

SENATE BILL No. 1086

September 23, 2014, Introduced by Senator CASWELL and referred to the Committee on Families, Seniors and Human Services.

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)~~, **SUBSECTIONS**
2 **(3) TO (5)**, 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~~**EXCEPT AS PROVIDED IN SUBSECTION (5), THE** department
12 shall determine the cost of care on a per diem basis using the
13 initial annual allotment of appropriations for the current fiscal
14 year exclusive of capital outlay and the projected occupancy
15 figures upon which that allotment was based. That cost of care
16 applies in determining required reimbursement to the state for care
17 provided during the calendar year immediately following the
18 beginning of the current fiscal year for which the state
19 expenditures were allotted.

20 (3) ~~A~~**EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), A** county
21 that is a county juvenile agency is liable for the entire cost of a
22 public ward's care while he or she is committed to the county
23 juvenile agency.

24 (4) **NOTWITHSTANDING THE PROVISIONS IN SUBSECTION (1) AND**
25 **SUBJECT TO APPROPRIATIONS, IN A COUNTY WITH A POPULATION OF NOT**
26 **LESS THAN 575,000 OR MORE THAN 650,000, THE DEPARTMENT SHALL PAY**
27 **100% OF THE ADMINISTRATIVE RATE TO PROVIDERS FOR CASE MANAGEMENT OF**

1 FOSTER CARE SERVICES. FOR PURPOSES OF THIS SUBSECTION ONLY, FOSTER
2 CARE SERVICES INCLUDE SUPERVISION OF PLACEMENTS IN FOSTER FAMILY
3 HOMES, FOSTER FAMILY GROUP HOMES, TREATMENT FOSTER CARE HOMES,
4 INDEPENDENT LIVING PRE-ADOPTIVE PLACEMENTS, RELATIVE HOMES, GROUP
5 HOMES, EMERGENCY SHELTERS, RESIDENTIAL FACILITIES, CHILD CARE
6 INSTITUTIONS, COURT-OPERATED FACILITIES, AND SUPERVISION OF A CHILD
7 UNDER IN-HOME COURT JURISDICTION OR A CHILD THAT IS REUNIFIED WITH
8 THE PARENT THE CHILD LIVED WITH AT THE TIME OF REMOVAL.

9 (5) NOTWITHSTANDING THE PROVISIONS IN SUBSECTIONS (1) AND (2)
10 AND SUBJECT TO APPROPRIATIONS, THE DEPARTMENT SHALL IMPLEMENT A
11 STATE-ADMINISTERED PERFORMANCE-BASED CHILD WELFARE PAYMENT SYSTEM
12 IN A COUNTY WITH A POPULATION OF NOT LESS THAN 575,000 OR MORE THAN
13 650,000, FOR CASE MANAGEMENT OF CHILDREN IN FOSTER CARE IN
14 ACCORDANCE WITH SECTION 503 OF ARTICLE X OF 2014 PA 252. IF THE
15 DEPARTMENT IMPLEMENTS A STATE-ADMINISTERED PERFORMANCE-BASED CHILD
16 WELFARE PAYMENT SYSTEM ACCORDING TO THIS SUBSECTION, THE COUNTY MAY
17 ONLY BE REQUIRED TO CONTRIBUTE TO FOSTER CARE SERVICES PAYMENTS IN
18 AN AMOUNT THAT DOES NOT EXCEED THE AVERAGE NET CONTRIBUTION MADE BY
19 THE COUNTY FOR CASES RECEIVED UNDER SECTION 2(B) OF CHAPTER XIIA OF
20 THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2, IN THE 3
21 PREVIOUS FISCAL YEARS BEFORE OCTOBER 1, 2013.