29-90

RATIONALE

Senate Bill 937 proposes to elevate the Office of Children and Youth Services to an autonomous "Child and Family Services Agency" within the Department of Social Services on October 1, 1991, and to an independent "Department of Child and Family Services" on October 1, 1995. The proposed Agency/Department would assume many of the duties and responsibilities pertaining to children's services that now are assigned to other public bodies. Some feel that it is necessary to amend various other statutes in order to facilitate the transfer of those duties and responsibilities to the proposed Agency/Department.

CONTENT

The bills would amend various statutes to transfer certain activities from existing agencies and departments to the "Child and Family Services Agency" until October 1, 1995, then to the "Department of Child and Family Services", both of which are proposed by Senate Bill 937. The bills all are tie-barred to Senate Bill 937.

Senate Bill 665 (S-1) would amend Public Act 220 of 1935, which created and regulates the Michigan Children's Institute, to delete

references to the Institute and the Social Welfare Commission, and to specify that the proposed Agency/Department would be responsible for the care of children committed to its jurisdiction as State wards. The duties and responsibilities imposed on the Commission by the Act would be transferred to the proposed Agency/Department.

The bill also would require the Director of the Agency/Department to appoint a "State Guardian" to represent the State as guardian of children committed to the jurisdiction of the Agency/Department. The State Guardian would be the "authorized agent" of the Agency/Department to implement the Act. In addition, the Act allows the superintendent of the Institute or the Department of Social Services (DSS) to receive money or property for the benefit of children in the Institute and requires that such donations be remitted to the State Treasury to be credited to the Michigan Children's Institute Trust Fund. The bill would allow, instead, the State Guardian or the Agency/Department to receive the donations and require that they be remitted to the Treasury and credited to the "Children's Benefit Fund". The Agency/Department would have to administer the Fund in a manner that furthered the Act's purpose.

S.B. 665-675, etc. (8-29-90)

Senate Bill 666 (S-1) would amend Public Act 288 of 1939, which prescribes the powers and duties of the juvenile division of the Probate Court, to refer to the Agency/Department, instead of the DSS. The duties and responsibilities of the DSS with respect to adoption procedures, county agents, probation officers, child care homes, and the commitment of juveniles would be transferred to the proposed Agency/Department. The bill also specifies that the probate court could transfer all juvenile justice services to the proposed Agency in a county that participated in a pilot project under Senate Bill 937. In addition, if a county decided, under Senate Bill 937, that juvenile justice services would not be provided by the probate court after October 1, 1995, then responsibility for those services would be transferred to the proposed Department.

Senate Bill 667 (S-1) would amend the Social Welfare Act to delete the express authority of the DSS with respect to all of the following:

- Inspection of county infirmaries and places of detention for juveniles.
- Licensing and regulation of child care organizations.
- Supervision and administration of child caring institutions.
- Investigation of matters pertaining to "dependent, neglected, and delinquent children and wayward minors".
- Development of programs and standards of child welfare.

Those powers and duties would be granted to the proposed Agency/Department. The bill also would transfer the powers and duties of the DSS, with respect to foster care of children, to the proposed Agency/Department. The bill would repeal sections of the Social Welfare Act (MCL 400.1c, 400.18c, 400.18d, and 400.113-400.121) that generally deal with the DSS' responsibilities pertaining to foster care, adoption, and detention services.

Senate Bill 668 (S-1) would amend Public Act 116 of 1973, which provides for the licensing and regulation of child care organizations, to transfer from the DSS to the proposed Agency/Department the responsibility for registering and regulating family day care homes. The proposed Agency/Department

would assume the DSS' responsibility for "the development of rules for the care and protection" of children in child care organizations, and for the establishment of an ad hoc committee for each type of child care organization when rules were amended or formulated.

The bill also would require that a licensee, registrant, and applicant of a child care organization provide access to its facilities, books, and records to the advocacy organization designated under the proposed "Child and Family Services Act" (Senate Bill 937). The proposed Agency/Department would have to suspend, deny, revoke, or refuse to renew a child care organization's license or certificate if the organization violated the Act's investigation provisions.

Senate Bill 669 (S-1) would amend the Youth Rehabilitation Services Act to provide for the care of youths committed to the proposed Agency/Department. The Act currently provides for commitment to the DSS. The bill also provides that, in a county participating in a pilot project under Senate Bill 937, the county match for the care of a State ward would have to be determined according to the formula specified in that bill. After October 1, 1995, the county match for all counties would have to be determined under Senate Bill 937.

Senate Bill 670 (S-1) would amend Public Act 33 of 1980, which provides for the reimbursement of certain costs of foster parents, to transfer the responsibility for such reimbursements from the DSS to the proposed Agency/Department. (The Act authorizes the DSS to reimburse a foster parent for legal costs sustained as a result of an alleged action of a foster child.)

Senate Bill 671 (S-1) would amend the Child Abuse and Neglect Prevention Act to transfer the State Child Abuse and Neglect Prevention Board to the proposed Agency/Department. The board currently is an autonomous agency within the Department of Management and Budget (DMB). The bill also would require that the board's membership include the Director of the proposed Agency/Department, rather than the Director of the DSS.

Senate Bill 672 (S-1) would amend Public

Act 422 of 1984, which created and regulates the foster care review board program within the State Court Administrative Office, to replace references to the DSS with references to the proposed Agency/Department. The current roles and responsibilities of the DSS in the review board program would be assumed by the Agency/Department, and the roles and responsibilities of county boards of social services would be assumed by local offices of the Agency/Department.

Senate Bill 673 (S-1) would amend the Child Protection Law to transfer the DSS' duties and responsibilities relative to the prevention of child abuse and neglect to the proposed Agency/Department.

Senate Bill 674 (S-1) would amend the Use Tax Act to replace a reference to the DSS with a reference to the proposed Agency/Department. The Act exempts from the use tax a "parent cooperative preschool" licensed by the DSS. The bill would specify such a school licensed by the Agency/Department.

Senate Bill 675 (S-1) would amend the General Property Tax Act to replace a reference to the DSS with a reference to the proposed Agency/Department. The Act exempts from the general property tax personal property of a "parent cooperative preschool" licensed by the DSS. The bill would specify such a school licensed by the Agency/Department.

Senate Bill 677 (S-1) would amend Public Act 541 of 1978, which created and regulates the Commission on Criminal Justice, the Committee on Juvenile Justice, and the Office of Criminal Justice, to delete references to the Committee on Juvenile Justice and duties and responsibilities of the Office of Criminal Justice with respect to juvenile justice systems and programs.

Senate Bill 678 (S-1) would amend the Code of Criminal Procedure to transfer certain responsibilities of the DSS to the proposed Agency/Department. The Code requires the juvenile court to send a transcript of its finding to the DSS when a juvenile is committed. The bill would require the transcript to be sent to the Agency/Department. The Code also requires the DSS to "inquire into the antecedents, character, and circumstances of

the juvenile" and to "report in writing to the court". The bill would require the Agency/Department to assume those responsibilities.

Senate Bill 679 (S-1) would amend Public Act 214 of 1963, which authorizes the establishment of regional facilities for the diagnosis and custody of delinquent and neglected minors, to transfer duties and responsibilities of the DSS to the proposed Agency/Department. Under the Act, the DSS is responsible for recommending approval of the establishment of regional facilities and supervising and inspecting them.

Senate Bill 680 (S-1) would amend Public Act 84 of 1949, which provides for the transfer of inmates of State institutions and agencies to other institutions and agencies, to replace a reference to the DSS with a reference to the proposed Agency/Department. The Act allows transfers for the purpose of treatment or training.

Senate Bill 681 (S-1) would amend the Juvenile Facilities Act to transfer to the proposed Agency/Department, the responsibilities of the DSS relative to facilities to which a juvenile may be committed.

Senate Bill 964 would amend the Administrative Procedures Act to replace a reference to the DSS' Office of Youth Services with a reference to the proposed Agency/Department, in a provision relating to a petition for review of an adoption subsidy.

Senate Bill 965 would amend the Crime Victim's Rights Act to replace references to the DSS with references to the proposed Agency/Department, in provisions pertaining to notification of victims of juvenile crime.

Senate Bill 966 would amend Public Act 389 of 1978, which provides for the prevention and treatment of domestic violence, to replace references to the DSS with references to the proposed Agency/Department, in provisions pertaining to the Domestic Violence Prevention and Treatment Board.

Senate Bill 967 would create the "Adoption Subsidy Act" to codify an adoption subsidy program and assign responsibilities pertaining

to that program to the proposed Agency/Department. (The adoption subsidy program currently is outlined in the Social Welfare Act (MCL 400.115f) and is the responsibility of the DSS' Office of Children and Youth Services.)

Senate Bill 968 would amend the Mental Health Code to allow the Department of Mental Health (DMH) and a community mental health board to agree to transfer their responsibility for children's mental health services to the proposed Agency or to contract with the proposed Agency to provide such services in a county that participated in a pilot project under Senate Bill 937. Senate Bill 968 also specifies that a county's liability for the cost of children's mental health services in a pilot project county would have to be determined by the funding formula included in the pilot agreement. Effective October 1, 1995, all DMH and community mental health board responsibilities for children's mental health services would be transferred to the proposed Department. In addition, Senate Bill 968 would replace various references to the DSS with references to the proposed Agency/Department.

MCL 400.201 et al. (Senate Bill 665)
710.22 et al. (Senate Bill 666)
400.1 et al. (Senate Bill 667)
722.111 et al. (Senate Bill 668)
803.302 - 803.309 (Senate Bill 669)
722.161 & 722.162 (Senate Bill 670)
722.603 et al. (Senate Bill 671)
722.131 et al. (Senate Bill 672)
722.622 et al. (Senate Bill 673)
205.94 (Senate Bill 674)
211.9 (Senate Bill 675)
18.401 & 18.403 (Senate Bill 677)
769.1 & 771.14a (Senate Bill 678)
720.651 et al. (Senate Bill 679)
720.601 (Senate Bill 680)
803.222 - 803.226 (Senate Bill 681)
24.303 (Senate Bill 964)
780.798 (Senate Bill 965)
400.1501 et al. (Senate Bill 966)
330.1209b et al. (Senate Bill 968)

FISCAL IMPACT

The bills would have no fiscal impact on State or local units of government. The bills are budget-neutral in that they would amend current law by transferring powers, duties,

and/or responsibilities to the proposed Department of Child and Family Services from existing State agencies, departments, or commissions.

ARGUMENTS

Supporting Argument

The bills are necessary in order to bring numerous Michigan statutes into conformity with the proposed "Child and Family Services Act" (Senate Bill 937), which would consolidate various children's services into a single autonomous Agency until October 1, 1995, then into an independent new Department.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

SFA BILL ANALYSIS

Senate Bill 666 - 675

Analysis Frist (8.29.90)

See SB 665.

SFA BILL ANALYSIS

Senate Bill 677-681

Analysis First 18.29.90

See SB 665