

HOUSE BILL No. 5292

October 18, 2001, Introduced by Reps. Clark, Vander Veen, Voorhees, McConico, Dennis, Hale, Plakas, Jacobs, Rison, Quarles, Minore, Bogardus, Basham, Stallworth, Garza, Reeves, Williams, Hardman, Thomas, Schermesser, Bovin, Clarke, Wojno, Callahan, Gielegheem, Whitmer, Murphy, Zelenko, O'Neil, Mans, Waters, Lipsey, Rich Brown, Ruth Johnson, Scranton, DeRossett, Howell, Adamini, Rivet, Daniels, Godchaux, Phillips and Lemmons and referred to the Committee on Family and Children 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), sections 55 and 115b as amended by 1998 PA 516, 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 WITH BOTH FINANCIAL ASSISTANCE AND THE
3 PROVISION OF SERVICES IN AT LEAST THE SAME DEGREE AS THE ASSIST-
4 ANCE AND SERVICES 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,
7 SISTER, STEPSISTER, STEPBROTHER, UNCLE, OR AUNT BY MARRIAGE,
8 BLOOD, OR ADOPTION, REGARDLESS OF THE MANNER IN WHICH THE CHILD

1 CAME TO BE UNDER THE CARE OF THE RELATIVE, INCLUDING, BUT NOT
2 LIMITED TO, THE 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
6 COURT, THE DEPARTMENT, OR A CHILD PLACING AGENCY UNDER THIS ACT,
7 THE 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 THE PROBATE CODE OF 1939, 1939 PA
11 288, MCL 712A.11A.

12 Sec. 18c. Foster care AND RELATIVE CARE financed by a
13 county ~~department of social welfare~~ FAMILY INDEPENDENCE AGENCY
14 shall be provided by the use of licensed child caring institu-
15 tions or placement agencies, in accordance with the needs of the
16 child, or if licensed child caring institutions or placement
17 agencies are not available, or there is a religious conflict,
18 foster care OR RELATIVE CARE shall be provided under the direct
19 supervision of the county department, which care shall meet the
20 following standards of care and service:

21 (1) Personnel engaged in placement and supervision of chil-
22 dren in foster care shall have qualifying training and
23 experience.

24 (2) Adequate records shall be maintained with information on
25 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

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

4 (3) Family foster homes used by the department shall be
5 selected with consideration of the religious, racial, and cul-
6 tural background of the child to be placed and children thus
7 placed shall be visited in these homes at least once a month.

8 Sec. 55. The county department shall administer a public
9 welfare program ~~, as follows~~ TO DO ALL OF THE FOLLOWING:

10 (a) ~~To grant~~ GRANT general assistance, including medical
11 care as defined in this section and care in the county medical
12 care facility, but not including hospitalization and infirmary
13 care except for care in the county medical care facility or a
14 county infirmary existing on January 1, 1981, to ~~any~~ A person
15 domiciled in the county who has a legal settlement in this
16 state. General assistance may also be granted to a person who
17 has a legal settlement in this state but no domicile in the
18 county and a recoupment may be made when appropriate ~~in the~~
19 ~~manner~~ AS provided in cases of emergency hospitalization under
20 this act. In a temporary emergency, general assistance may be
21 given to indigents without a settlement in this state as the
22 county department considers necessary, including, if other funds
23 are not available for the purpose, all necessary expenses in
24 transporting an indigent to his or her domicile in this state, or
25 in another state or nation, ~~when~~ IF information reasonably
26 tends to show that the person has a home available in his or her
27 place of domicile in this state or a legal residence in another

1 state or nation. A legal settlement in this state is acquired by
2 an emancipated person who has lived continuously in this state
3 for 1 year with the intent to make it his or her home and who,
4 during the 1-year period has not received public assistance,
5 other than assistance received during and as a direct result of a
6 civil defense emergency, or support from relatives. Time spent
7 in a public institution ~~shall not be~~ IS NOT counted in deter-
8 mining settlement. A legal settlement ~~shall be~~ IS lost by
9 remaining away from this state for an uninterrupted period of 1
10 year except that absence from this state for labor or other spe-
11 cial or temporary purpose ~~shall~~ DOES not ~~occasion~~ CAUSE loss
12 of settlement.

13 (b) ~~To administer~~ ADMINISTER categorical assistance
14 including medical care.

15 (c) ~~To supervise~~ SUPERVISE and be responsible for the
16 operation of the county infirmary and county medical care
17 facility. In a county having a population of 1,000,000 or more
18 ~~which~~ THAT maintains a county infirmary or county hospital or a
19 joint infirmary and hospital providing for ~~mental~~ MENTALLY ILL
20 patients, the institution and the ~~admissions~~ ADMISSION to the
21 institution ~~shall be~~ ARE subject to the control of ~~a board to~~
22 ~~be known as~~ the board of county institutions. The board OF
23 COUNTY INSTITUTIONS shall consist of 5 members appointed by the
24 county board of commissioners, except that in a county having a
25 board of county auditors, 3 members of the board of county insti-
26 tutions shall be appointed by the county board of commissioners
27 and 2 members shall be appointed by the board of county

1 auditors. Each member of the board OF COUNTY INSTITUTIONS shall
2 hold office for a term and receive compensation as the county
3 board of commissioners provides by ordinance. In relation to the
4 administration of the institutions the board ~~shall have and suc-~~
5 ~~ceed to~~ OF COUNTY INSTITUTIONS HAS all powers and duties
6 formerly vested by law, general, local or special, in the super-
7 intendants of the poor in the county and the board of county
8 institutions as constituted on April 13, 1943. The board of
9 county institutions of the county may also maintain outpatient
10 facilities for the treatment of needy persons suffering from
11 mental ~~disorders~~ ILLNESS. The board shall also have the same
12 powers as are given to the county board in section 78.

13 (d) ~~To furnish~~ FURNISH in all cases, ~~insofar~~ as practi-
14 cable, care and treatment ~~which~~ THAT will tend to restore needy
15 persons to a condition of financial and social independence.

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

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

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

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

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

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

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

1 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, and
2 the persons furnishing these services shall be maintained. This
3 section ~~shall~~ DOES not affect the office of a city physician or
4 city pharmacist established under a city charter, a county health
5 officer, or the medical superintendent of a county hospital.

6 This section ~~shall permit~~ PERMITS the use of a case management
7 system, a patient care management system, or other alternative
8 system for providing medical care.

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

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

16 (n) ~~To act~~ ACT as an agent for the state department in
17 matters requested by the state department under the rules of the
18 state department.

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

22 Sec. 115b. (1) The department shall assume responsibility
23 for all children committed to it by the juvenile division of the
24 probate court, the family division of circuit court, or the court
25 of general criminal jurisdiction under the youth rehabilitation
26 services act, 1974 PA 150, MCL 803.301 to 803.309, and 1935 PA
27 220, MCL 400.201 to 400.214. The department may provide

1 institutional care, supervision in the community, boarding care,
2 halfway house care, RELATIVE CARE, and other children and youth
3 services and programs necessary to meet the needs of those chil-
4 dren or may obtain appropriate services from other state agen-
5 cies, local public agencies, or private agencies, subject to sec-
6 tion 115o. If the program of another state agency is considered
7 to best serve the needs of the child, the other state agency
8 shall give priority to the child.

9 (2) The department shall study and act upon a request for
10 service as to, or a report received of, neglect, exploitation,
11 abuse, cruelty, or abandonment of a child by a parent, guardian,
12 custodian, or person serving in loco parentis, or a report con-
13 cerning a child in need of protection. On the basis of the find-
14 ings of the study, the department shall assure, if necessary, the
15 provision of appropriate social services to the child, parent,
16 guardian, custodian, or person serving in loco parentis, to rein-
17 force and supplement the parental capabilities, so that the
18 behavior or situation causing the problem is corrected or the
19 child is otherwise protected. In assuring the provision of serv-
20 ices and providing the services, the department shall encourage
21 participation by other existing governmental units or licensed
22 agencies and may contract with those agencies for the purchase of
23 any service within the scope of this subsection. The department
24 shall initiate action in an appropriate court if the conduct of a
25 parent, guardian, or custodian requires. The department shall
26 promulgate rules necessary for implementing the services
27 authorized in this subsection. The rules shall include provision

1 for local citizen participation in the program to assure local
2 understanding, coordination, and cooperative action with other
3 community resources. In the provision of services, there shall
4 be maximum utilization of other public, private, and voluntary
5 resources available within a community.

6 (3) When an agency or organization proposes to place for
7 adoption, with a person domiciled in this state, a child who is a
8 citizen of or resides in, a country other than the United States
9 or Canada, the department shall conduct, within 180 days after
10 receipt of the request from the agency or organization, the
11 investigation prescribed by section 46 of chapter X of THE PRO-
12 BATE CODE OF 1939, 1939 PA 288, MCL 710.46. In a county in which
13 the department determines it to be more feasible both geograph-
14 ically and economically, the department may purchase the adoption
15 services up to the actual cost of providing those services. The
16 department shall charge parent fees prescribed by the
17 legislature.

18 (4) The office shall be responsible for the development,
19 interpretation, and dissemination of policy regarding departmen-
20 tal investigations requested or ordered by the probate court
21 under section 55(h) and the provision of foster care OR RELATIVE
22 CARE services authorized by this act. Foster care AND RELATIVE
23 CARE services shall include foster care of state wards, aid to
24 dependent children foster care, foster care of wards of the
25 family division of circuit court placed under the care and super-
26 vision of the department by order of the court, and voluntary
27 parental placement of children in foster care OR RELATIVE CARE.

1 Enacting section 1. This amendatory act does not take
2 effect unless House Bill No. 4858 of the 91st Legislature is
3 enacted into law.