

HOUSE BILL No. 5368

October 25, 2007, Introduced by Reps. Spade, Gonzales, Polidori, Shaffer, Vagnozzi, LeBlanc, Sak, Sheltroun, Meadows, Accavitti and Young and referred to the Committee on Appropriations.

A bill to amend 1974 PA 150, entitled
"Youth rehabilitation services act,"
by amending section 5 (MCL 803.305), as amended by 1998 PA 517.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Except as provided in ~~subsection~~**SUBSECTIONS** (3)
2 **AND (4)**, the county from which the public ward is committed is
3 liable to the state for 50% of the cost of his or her care, but
4 this amount may be reduced by the use of funds from the annual
5 original foster care grant of the state to the county, or
6 otherwise, for any period in respect to which the department has
7 made a finding that the county is unable to bear 50% of the cost of
8 care. If the department reduces a county's liability under this
9 section, the director shall inform the respective chairpersons of
10 the appropriations committees of the senate and house of

1 representatives at least 14 days before granting the reduction. The
2 county of residence of the public ward is liable to the state,
3 rather than the county from which the youth was committed, if the
4 juvenile division of the probate court or the family division of
5 circuit court of the county of residence withheld consent to a
6 transfer of proceedings under section 2 of chapter XIIIA of **THE**
7 **PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.2, as determined by the
8 department. The finding that the county is unable to bear 50% of
9 the expense shall be based on a study of the financial resources
10 and necessary expenditures of the county made by the department.

11 (2) The department shall determine the cost of care on a per
12 diem basis using the initial annual allotment of appropriations for
13 the current fiscal year exclusive of capital outlay and the
14 projected occupancy figures upon which that allotment was based.
15 That cost of care applies in determining required reimbursement to
16 the state for care provided during the calendar year immediately
17 following the beginning of the current fiscal year for which the
18 state expenditures were allotted.

19 (3) A county that is a county juvenile agency is liable for
20 the entire cost of a public ward's care while he or she is
21 committed to the county juvenile agency.

22 (4) **IF A PUBLIC WARD IS PLACED IN A PUBLIC OR PRIVATE**
23 **INSTITUTION OR AGENCY LOCATED IN ANOTHER STATE OR COUNTRY, STATE**
24 **FUNDS SHALL NOT BE USED TO COVER ANY PORTION OF THE COST OF CARE**
25 **FOR THAT PUBLIC WARD.**