

SENATE BILL No. 975

June 10, 2014, Introduced by Senator CASWELL and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 117a (MCL 400.117a), as amended by 2013 PA 138.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 117a. (1) As used in this section and sections 117b to
2 117g:

3 (a) "County juvenile agency" means that term as defined in
4 section 2 of the county juvenile agency act, 1998 PA 518, MCL
5 45.622.

6 (b) "County juvenile agency services" means all juvenile
7 justice services for a juvenile who is within the court's
8 jurisdiction under section 2(a) or (d) of chapter XIIIA of the
9 probate code of 1939, 1939 PA 288, MCL 712A.2, or within the

1 jurisdiction of the court of general jurisdiction under section 606
2 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if
3 that court commits the juvenile to a county or court juvenile
4 facility under section 27a of chapter IV of the code of criminal
5 procedure, 1927 PA 175, MCL 764.27a. If a juvenile who comes within
6 the court's jurisdiction under section 2(a) or (d) of chapter XIIIA
7 of the probate code of 1939, 1939 PA 288, MCL 712A.2, is at that
8 time subject to a court order in connection with a proceeding for
9 which the court acquired jurisdiction under section 2(b) or (c) of
10 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2,
11 juvenile justice services provided to the juvenile before the court
12 enters an order in the subsequent proceeding are not county
13 juvenile agency services, except for juvenile justice services
14 related to detention.

15 (c) "Juvenile justice service" means a service, exclusive of
16 judicial functions, provided by a county for juveniles who are
17 within or likely to come within the court's jurisdiction under
18 section 2 of chapter XIIIA of the probate code of 1939, 1939 PA 288,
19 MCL 712A.2, or within the jurisdiction of the court of general
20 criminal jurisdiction under section 606 of the revised judicature
21 act of 1961, 1961 PA 236, MCL 600.606, if that court commits the
22 juvenile to a county or court juvenile facility under section 27a
23 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL
24 764.27a. A service includes intake, detention, detention
25 alternatives, probation, foster care, diagnostic evaluation and
26 treatment, shelter care, or any other service approved by the
27 office or county juvenile agency, as applicable, including

1 preventive, diversionary, or protective care services. A juvenile
2 justice service approved by the office or county juvenile agency
3 must meet all applicable state and local government licensing
4 standards.

5 (2) A juvenile justice funding system for counties that are
6 not county juvenile agencies, including a child care fund, is
7 established and shall be administered under the department's
8 superintending control.

9 (3) The department shall promulgate rules under the
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
11 24.328, to monitor juvenile justice services money and to prescribe
12 child care fund accounting, reporting, and authorization controls
13 and procedures and child care fund expenditure classifications. For
14 counties required to have a child care fund, the department shall
15 fund services that conform to the child care rules promulgated
16 under this act.

17 (4) The department shall provide for the distribution of money
18 appropriated by the legislature to counties for the cost of
19 juvenile justice services as follows:

20 (a) For a county that is not a county juvenile agency, the
21 amount distributed shall equal 50% of the annual expenditures from
22 the child care fund of the county established under section 117c,
23 except that expenditures under section 117c(3) and expenditures
24 that exceed the amount of a budget approved under section 117c
25 shall not be included. A distribution under this subdivision shall
26 not be made to a county that does not comply with the requirements
27 of this act. The department may reduce the amount distributed to a

1 county by the amount owed to the state for care received in a state
2 operated facility or for care received under 1935 PA 220, MCL
3 400.201 to 400.214, or under the youth rehabilitation services act,
4 1974 PA 150, MCL 803.301 to 803.309. The distribution may be
5 reduced by the amount of uncontested liability.

6 (b) For a county that is a county juvenile agency, the
7 county's block grant amount as determined under section 117g in
8 equal distributions on October 1, January 1, April 1, and July 1 of
9 each state fiscal year.

10 (c) Notwithstanding the provisions in subdivision (a), for the
11 fiscal year ending September 30, 2014, the department shall pay
12 100% of the costs of the \$3.00 increase to the administrative rate
13 for providers of foster care services provided in section 546(4) of
14 article X of 2013 PA 59.

15 (D) NOTWITHSTANDING THE PROVISIONS IN SUBDIVISION (A) AND
16 SUBJECT TO APPROPRIATIONS, IN A COUNTY WITH A POPULATION OF NOT
17 LESS THAN 575,000 OR MORE THAN 650,000, THE DEPARTMENT SHALL PAY
18 100% OF THE ADMINISTRATIVE RATE TO PROVIDERS FOR CASE MANAGEMENT OF
19 FOSTER CARE SERVICES. FOR PURPOSES OF THIS SUBDIVISION ONLY, FOSTER
20 CARE SERVICES INCLUDE SUPERVISION OF PLACEMENTS IN FOSTER FAMILY
21 HOMES, FOSTER FAMILY GROUP HOMES, TREATMENT FOSTER CARE HOMES,
22 INDEPENDENT LIVING PRE-ADOPTIVE PLACEMENTS, RELATIVE HOMES, GROUP
23 HOMES, EMERGENCY SHELTERS, RESIDENTIAL FACILITIES, CHILD CARE
24 INSTITUTIONS, COURT-OPERATED FACILITIES, AND SUPERVISION OF A CHILD
25 UNDER IN-HOME COURT JURISDICTION OR A CHILD THAT IS REUNIFIED WITH
26 THE PARENT THE CHILD LIVED WITH AT THE TIME OF REMOVAL.

27 (E) NOTWITHSTANDING THE PROVISIONS IN SUBDIVISION (A) AND

1 SUBJECT TO APPROPRIATIONS, THE DEPARTMENT MAY IMPLEMENT A
2 PROSPECTIVE PAYMENT SYSTEM IN A COUNTY WITH A POPULATION OF NOT
3 LESS THAN 575,000 OR MORE THAN 650,000, FOR CASE MANAGEMENT OF
4 CHILDREN IN FOSTER CARE IN ACCORDANCE WITH SECTION 503 OF THE
5 ARTICLE DEALING WITH THE DEPARTMENT'S BUDGET IN THE ANNUAL
6 APPROPRIATION FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015. IF THE
7 DEPARTMENT IMPLEMENTS A PROSPECTIVE PAYMENT SYSTEM ACCORDING TO
8 THIS SUBDIVISION, THE COUNTY MAY ONLY BE REQUIRED TO CONTRIBUTE TO
9 FOSTER CARE SERVICES PAYMENTS IN AN AMOUNT THAT DOES NOT EXCEED THE
10 AVERAGE CONTRIBUTION MADE BY THE COUNTY IN THE 3 PREVIOUS FISCAL
11 YEARS BEFORE OCTOBER 1, 2013.

12 (5) The department is liable for the costs of all juvenile
13 justice services in a county that is a county juvenile agency other
14 than county juvenile agency services.

15 (6) The department shall establish guidelines for the
16 development of county juvenile justice service plans in counties
17 that are not county juvenile agencies.

18 (7) A county that is not a county juvenile agency and receives
19 state funds for in-home or out-of-home care of children shall
20 submit reports to the department at least quarterly or as the
21 department otherwise requires. The reports shall be submitted on
22 forms provided by the executive director and shall include the
23 number of children receiving foster care services and the number of
24 days of care provided.

25 (8) The department shall develop a reporting system providing
26 that reimbursement under subsection (4)(a) shall be made only on
27 submission of billings based on care given to a specific,

- 1 individual child. The system shall be implemented not later than
- 2 October 1, 1982.