

SENATE BILL No. 64

January 23, 2003, Introduced by Senators CLARK-COLEMAN, JACOBS, BRATER and CHERRY
and referred to the Committee on Judiciary.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 18c, 55, and 115b (MCL 400.18c, 400.55, and
400.115b), sections 55 and 115b as amended by 1998 PA 516, and by
adding section 18b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18b. (1) The department shall subsidize and support
2 children in relative care with both financial assistance and the
3 provision of services in at least the same degree as the
4 assistance and services provided for children in foster care.

5 (2) As used in this act, "relative care" means the care of a
6 child by an adult who is the child's grandparent, brother,
7 sister, stepsister, stepbrother, uncle, or aunt by marriage,
8 blood, or adoption, regardless of the manner in which the child
9 came to be under the care of the relative, including, but not

1 limited to, the following:

2 (a) A parent's voluntary placement of the child with the
3 relative.

4 (b) The placement of the child with the relative by the
5 court, the department, or a child placing agency under this act,
6 the probate code of 1939, 1939 PA 288, MCL 710.21 to 712A.32, or
7 another law of this state.

8 (c) The child's continued residence with the relative as
9 prescribed in section 11a of chapter XIIIA of the probate code of
10 1939, 1939 PA 288, MCL 712A.11a.

11 Sec. 18c. Foster care **and relative care** financed by a
12 county ~~department of social welfare~~ **family independence agency**
13 shall be provided by the use of licensed child caring
14 institutions or placement agencies, in accordance with the needs
15 of the child, or if licensed child caring institutions or
16 placement agencies are not available, or there is a religious
17 conflict, foster care **or relative care** shall be provided under
18 the direct supervision of the county department. ~~—, which care~~
19 **the care provided under this section** shall meet the following
20 standards of care and service:

21 (a) ~~—(1)—~~ Personnel engaged in placement and supervision of
22 children in foster care shall have qualifying training and
23 experience.

24 (b) ~~—(2)—~~ Adequate records shall be maintained with
25 information on the physical and mental health of the child, ~~his~~
26 **the child's** emotional stability and family background, together
27 with the reasons for the child's placement away from home to aid

1 in planning for ~~any~~ a child placed by the department, toward
2 the end that the child may be reunited with his **or her** family as
3 soon as it appears possible.

4 (c) ~~-(3)-~~ Family foster homes used by the department shall be
5 selected with consideration of the religious, racial, and
6 cultural background of the child to be placed and children thus
7 placed shall be visited in these homes at least once a month.

8 Sec. 55. The county department shall administer a public
9 welfare program ~~—, as follows—~~ **to do all of the following:**

10 (a) ~~To grant~~ **Grant** general assistance, including medical
11 care as defined in this section and care in the county medical
12 care facility, but not including hospitalization and infirmary
13 care except for care in the county medical care facility or a
14 county infirmary existing on January 1, 1981, to ~~any~~ a person
15 domiciled in the county who has a legal settlement in this
16 state. General assistance may also be granted to a person who
17 has a legal settlement in this state but no domicile in the
18 county and a recoupment may be made when appropriate ~~—in the~~
19 ~~manner~~ **as** provided in cases of emergency hospitalization under
20 this act. In a temporary emergency, general assistance may be
21 given to indigents without a settlement in this state as the
22 county department considers necessary, including, if other funds
23 are not available for the purpose, all necessary expenses in
24 transporting an indigent to his or her domicile in this state, or
25 in another state or nation, ~~—when—~~ **if** information reasonably
26 tends to show that the person has a home available in his or her
27 place of domicile in this state or a legal residence in another

1 state or nation. A legal settlement in this state is acquired by
 2 an emancipated person who has lived continuously in this state
 3 for 1 year with the intent to make it his or her home and who,
 4 during the 1-year period has not received public assistance,
 5 other than assistance received during and as a direct result of a
 6 civil defense emergency, or support from relatives. Time spent
 7 in a public institution ~~shall not be~~ **is not** counted in
 8 determining settlement. A legal settlement ~~shall be~~ **is** lost by
 9 remaining away from this state for an uninterrupted period of 1
 10 year except that absence from this state for labor or other
 11 special or temporary purpose ~~shall~~ **does** not ~~occasion~~ **cause**
 12 loss of settlement.

13 (b) ~~To administer~~ **Administer** categorical assistance
 14 including medical care.

15 (c) ~~To supervise~~ **Supervise** and be responsible for the
 16 operation of the county infirmary and county medical care
 17 facility. In a county having a population of 1,000,000 or more
 18 ~~which~~ **that** maintains a county infirmary or county hospital or a
 19 joint infirmary and hospital providing for ~~mental~~ **mentally ill**
 20 patients, the institution and the ~~admissions~~ **admission** to the
 21 institution ~~shall be~~ **are** subject to the control of ~~a board to~~
 22 ~~be known as~~ the board of county institutions. The board **of**
 23 **county institutions** shall consist of 5 members appointed by the
 24 county board of commissioners, except that in a county having a
 25 board of county auditors, 3 members of the board of county
 26 institutions shall be appointed by the county board of
 27 commissioners and 2 members shall be appointed by the board of

1 county auditors. Each member of the board **of county institutions**
2 shall hold office for a term and receive compensation as the
3 county board of commissioners provides by ordinance. In relation
4 to the administration of the institutions the board ~~shall have~~
5 ~~and succeed to~~ **of county institutions has** all powers and duties
6 formerly vested by law, general, local or special, in the
7 superintendents of the poor in the county and the board of county
8 institutions as constituted on April 13, 1943. The board of
9 county institutions of the county may also maintain outpatient
10 facilities for the treatment of needy persons suffering from
11 mental ~~disorders~~ **illness**. The board shall also have the same
12 powers as are given to the county board in section 78.

13 (d) ~~To furnish~~ **Furnish** in all cases, ~~insofar~~ as
14 practicable, care and treatment ~~which~~ **that** will tend to restore
15 needy persons to a condition of financial and social
16 independence.

17 (e) ~~To require~~ **Require** that each applicant ~~shall~~ furnish
18 proof satisfactory to the county board that the applicant is
19 entitled to the aid, assistance, or benefit sought.

20 (f) ~~To investigate~~ **Investigate**, in respect to each
21 application for ~~any~~ **a** form of public aid or assistance, the
22 circumstances of the applicant, both at the time of application
23 and periodically during the receipt of aid or assistance.

24 (g) ~~To maintain~~ **Maintain** adequate social and financial
25 records pertaining to each recipient of aid or assistance and ~~so~~
26 ~~far~~ as ~~is~~ practicable engage in the prevention of social
27 disabilities.

1 (h) Except as otherwise provided in this subdivision, ~~to~~
2 investigate, when requested by the probate court or the family
3 division of circuit court, matters pertaining to dependent,
4 neglected, and delinquent children and wayward minors under the
5 court's jurisdiction, to provide supervision and foster care **or**
6 **relative care** as provided by court order, and ~~to~~ furnish the
7 court, on request, investigational service in respect to the
8 hospitalization of children under the program of services for
9 crippled children established under part 58 of the public health
10 code, 1978 PA 368, MCL 333.5801 to 333.5879, which services
11 ~~shall~~ include ~~the~~ follow-up investigation and continuing
12 observations. If the county is a county juvenile agency as
13 defined in section 2 of the county juvenile agency act, **1998**
14 **PA 518, MCL 45.622**, the county department's obligations under
15 this subdivision are limited to public wards within the county's
16 jurisdiction under the youth rehabilitation services act, 1974
17 PA 150, MCL 803.301 to 803.309, and county juvenile agency
18 services as defined in section 117a.

19 (i) ~~To assist~~ **Assist** other departments, agencies, and
20 institutions of the federal, state, and county governments, ~~when~~
21 ~~so~~ **if** requested, in performing services in conformity with ~~the~~
22 ~~purposes of~~ this act.

23 (j) ~~To assist~~ **Assist** in the development of sound programs
24 and standards of child welfare, and promote programs and policies
25 looking ~~toward the prevention of~~ **to prevent** dependency,
26 neglect, and delinquency and other conditions affecting adversely
27 the welfare of families and children.

1 (k) ~~To create~~ **Create** within the county department a
2 division of medical care. The county board may appoint a
3 properly qualified and licensed doctor of medicine as the head of
4 the division and an advisory committee. The advisory committee
5 shall consist of 1 doctor of medicine, nominated by the county
6 medical society; 1 dentist, nominated by the district dental
7 society; and 1 pharmacist, nominated by the district
8 pharmaceutical association, to assist in formulating policies of
9 medical care and auditing and reviewing bills. "Medical care" as
10 used in this act means medical care rendered under the
11 supervision of a licensed physician in an organized ~~out-patient~~
12 **outpatient** department of a hospital licensed by the department of
13 ~~public~~ **community** health under article 17 of the public health
14 code, 1978 PA 368, MCL 333.20101 to 333.22260, or home and office
15 attendance by a physician, osteopathic physician and surgeon, or
16 podiatrist licensed under article 15 of the public health code,
17 1978 PA 368, MCL 333.16101 to 333.18838; and ~~when~~ **if** prescribed
18 by the physician, osteopathic physician and surgeon, or
19 podiatrist, diagnostic ~~services~~ **service** requiring the use of
20 equipment not available in his or her ~~offices~~ **office**, if the
21 ~~services do~~ **service does** not require overnight care, dental
22 service, optometric service, bedside nursing service in the home,
23 or pharmaceutical service. The private physician-patient
24 relationship shall be maintained. The normal relationships
25 between the recipients of dental, optometric, nursing, and
26 pharmaceutical services, and the services furnished by a
27 physician, osteopathic physician and surgeon, podiatrist, or ~~a~~

1 chiropractor licensed under article 15 of the public health code,
 2 1978 PA 368, MCL 333.16101 to 333.18838, and the persons
 3 furnishing these services shall be maintained. This section
 4 ~~shall~~ **does** not affect the office of a city physician or city
 5 pharmacist established under a city charter, a county health
 6 officer, or the medical superintendent of a county hospital.
 7 This section ~~shall permit~~ **permits** the use of a case management
 8 system, a patient care management system, or other alternative
 9 system for providing medical care.

10 (l) ~~To cause~~ **Cause** to be suitably buried the body of a
 11 deceased indigent person who has a domicile in the county, ~~when~~
 12 **if** requested by the person's relative or friend, or of a
 13 stranger, ~~when~~ **if** requested by a public official following an
 14 inquest.

15 (m) ~~To administer~~ **Administer** additional welfare functions
 16 ~~as are~~ vested in the department, including hospitalization.

17 (n) ~~To act~~ **Act** as an agent for the state department in
 18 matters requested by the state department under the rules of the
 19 state department.

20 ~~(o) To provide temporary general assistance for each family~~
 21 ~~found ineligible for aid to dependent children assistance by~~
 22 ~~reason of unsuitable family home as provided in section 56.~~

23 Sec. 115b. (1) The department shall assume responsibility
 24 for all children committed to it by the juvenile division of the
 25 probate court, the family division of circuit court, or the court
 26 of general criminal jurisdiction under the youth rehabilitation
 27 services act, 1974 PA 150, MCL 803.301 to 803.309, and 1935 PA

1 220, MCL 400.201 to 400.214. The department may provide
2 institutional care, supervision in the community, boarding care,
3 halfway house care, **relative care**, and other children and youth
4 services and programs necessary to meet the needs of those
5 children or may obtain appropriate services from other state
6 agencies, local public agencies, or private agencies, subject to
7 section 1150. If the program of another state agency is
8 considered to best serve the needs of the child, the other state
9 agency shall give priority to the child.

10 (2) The department shall study and act upon a request for
11 service as to, or a report received of, neglect, exploitation,
12 abuse, cruelty, or abandonment of a child by a parent, guardian,
13 custodian, or person serving in loco parentis, or a report
14 concerning a child in need of protection. On the basis of the
15 findings of the study, the department shall assure, if necessary,
16 the provision of appropriate social services to the child,
17 parent, guardian, custodian, or person serving in loco parentis,
18 to reinforce and supplement the parental capabilities, so that
19 the behavior or situation causing the problem is corrected or the
20 child is otherwise protected. In assuring the provision of
21 services and providing the services, the department shall
22 encourage participation by other existing governmental units or
23 licensed agencies and may contract with those agencies for the
24 purchase of any service within the scope of this subsection. The
25 department shall initiate action in an appropriate court if the
26 conduct of a parent, guardian, or custodian requires. The
27 department shall promulgate rules necessary for implementing the

1 services authorized in this subsection. The rules shall include
2 provision for local citizen participation in the program to
3 assure local understanding, coordination, and cooperative action
4 with other community resources. In the provision of services,
5 there shall be maximum utilization of other public, private, and
6 voluntary resources available within a community.

7 (3) ~~When~~ **If** an agency or organization proposes to place for
8 adoption, with a person domiciled in this state, a child who is a
9 citizen of or resides in, a country other than the United States
10 or Canada, the department shall conduct, within 180 days after
11 receipt of the request from the agency or organization, the
12 investigation prescribed by section 46 of chapter X of **the**
13 **probate code of 1939**, 1939 PA 288, MCL 710.46. In a county in
14 which the department determines it to be more feasible both
15 geographically and economically, the department may purchase the
16 adoption services up to the actual cost of providing those
17 services. The department shall charge parent fees prescribed by
18 the legislature.

19 (4) The office shall be responsible for the development,
20 interpretation, and dissemination of policy regarding
21 departmental investigations requested or ordered by the probate
22 court under section 55(h) and the provision of foster care **or**
23 **relative care** services authorized by this act. Foster care **and**
24 **relative care** services shall include foster care of state wards,
25 aid to dependent children foster care, foster care of wards of
26 the family division of circuit court placed under the care and
27 supervision of the department by order of the court, and

1 voluntary parental placement of children in foster care **or**
2 **relative care.**

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. _____ or House Bill No. _____
5 (request no. 00761'03) of the 92nd Legislature is enacted into
6 law.