

HOUSE BILL No. 5836

February 28, 2008, Introduced by Reps. Spade, Byrnes, Polidori, Meadows, Stahl, Brown, Cushingberry, Bieda, Sheltroun and Melton and referred to the Committee on Oversight and Investigations.

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

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

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

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

23 (4) **IF A PUBLIC WARD IS PLACED IN A PUBLIC OR PRIVATE CHILD**
24 **PLACING AGENCY, CHILD CARING INSTITUTION, OR OUT-OF-STATE FACILITY,**
25 **THAT IS NOT ACCREDITED THROUGH EITHER THE JOINT COMMISSION ON**
26 **ACCREDITATION OF HOSPITALS, THE COUNCIL ON ACCREDITATION, OR THE**
27 **COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES, STATE**

1 MONEY SHALL NOT BE USED TO COVER ANY PORTION OF THE COST OF CARE
2 FOR THAT PUBLIC WARD.

3 Enacting section 1. This amendatory act takes effect January
4 1, 2011.