

HOUSE BILL No. 6076

September 16, 1998, Introduced by Reps. LaForge, Price, Brater and Gire and referred to the Committee on Human Services and Children.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 14 (MCL 400.14), as amended by 1987 PA 266.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) The state department has all of the following
2 additional powers and duties:

3 (a) To allocate and distribute to the county and district
4 departments of social services, as provided in section 18, and in
5 accordance with the rules promulgated by the director, money
6 appropriated by the legislature or received from the federal gov-
7 ernment for the relief of destitution or unemployment within the
8 state, or a political subdivision of the state.

9 (b) To distribute, as provided in this act, subject to
10 federal rules and regulations, and in accordance with the rules
11 promulgated by the director, money appropriated by the

1 legislature or received from the federal government for the
2 granting of aid to dependent children and supplemental security
3 income; for medical, dental, optometric, nursing, pharmaceutical,
4 and burial relief; for services furnished by professions under
5 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
6 ~~as amended, being sections 333.1101 to 333.25211 of the Michigan~~
7 ~~Compiled Laws~~ 1978 PA 368, MCL 333.1101 TO 333.25211; and for
8 other relief or welfare services provided by law.

9 (c) To operate a day care program in rural and urban areas
10 and assist in the development of sound programs and standards for
11 day care by public organizations throughout the state. If the
12 director, commissioner, or those officials responsible for
13 enforcing a state or local building code determine that a dwell-
14 ing unit fails to meet the standards of that code through fault
15 of the landlord, the department may refuse to pay public assist-
16 ance grants authorized under this act for payment of rent on the
17 dwelling unit. A written notice of the refusal, stating the
18 grounds for the refusal and listing the defects to be corrected,
19 shall be mailed immediately to the landlord by certified mail.
20 During the period of refusal, the landlord may bring an action
21 against the department in the nature of quo warranto, but may not
22 maintain an action for the rent or possession of the premises.
23 If the defects have been corrected or if the department's refusal
24 to pay is determined by a court of competent jurisdiction to be
25 wrongful, the department shall pay the rent that is owed, but not
26 more than the amount of the grants withheld.

1 (D) ~~(g)~~ To assist other departments, agencies, and
2 institutions of the federal and state governments, when so
3 requested, in performing services in conformity with the purposes
4 of this act. The director shall act as certifying agent for fed-
5 eral departments or agencies in determining eligibility of appli-
6 cants for aid or service rendered by those departments or
7 agencies. The rules of the state departments under this subsec-
8 tion shall be binding upon the county departments of social
9 services.

10 (E) ~~(h)~~ To collect and compile statistics, make special
11 fact-finding studies, and publish reports in reference to the
12 field of welfare, including a biennial report as provided in sec-
13 tion 17.

14 (F) ~~(i)~~ To arbitrate and decide disputed or contested
15 claims between 2 or more counties relative to the settlement or
16 domicile of a person or family given or in need of any form of
17 public aid or relief, and to determine and declare the county of
18 settlement or domicile in any instance when so requested or on
19 the department's own volition. All decisions and determinations
20 made under this subdivision shall be binding upon the county
21 departments of social services.

22 (G) ~~(j)~~ To administer or supervise relief or welfare func-
23 tions vested in the department by law, and to provide for the
24 progressive codification of the laws governing relief and welfare
25 problems.

26 (H) ~~(k)~~ To inspect county infirmaries and places of
27 detention for juveniles for the purpose of obtaining facts

1 pertaining to the usefulness and proper management of the
2 infirmaries and places of detention, and of promoting proper,
3 efficient, and humane administration of those infirmaries and
4 places of detention. A reasonable order of the department fixing
5 minimum standards of sanitation, fire protection, food, and com-
6 fortable lodging may be enforced, through mandamus or injunction
7 in the circuit court for the county where the county infirmary or
8 place of detention for the juveniles is located, through proper
9 proceedings instituted by the attorney general on behalf of the
10 department. The burden of proof shall be on the department to
11 establish the reasonableness of the order.

12 (I) ~~(I)~~ To promulgate by rules a recommended schedule of
13 payment for care and maintenance, pursuant to the administrative
14 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
15 ~~as amended, being sections 24.201 to 24.328 of the Michigan~~
16 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, to be used, as
17 provided by law, in determining the amount of payment to be made
18 by patients, their guardians, or relatives who are liable for the
19 care and maintenance of persons entitled to treatment under the
20 mental health code, ~~Act No. 258 of the Public Acts of 1974, as~~
21 ~~amended, being sections 330.1001 to 330.2106 of the Michigan~~
22 ~~Compiled Laws.~~ The department in 1974 PA 258, MCL 330.1001 TO
23 330.2106. IN promulgating the schedule, THE STATE DEPARTMENT may
24 give consideration to the person's income, the number of other
25 persons he or she is obligated to support, his or her estate,
26 medical and other necessary expenses, and other relevant
27 matters.

1 (J) ~~(n)~~ To provide or contract for legal services for
2 persons receiving assistance under this act in guardianship and
3 support proceedings.

4 (K) ~~(p)~~ To provide services to adults and aging persons,
5 which shall include:

6 (i) Services for the blind in accordance with the rehabili-
7 tation act of 1973, PUBLIC LAW 93-112, 29 U.S.C. 701 to ~~796i~~
8 707, 709 TO 718b, 720 TO 750, 753 TO 753a, 760 TO 762, 765, 770,
9 771a TO 777b, 777d TO 777f, 780, 781 TO 785, 791 TO 794e, 795 TO
10 795r, 796 TO 796f-6, 796j TO 796l, AND 797 TO 797b.

11 (ii) Services authorized in title XX of the social security
12 act, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 1397 to ~~1397e~~ 1397f.

13 (l) ~~(q)~~ To license and regulate child care organizations
14 and programs as described in ~~Act No. 116 of the Public Acts of~~
15 ~~1973, as amended, being sections 722.111 to 722.128 of the~~
16 ~~Michigan Compiled Laws~~ 1973 PA 116, MCL 722.111 TO 722.128.

17 (M) TO EDUCATE SOCIAL WORKERS EMPLOYED BY THE STATE DEPART-
18 MENT IN THE INVESTIGATION AND EVALUATION OF SUSPECTED CHILD ABUSE
19 OR NEGLECT. AS USED IN THIS SUBDIVISION, "EDUCATE" MEANS ALL OF
20 THE FOLLOWING, PROVIDED ON AN ONGOING AND CONTINUAL BASIS:

21 (i) TRAINING IN THE CONDUCTING OF INTERVIEWS WITH CHILDREN
22 OF ALL AGES.

23 (ii) INSTRUCTION ON BASIC MEDICAL PROCEDURES GOVERNING
24 CHILDHOOD INJURIES, INCLUDING INSTRUCTION ON MEDICAL CONDITIONS
25 TO SEARCH FOR IN EVALUATING WHETHER CHILD ABUSE OR NEGLECT HAS OR
26 IS LIKELY TO OCCUR, INSTRUCTION ON THE FACTORS TO CONSIDER WHEN
27 DETERMINING WHETHER TO REMOVE A CHILD FROM A POSSIBLY ABUSIVE OR

1 NEGLIGENT CUSTODIAN'S CARE, AND INSTRUCTION ON THE CRITERIA FOR
2 SUBMITTING A CASE OF SUSPECTED CHILD ABUSE TO A MEDICAL ADVISORY
3 COMMITTEE.

4 (iii) INSTRUCTION ON THE PSYCHOLOGY OF ABUSIVE PERSONALI-
5 TIES, THE SOCIAL AND ECONOMIC CONDITIONS THAT CREATE RISKS OF
6 CHILD ABUSE OR NEGLECT, AND THE FACTORS THAT ESTABLISH THE EXIS-
7 TENCE OR PROBABLE EXISTENCE OF CHILD ABUSE OR NEGLECT.

8 (iv) TRAINING ON THE MANNER IN WHICH ABUSE AND NEGLECT
9 ISSUES ARE ADDRESSED THROUGH THE JUDICIAL PROCESS.

10 (v) TRAINING ON THE PROCEDURES OF TESTIFYING IN A JUDICIAL
11 PROCEEDING.

12 (N) TO ENSURE THAT THE DECISIONS OF STATE DEPARTMENT SOCIAL
13 WORKERS ARE SUBJECT TO REVIEW REGARDLESS OF SENIORITY.

14 (O) TO ENSURE THAT SUPERVISORS OF STATE DEPARTMENT SOCIAL
15 WORKERS PROVIDE INTERACTIVE, SUPPORTIVE, AND PERFORMANCE REVIEW
16 SUPERVISION OF CASEWORKERS. AS USED IN THIS SUBDIVISION,
17 "SUPERVISION" INCLUDES PROVIDING CASEWORKERS WITH THE OPPORTUNITY
18 TO COLLABORATE WITH, AND HAVE DECISIONS REVIEWED BY,
19 SUPERVISORS.

20 (P) TO ENSURE THAT A COMPUTER-BASED TRACKING SYSTEM IS
21 AVAILABLE TO THE STATE DEPARTMENT AT THE TIME OF A PROTECTIVE
22 SERVICES REFERRAL, TO ENABLE THE STATE DEPARTMENT TO INSTANTLY
23 DETERMINE WHETHER THE CHILD, PARENT, OR GUARDIAN AFFECTED BY THE
24 REFERRAL HAS BEEN THE SUBJECT OF A PREVIOUS REFERRAL WITHIN THIS
25 STATE.

1 (Q) TO ESTABLISH THE FOLLOWING 4 CATEGORIES OF FINDINGS TO
2 BE ENTERED FOLLOWING COMPLETION OF AN INVESTIGATION OF CHILD
3 ABUSE OR NEGLECT:

4 (i) "SUBSTANTIATED", WHICH APPLIES TO CIRCUMSTANCES IN WHICH
5 ALLEGATIONS OF ABUSE OR NEGLECT HAVE BEEN CONFIRMED BY A PREPON-
6 DERANCE OF THE EVIDENCE AS GENUINE, WHETHER THE PERPETRATOR OF
7 THAT ABUSE OR NEGLECT IS KNOWN OR UNKNOWN.

8 (ii) "SUBSTANTIATED--PERPETRATOR UNKNOWN", WHICH APPLIES TO
9 CIRCUMSTANCES IN WHICH ALLEGATIONS OF ABUSE OR NEGLECT HAVE BEEN
10 CONFIRMED BY A PREPONDERANCE OF THE EVIDENCE AS GENUINE AND THE
11 PERPETRATOR OF THAT ABUSE OR NEGLECT IS NOT IDENTIFIABLE.

12 (iii) "INDICATED", WHICH APPLIES TO CIRCUMSTANCES IN WHICH A
13 PREPONDERANCE OF THE EVIDENCE ESTABLISHES A HIGH OR MODERATE RISK
14 OF ABUSE OR NEGLECT, BUT ACTUAL ABUSE OR NEGLECT CANNOT BE CON-
15 FIRMED DUE TO INADEQUATE INFORMATION.

16 (iv) "UNSUBSTANTIATED", WHICH APPLIES TO ALLEGATIONS OF
17 ABUSE OR NEGLECT THAT HAVE BEEN CONFIRMED BY A PREPONDERANCE OF
18 THE EVIDENCE AS FALSE OR UNFOUNDED.

19 (R) TO ENSURE THAT A CHILD IS NOT DENIED PROTECTIVE SERVICES
20 DUE TO AN INABILITY OF THE FAMILY INDEPENDENCE AGENCY TO DETER-
21 MINE THE IDENTITY OF THE PERPETRATOR OF ABUSE OR NEGLECT OF THE
22 CHILD.

23 (S) TO ENSURE THAT THE STATE DEPARTMENT DOES ALL OF THE
24 FOLLOWING:

25 (i) ESTABLISHES A PROCEDURE FOR RANDOMLY REVIEWING PROTEC-
26 TIVE SERVICES INVESTIGATIONS WITHOUT REGARD TO THE STAGE OF THE

1 INVESTIGATIVE PROCESS AND ANNUALLY ISSUES A REPORT OF ITS REVIEW
2 FINDINGS.

3 (ii) ESTABLISHES A CONSISTENT DEFINITION OF "SUBSTANTIAL
4 ABUSE" FOR PROTECTIVE SERVICES AND LAW ENFORCEMENT PERSONNEL AND
5 ENSURES THAT THE DEFINITION INCLUDES SEXUAL ABUSE.

6 (iii) ESTABLISHES INCENTIVES, PROTOCOLS, AND COLLABORATIONS
7 WITH THE MEDICAL COMMUNITY TO ENSURE THAT CHILDREN LESS THAN 5
8 YEARS OF AGE SUSPECTED OF BEING ABUSED OR NEGLECTED UNDERGO PHYS-
9 ICAL EXAMINATIONS BY A PHYSICIAN OR REGISTERED PROFESSIONAL NURSE
10 LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
11 MCL 333.16101 TO 333.18838, WITHIN 24 HOURS AFTER AN INVESTIGA-
12 TION BEGINS.

13 (iv) INVESTIGATES ANY ALLEGATION OF SUBSTANCE ABUSE BY A
14 CHILD'S PARENT OR GUARDIAN AND ESTABLISHES PROTOCOLS FOR PROTECT-
15 ING CHILDREN FROM PARENTS OR GUARDIANS WHO FAIL TO SUBSTANTIALLY
16 COMPLY WITH A PROTECTIVE SERVICES PLAN.

17 (T) TO REQUIRE A NONPARENT ADULT RESPONSIBLE FOR A CHILD'S
18 WELFARE TO COMPLY WITH ANY PROTECTIVE SERVICES PLAN AFFECTING THE
19 CHILD.

20 (U) TO INITIATE PROCEEDINGS TO TERMINATE PARENTAL OR GUARD-
21 IAN RIGHTS OF A PARENT OR GUARDIAN WHO DOES 1 OR MORE OF THE
22 FOLLOWING:

23 (i) FAILS TO SUBSTANTIALLY COMPLY WITH A PROTECTIVE SERVICES
24 PLAN AFFECTING A CHILD IN THAT PERSON'S CUSTODY.

25 (ii) CONTINUES TO RESIDE WITH A NONPARENT ADULT WHO CONSIS-
26 TENTLY FAILS TO COMPLY WITH A PROTECTIVE SERVICES PLAN AFFECTING
27 A CHILD.

1 (V) AS USED IN THIS SECTION, "NONPARENT ADULT" MEANS A
2 PERSON WHO MEETS ALL OF THE FOLLOWING CRITERIA:

3 (i) IS 18 YEARS OF AGE OR OLDER.

4 (ii) HAS SUBSTANTIAL AND REGULAR CONTACT WITH A CHILD UNDER
5 THE JURISDICTION OF THE COURT UNDER SECTION 2(B) OF CHAPTER XIIA
6 OF 1939 PA 288, MCL 712A.2.

7 (iii) IS NOT THAT CHILD'S PARENT OR SOMEONE WHO ACTS IN LOCO
8 PARENTIS TO A CHILD UNDER THE JURISDICTION OF THE COURT UNDER
9 SECTION 2(B) OF CHAPTER XIIA OF 1939 PA 288, MCL 712A.2.

10 (iv) IS NOT RELATED TO A CHILD UNDER THE JURISDICTION OF THE
11 COURT UNDER SECTION 2(B) OF CHAPTER XIIA OF 1939 PA 288, MCL
12 712A.2, BY BLOOD OR AFFINITY TO THE FOURTH DEGREE.

13 (2) Other sections of this act notwithstanding, all powers
14 and duties of the county social services boards to develop,
15 implement, and administer a program of general public relief,
16 ~~are~~ WERE transferred to the state department effective begin-
17 ning with the first county fiscal year following December 1,
18 1975. However, in a county that operates a patient care manage-
19 ment system pursuant to section 66j, the county social services
20 board may change the eligibility standards and coverages for med-
21 ical care for persons eligible for services under a patient care
22 management system subject to the consent of the county board of
23 commissioners, or, in a charter county, subject to the consent of
24 the county board of commissioners and the county executive.