

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 437

A bill to amend 1935 PA 220, entitled

"An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,"

by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A child under 17 years of age, provision for whose
2 support and education has been made under regulations of the ~~family~~
3 ~~independence agency~~ **DEPARTMENT**, may be admitted to the Michigan
4 children's institute by commitment to the ~~family independence~~
5 ~~agency~~ **DEPARTMENT**. All children committed to the Michigan
6 children's institute shall be considered committed to the ~~family~~
7 ~~independence agency~~ **DEPARTMENT** and shall be subject to review by
8 the juvenile division of the probate court under chapter XIIIA of
9 the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. The

1 superintendent of the institute shall represent the state as
2 guardian of each child committed beginning with the day the child
3 is admitted and continuing until the child is 19, unless the
4 superintendent or the ~~family independence agency~~ **DEPARTMENT**
5 discharges the child sooner as provided in section 8 or 9 **OR IF THE**
6 **CHILD IS AT LEAST 18 YEARS OF AGE BUT LESS THAN 21 YEARS OF AGE AND**
7 **IS PARTICIPATING IN EXTENDED FOSTER CARE SERVICES AS DESCRIBED IN**
8 **SECTION 11 OF THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.** Wherever
9 commitment to the Michigan children's institute is mentioned in any
10 law of this state, it shall be construed to mean commitment to the
11 ~~family independence agency~~ **DEPARTMENT**. A child may be committed to
12 the ~~family independence agency~~ **DEPARTMENT** by either of the
13 following:

14 (a) By the juvenile division of the probate court, if the
15 child is within the court's jurisdiction under section 2(b) of
16 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

17 (b) By the probate court, if the child is a ward of the court
18 and the court has denied an order of adoption for the child.

19 (c) By observation order. If a child has been decreed to be a
20 ward of the probate court or the juvenile division of the probate
21 court has acquired formal jurisdiction of a child, and it appears
22 to the probate court that, because of the circumstances of the case
23 or because the child's condition might be benefited, the court may
24 make a temporary commitment to the ~~family independence agency~~
25 **DEPARTMENT** and direct that the child be taken to a facility of the
26 Michigan children's institute for observation for a period not to
27 exceed 90 days. Before the expiration of this order of observation,

1 the superintendent of the institute shall report to the probate
2 court the results of the observation of the child. If the
3 superintendent reports to the probate court that the order of
4 observation should be extended or that the child is in need of
5 treatment for emotional disturbance that does not require hospital
6 care and for which the institute has facilities, then the court may
7 extend the temporary commitment and continue the observation order
8 or establish a treatment period for the child to any date prior to
9 the nineteenth birthday of the child. If the child has ceased to be
10 a ward of the court, written consent of the person or persons
11 lawfully having custody of the child shall be secured. Before the
12 expiration of this extended order of observation or treatment, the
13 superintendent shall report to the probate court the results of the
14 observation or treatment of the child and an opinion stating what
15 disposition can be made of the child. Before any child is sent to a
16 facility of the institute for observation, the superintendent of
17 the institute shall notify the probate court that there is room to
18 receive the child and shall designate the facility of the institute
19 for the reception of the child. The commission may by regulation
20 establish conditions for the reimbursement of the expense of caring
21 for the child while under the supervision of the institute if the
22 parents or other persons responsible for the child's support are
23 financially able to pay reasonable costs of the child's care.

24 (2) The superintendent of the institute has the power to make
25 decisions on behalf of a child committed to the institute. The
26 attorney general or his or her representative shall represent the
27 Michigan children's institute superintendent in any court

1 proceeding in which the superintendent considers such
2 representation necessary to carry out his or her duties under this
3 act.

4 (3) AS USED IN THIS ACT, "DEPARTMENT" MEANS THE DEPARTMENT OF
5 HUMAN SERVICES.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. 435 of the 96th Legislature is enacted into
8 law.