

# HOUSE BILL No. 5914

June 9, 1992, Introduced by Reps. Bobier, Jamian, Bartnik, McBryde, Hoffman, Strand, Middaugh, London, Dolan, Jaye, Bodem, Rocca, Gnodtke, Fitzgerald, Bender, Johnson, Horton, Nye, Oxender, Brackenridge, Porreca, Dalman, Middleton, Dobb, O'Connor, Goss, Gernaat, Gilmer, Shugars, Bankes, DeLange, Willis Bullard, Martin, Jan Singel, Munsell, Knight, Sikkema and Walberg and referred to the Committee on Judiciary.

A bill to amend section 115b of Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

as amended by Act No. 75 of the Public Acts of 1988, being section 400.115b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 115b of Act No. 280 of the Public Acts  
2 of 1939, as amended by Act No. 75 of the Public Acts of 1988,  
3 being section 400.115b of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 115b. (1) The office shall assume responsibility for  
6 all children committed to the state department by the juvenile  
7 division of the probate court ~~or the court of general criminal~~  
8 ~~jurisdiction~~ under the youth rehabilitation services act, Act  
9 No. 150 of the Public Acts of 1974, being sections 803.301 to

1 803.309 of the Michigan Compiled Laws; and Act No. 220 of the  
2 Public Acts of 1935, as amended, being sections 400.201 to  
3 400.214 of the Michigan Compiled Laws. Upon the recommendation  
4 of the office, the department may provide institutional care,  
5 supervision in the community, boarding care, halfway house care,  
6 and other children and youth services and programs necessary to  
7 meet the needs of those children; or may obtain appropriate serv-  
8 ices from other state agencies, local public agencies, or private  
9 agencies. If the program of another state agency is considered  
10 to best serve the needs of the child, the other state agency  
11 shall give priority to the child.

12 (2) The department, acting in compliance with policies and  
13 standards developed by the office, shall study and act upon a  
14 request for service as to, or a report received of, neglect,  
15 exploitation, abuse, cruelty, or abandonment of a child by a  
16 parent, guardian, custodian, or person serving in loco parentis,  
17 or a report concerning a child in need of protection. On the  
18 basis of the findings of the study, the department shall assure,  
19 where necessary, the provision of appropriate social services to  
20 the child, parent, guardian, custodian, or person serving in loco  
21 parentis, to reinforce and supplement the parental capabilities,  
22 so that the behavior or situation causing the problem is cor-  
23 rected or the child is otherwise protected. The department in  
24 assuring the provision of services, and in providing the serv-  
25 ices, shall encourage participation by other existing governmen-  
26 tal units or licensed agencies and may contract with those  
27 agencies for the purchase of any service within the scope of this

1 subsection. The department shall initiate action in an  
2 appropriate court if the conduct of a parent, guardian, or custo-  
3 dian requires. The department, in conjunction with the office,  
4 shall promulgate rules necessary for implementing the services  
5 authorized in this subsection. The rules shall include provision  
6 for local citizen participation in the program to assure local  
7 understanding, coordination, and cooperative action with other  
8 community resources. In the provision of services, there shall  
9 be maximum utilization of other public, private, and voluntary  
10 resources available within a community.

11 (3) When an agency or organization proposes to place for  
12 adoption, with a person domiciled in this state, a child who is a  
13 citizen of or resides in, a country other than the United States  
14 or Canada, the department shall conduct, within 180 days after  
15 receipt of the request from the agency or organization, the  
16 investigation prescribed by section 46 of chapter X of Act  
17 No. 288 of the Public Acts of 1939, being section 710.46 of the  
18 Michigan Compiled Laws. In a county where the office determines  
19 it to be more feasible both geographically and economically, the  
20 department may purchase the adoption services up to the actual  
21 cost of providing those services. The department shall charge  
22 parent fees prescribed by the legislature.

23 (4) The office shall be responsible for the development,  
24 interpretation, and dissemination of policy regarding departmen-  
25 tal investigations requested or ordered by the probate court  
26 under section 55(h) and the provision of foster care services  
27 authorized by this act. Foster care services shall include

1 foster care of state wards, aid to dependent children foster  
2 care, foster care of wards of the juvenile division of the pro-  
3 bate court placed under the care and supervision of the depart-  
4 ment by order of the court, and voluntary parental placement of  
5 children in foster care.

6       Section 2. This amendatory act shall not take effect unless  
7 Senate Bill No. \_\_\_\_\_ or House Bill No. 5913 (request  
8 no. 05976'92) of the 86th Legislature is enacted into law.