

HOUSE BILL No. 5332

October 30, 1997, Introduced by Reps. Bankes, Law, Leland, Hale and Kelly and referred to the Committee on Appropriations.

A bill to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers and duties of those counties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "county juvenile agency act".

3 Sec. 2. As used in this act:

4 (a) "County juvenile agency" means a county that has
5 approved a resolution in accordance with section 3.

6 (b) "County juvenile agency services" means that term as
7 defined in section 117a of the social welfare act, 1939 PA 280,
8 MCL 400.117a.

9 (c) "Juvenile" means an individual who is any of the
10 following:

1 (i) Within or likely to come within the jurisdiction of the
2 court for the county under section 2(a) or (d) of chapter XIIA of
3 1939 PA 288, MCL 712A.2.

4 (ii) Within the jurisdiction of the court for the county
5 under section 606 of the revised judicature act of 1961, 1961
6 PA 236, MCL 600.606, or section 10a(1)(c) of 1919 PA 369,
7 MCL 725.10a.

8 (d) "Juvenile justice service" means that term as defined in
9 section 117a of the social welfare act, 1939 PA 280, MCL
10 400.117a.

11 (e) "Public ward" means that term as defined in section 2 of
12 the youth rehabilitation services act, 1974 PA 150, MCL 803.302.

13 Sec. 3. (1) A majority of the board of commissioners of a
14 county may approve a resolution authorizing the county to become
15 a county juvenile agency. Under the resolution, the county shall
16 become a county juvenile agency on October 1 following adoption
17 of the resolution.

18 (2) A majority of the board of commissioners who approved a
19 resolution under subsection (1) may revoke it by a subsequent
20 resolution adopted before December 31 and effective October 1 of
21 the next year. If the county revokes authorization to be a
22 county juvenile agency, the county shall cease to be a county
23 juvenile agency on that effective date.

24 (3) The board of commissioners of a county that has adopted
25 a charter under 1966 PA 293, MCL 45.501 to 45.521, shall not pro-
26 ceed under subsection (1) or (2) unless requested by the county
27 executive or chief administrative officer. The board of

1 commissioners of a county that has adopted an optional unified
2 form of county government under 1973 PA 139, MCL 45.551 to
3 45.573, shall not proceed under subsection (1) or (2) unless
4 requested by the county executive or county manager.

5 (4) This act does not apply to a county unless that county
6 is eligible for a transfer of title IV-E funds from the state
7 under the waiver granted by the United States department of
8 health and human services for part 3 of the family independence
9 agency's request under the child welfare demonstration project.

10 Sec. 4. (1) A county juvenile agency shall provide or con-
11 tract for provision of all of the following:

12 (a) An effective program of supervision and care for juve-
13 niles committed to the county juvenile agency by the family divi-
14 sion of circuit court or court of general criminal jurisdiction.

15 (b) Appropriate county juvenile agency services.

16 (c) Appropriate services and facilities necessary for public
17 wards it is responsible for.

18 (2) A county juvenile agency may do any of the following:

19 (a) Operate training schools or programs, halfway houses,
20 youth camps, diagnostic centers, detention facilities, short-term
21 treatment centers, group homes, or other facilities.

22 (b) Provide institutional care, boarding care, halfway house
23 care, supervision in the community, or other juvenile programs or
24 services.

25 (c) Obtain appropriate services from state, local, or pri-
26 vate agencies.

1 (d) Provide appropriate juvenile justice services to any
2 juvenile.

3 Sec. 5. When a county becomes a county juvenile agency as
4 provided in section 3(1), the existing placements of public wards
5 and juveniles transferred to the county juvenile agency's respon-
6 sibility shall remain the same. The county juvenile agency shall
7 not transfer placement of those public wards or juveniles or
8 change the level of care without approval by the court.

9 Enacting section 1. This act does not take effect unless
10 the United States department of health and human services grants
11 part 3 of the family independence agency's waiver filed under the
12 child welfare demonstration project to permit a transfer of title
13 IV-E funding from the state to 1 or more counties and the family
14 independence agency files with the secretary of state a certifi-
15 cation that the necessary waiver was granted.

16 Enacting section 2. This act does not take effect unless
17 all of the following bills of the 89th Legislature are enacted
18 into law:

19 (a) Senate Bill No. _____ or House Bill No. _____ (request
20 no. 03597'97 *).

21 (b) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 03598'97 *).

23 (c) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 03598'97 b *).

25 (d) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 03599'97 *).

- 1 (e) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 03644'97 *).
- 3 (f) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 03917'97 *).