

SENATE BILL No. 19

January 12, 2005, Introduced by Senator CLARK-COLEMAN 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), section 55 as amended by 1998 PA 516 and section 115b as
amended by 2004 PA 193, 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 ASSISTANCE
4 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, SISTER,
7 STEPSISTER, STEPBROTHER, UNCLE, OR AUNT BY MARRIAGE, BLOOD, OR

ADOPTION, REGARDLESS OF THE MANNER IN WHICH THE CHILD CAME TO BE UNDER THE CARE OF THE RELATIVE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(A) A PARENT'S VOLUNTARY PLACEMENT OF THE CHILD WITH THE RELATIVE.

(B) THE PLACEMENT OF THE CHILD WITH THE RELATIVE BY THE COURT, THE DEPARTMENT, OR A CHILD PLACING AGENCY UNDER THIS ACT, THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21 TO 712A.32, OR ANOTHER LAW OF THIS STATE.

(C) THE CHILD'S CONTINUED RESIDENCE WITH THE RELATIVE AS PRESCRIBED IN SECTION 11A OF CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.11A.

Sec. 18c. Foster care **AND RELATIVE CARE** financed by a county ~~department of social welfare~~ **FAMILY INDEPENDENCE AGENCY** shall be provided by the use of licensed child caring institutions or placement agencies, in accordance with the needs of the child, or if licensed child caring institutions or placement agencies are not available, or there is a religious conflict, foster care **OR RELATIVE CARE** shall be provided under the direct supervision of the county department. ~~—, which care~~ **THE CARE PROVIDED UNDER THIS SECTION** shall meet the following standards of care and service:

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

(B) ~~—(2)—~~ Adequate records shall be maintained with information on the physical and mental health of the child, ~~—his~~ **THE CHILD'S** emotional stability and family background, together

1 with the reasons for the child's placement away from home to aid in
2 planning for ~~any~~ **A** child placed by the department, toward the end
3 that the child may be reunited with his **OR HER** family as soon as it
4 appears possible.

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

9 Sec. 55. The county department shall administer a public
10 welfare program ~~—, as follows—~~ **TO DO ALL OF THE FOLLOWING:**

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

1 state or a legal residence in another state or nation. A legal
 2 settlement in this state is acquired by an emancipated person who
 3 has lived continuously in this state for 1 year with the intent to
 4 make it his or her home and who, during the 1-year period has not
 5 received public assistance, other than assistance received during
 6 and as a direct result of a civil defense emergency, or support
 7 from relatives. Time spent in a public institution ~~shall not be~~
 8 **IS NOT** counted in determining settlement. A legal settlement ~~shall~~
 9 ~~be~~ **IS** lost by remaining away from this state for an uninterrupted
 10 period of 1 year except that absence from this state for labor or
 11 other special or temporary purpose ~~shall~~ **DOES** not ~~occasion~~
 12 **CAUSE** 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 facility.
 17 In a county having a population of 1,000,000 or more ~~which~~ **THAT**
 18 maintains a county infirmary or county hospital or a joint
 19 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 be~~
 22 ~~known as~~ the board of county institutions. The board **OF COUNTY**
 23 **INSTITUTIONS** shall consist of 5 members appointed by the county
 24 board of commissioners, except that in a county having a board of
 25 county auditors, 3 members of the board of county institutions
 26 shall be appointed by the county board of commissioners and 2
 27 members shall be appointed by the board of county auditors. Each

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

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

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

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

27 (h) Except as otherwise provided in this subdivision, ~~to~~

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

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

21 (j) ~~To assist~~ **ASSIST** in the development of sound programs
22 and standards of child welfare, and promote programs and policies
23 looking ~~toward the prevention of~~ **TO PREVENT** dependency, neglect,
24 and delinquency and other conditions affecting adversely the
25 welfare of families and children.

26 (k) ~~To create~~ **CREATE** within the county department a division
27 of medical care. The county board may appoint a properly qualified

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

1 the office of a city physician or city pharmacist established under
 2 a city charter, a county health officer, or the medical
 3 superintendent of a county hospital. This section ~~shall permit~~
 4 **PERMITS** the use of a case management system, a patient care
 5 management system, or other alternative system for providing
 6 medical care.

7 (l) ~~To cause~~ **CAUSE** to be suitably buried the body of a
 8 deceased indigent person who has a domicile in the county, ~~when~~
 9 **IF** requested by the person's relative or friend, or of a stranger,
 10 ~~when~~ **IF** requested by a public official following an inquest.

11 (m) ~~To administer~~ **ADMINISTER** additional welfare functions
 12 ~~as are~~ vested in the department, including hospitalization.

13 (n) ~~To act~~ **ACT** as an agent for the state department in
 14 matters requested by the state department under the rules of the
 15 state department.

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

19 Sec. 115b. (1) The department shall assume responsibility for
 20 all children committed to it by the juvenile division of the
 21 probate court, the family division of circuit court, or the court
 22 of general criminal jurisdiction under the youth rehabilitation
 23 services act, 1974 PA 150, MCL 803.301 to 803.309, and 1935 PA 220,
 24 MCL 400.201 to 400.214. The department may provide institutional
 25 care, supervision in the community, boarding care, halfway house
 26 care, **RELATIVE CARE**, and other children and youth services and
 27 programs necessary to meet the needs of those children or may

1 obtain appropriate services from other state agencies, local public
2 agencies, or private agencies, subject to section 1150. If the
3 program of another state agency is considered to best serve the
4 needs of the child, the other state agency shall give priority to
5 the child.

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

1 utilization of other public, private, and voluntary resources
2 available within a community.

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

14 (4) The office is responsible for the development,
15 interpretation, and dissemination of policy regarding departmental
16 investigations requested or ordered by the probate court or the
17 family division of circuit court under section 55(h) and the
18 provision of foster care **OR RELATIVE CARE** services authorized by
19 this act. Foster care **AND RELATIVE CARE** services shall include
20 foster care of state wards, aid to dependent children foster care,
21 foster care of wards of the family division of circuit court placed
22 under the care and supervision of the department by order of the
23 court, and voluntary parental placement of children in foster care
24 **OR RELATIVE CARE**.

25 (5) All rights to current, past due, and future support
26 payable on behalf of a child committed to or under the supervision
27 of the department and for whom the department is making state or

1 federally funded foster care **OR RELATIVE CARE** maintenance payments
2 are assigned to the department while the child is receiving or
3 benefiting from those payments. When the department ceases making
4 foster care **OR RELATIVE CARE** maintenance payments for the child,
5 both of the following apply:

6 (a) Past due support that accrued under the assignment remains
7 assigned to the department.

8 (b) The assignment of current and future support rights to the
9 department ceases.

10 (6) The maximum amount of support the department may retain to
11 reimburse the state, the federal government, or both for the cost
12 of care shall not exceed the amount of foster care **OR RELATIVE CARE**
13 maintenance payments made from state or federal money, or both.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. 18

16 of the 93rd Legislature is enacted into law.