

SENATE BILL No. 171

February 6, 2007, Introduced by Senators CLARK-COLEMAN, JACOBS, SCHAUER, GLEASON, BRATER, SCOTT, ANDERSON, BARCIA and CLARKE and referred to the Committee on Families and Human Services.

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 BY PROVIDING FINANCIAL ASSISTANCE AND**
3 **SERVICES IN AT LEAST THE SAME DEGREE AS THE ASSISTANCE AND SERVICES**
4 **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**
8 **ADOPTION, REGARDLESS OF THE MANNER IN WHICH THE CHILD CAME TO BE**

1 UNDER THE CARE OF THE RELATIVE, INCLUDING, BUT NOT LIMITED TO, THE
2 FOLLOWING:

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

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

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

12 Sec. 18c. Foster care **AND RELATIVE CARE** financed by a county
13 department ~~of social welfare~~ shall be provided by the use of
14 licensed child caring institutions or placement agencies, in
15 accordance with the needs of the child, or if licensed child caring
16 institutions or placement agencies are not available, or there is a
17 religious conflict, foster care **OR RELATIVE CARE** shall be provided
18 under 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 **AND RELATIVE CARE** shall have qualifying
23 training and experience.

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

1 for ~~any~~**A** child placed by the department, toward the end that the
2 child may be reunited with his **OR HER** family as soon as it appears
3 possible.

4 (C) ~~(3)~~ Family foster homes used by the department shall be
5 selected with consideration of the religious, racial, and cultural
6 background of the child to be placed and children ~~thus~~ placed **IN**
7 **FAMILY FOSTER HOMES** shall be visited in these homes at least once a
8 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 care
12 as defined in this section and care in the county medical care
13 facility, but not including hospitalization and infirmary care
14 except for care in the county medical care facility or a county
15 infirmary existing on January 1, 1981, to ~~any~~**A** person domiciled in
16 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~~ **IS**
 8 **NOT** counted in determining settlement. A legal settlement ~~shall be~~
 9 **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~~ **CAUSE**
 12 loss of settlement.

13 (b) ~~To administer~~ **ADMINISTER** categorical assistance including
 14 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** patients,
 20 the institution and the ~~admissions~~ **ADMISSION** to the institution
 21 ~~shall be~~ **ARE** subject to the control of a ~~board to be known as the~~
 22 board of county institutions. The board **OF COUNTY INSTITUTIONS**
 23 shall consist of 5 members appointed by the county board of
 24 commissioners, except that in a county having a board of county
 25 auditors, 3 members of the board of county institutions shall be
 26 appointed by the county board of commissioners and 2 members shall
 27 be appointed by the board of county auditors. Each member of the

1 board **OF COUNTY INSTITUTIONS** shall hold office for a term and
2 receive compensation as the county board of commissioners provides
3 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~~ practicable,
14 care and treatment ~~which~~ **THAT** will tend to restore needy persons to
15 a condition of financial and social independence.

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

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

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

26 (h) Except as otherwise provided in this subdivision, ~~to~~
27 investigate, when requested by the probate court or the family

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

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

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

25 (k) ~~To create~~ **CREATE** within the county department a division
26 of medical care. The county board may appoint a properly qualified
27 and licensed doctor of medicine as the head of the division and an

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

1 county health officer, or the medical superintendent of a county
2 hospital. This section ~~shall permit~~ **PERMITS** the use of a case
3 management system, a patient care management system, or other
4 alternative system for providing medical care.

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

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

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

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

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

1 program of another state agency is considered to best serve the
2 needs of the child, the other state agency shall give priority to
3 the child.

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

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

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

23 (5) All rights to current, past due, and future support
24 payable on behalf of a child committed to or under the supervision
25 of the department and for whom the department is making state or
26 federally funded foster care **OR RELATIVE CARE** maintenance payments
27 are assigned to the department while the child is receiving or

1 benefiting from those payments. When the department ceases making
2 foster care **OR RELATIVE CARE** maintenance payments for the child,
3 both of the following apply:

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

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

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 172.

14 of the 94th Legislature is enacted into law.