

# HOUSE BILL No. 4964

October 7, 2015, Introduced by Reps. Love, Kesto, Santana, Kosowski, Lucido, Chang, Webber, Byrd, Robinson, Geiss, Banks, Greig, Yanez, Darany, Forlini, Howrylak, LaVoy, Durhal, Rutledge, Irwin, Neeley, Hovey-Wright, Pagan, Plawecki, Moss, Callton and Zemke and referred to the Committee on Criminal Justice.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117a (MCL 400.117a), as amended by 2015 PA 81.

**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  
10 jurisdiction of the court of general jurisdiction under section 606

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

14 (C) "IN-HOME SERVICES" MEANS SERVICES OR PROGRAMS USED TO  
15 PROVIDE CHILDREN WITH EARLY INTERVENTION TO TREAT PROBLEMS OF  
16 DELINQUENCY, SERVICES OR PROGRAMS DETERMINED TO BE ALTERNATIVES TO  
17 OUT-OF-HOME CARE, OR SERVICES OR PROGRAMS TO PROVIDE AN EARLY  
18 RETURN HOME FOR CHILDREN PLACED OUT OF THE HOME. IN-HOME SERVICES  
19 MAY INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

20 (i) INDIVIDUAL AND FAMILY COUNSELING.

21 (ii) EMPLOYMENT/EDUCATIONAL.

22 (iii) WRAPAROUND SERVICES.

23 (iv) FAMILY PRESERVATION.

24 (v) REINTEGRATION SERVICES.

25 (D) ~~(e)~~ "Juvenile justice service" means a service, exclusive  
26 of judicial functions, provided by a county for juveniles who are  
27 within or likely to come within the court's jurisdiction under

1 section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288,  
2 MCL 712A.2, or within the jurisdiction of the court of general  
3 criminal jurisdiction under section 606 of the revised judicature  
4 act of 1961, 1961 PA 236, MCL 600.606, if that court commits the  
5 juvenile to a county or court juvenile facility under section 27a  
6 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL  
7 764.27a. A service includes intake, detention, detention  
8 alternatives, probation, foster care, diagnostic evaluation and  
9 treatment, shelter care, or any other service approved by the  
10 office or county juvenile agency, as applicable, including  
11 preventive, diversionary, or protective care services. A juvenile  
12 justice service approved by the office or county juvenile agency  
13 must meet all applicable state and local government licensing  
14 standards.

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

19 (3) The department shall promulgate rules under the  
20 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
21 24.328, to monitor juvenile justice services money and to prescribe  
22 child care fund accounting, reporting, and authorization controls  
23 and procedures and child care fund expenditure classifications. For  
24 counties required to have a child care fund, the department shall  
25 fund services that conform to the child care rules promulgated  
26 under this act.

27 (4) The department shall provide for the distribution of money

1 appropriated by the legislature to counties for the cost of  
2 juvenile justice services as follows:

3 (a) For a county that is not a county juvenile agency, the  
4 amount distributed shall equal 50% of the annual expenditures from  
5 the child care fund of the county established under section 117c,  
6 except that expenditures under section 117c(3) and expenditures  
7 that exceed the amount of a budget approved under section 117c  
8 shall not be included. A distribution under this subdivision shall  
9 not be made to a county that does not comply with the requirements  
10 of this act. The department may reduce the amount distributed to a  
11 county by the amount owed to the state for care received in a state  
12 operated facility or for care received under 1935 PA 220, MCL  
13 400.201 to 400.214, or under the youth rehabilitation services act,  
14 1974 PA 150, MCL 803.301 to 803.309. The distribution may be  
15 reduced by the amount of uncontested liability. **IN ADDITION TO THE**  
16 **50% DESCRIBED PREVIOUSLY AND DISTRIBUTED UNDER THIS SUBDIVISION, AN**  
17 **AMOUNT EQUAL TO 25% SHALL BE DISTRIBUTED FOR IN-HOME SERVICES.**

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

22 (c) Notwithstanding the provisions in subdivision (a), subject  
23 to appropriations, until September 30, 2016, the department shall  
24 pay 100% of the costs of the \$3.00 increase to the administrative  
25 rate for providers of foster care services provided in the annual  
26 appropriation for the department budget. For the purposes of this  
27 subdivision only, "foster care" means 24-hour substitute care for

1 children placed away from their parents or guardians, as a result  
2 of a court order under section 2(b) of chapter XIIIA of the probate  
3 code of 1939, 1939 PA 288, MCL 712A.2, in placements supervised by  
4 the department or a private child placing agency under contract  
5 with the department for foster care services. Foster care services  
6 include supervision of placements in foster family homes, foster  
7 family group homes, and preadoptive placements.

8 (d) Notwithstanding the provisions of subdivision (a) or (c),  
9 subject to appropriations, for foster care cases established after  
10 October 1, 2013 until September 30, 2016, the department shall pay  
11 100% of the administrative rate for providers of treatment foster  
12 care services and foster care services provided in the annual  
13 appropriation for the department budget. For the purposes of this  
14 subdivision only, "foster care" means 24-hour substitute care for  
15 children placed away from their parents or guardians, as a result  
16 of a court order under section 2(b) of chapter XIIIA of the probate  
17 code of 1939, 1939 PA 288, MCL 712A.2, in placements supervised by  
18 the department or a private child placing agency under contract  
19 with the department for foster care services. Foster care services  
20 include supervision of placements in foster family homes, foster  
21 family group homes, treatment foster care, preadoptive placements,  
22 and supervision of children reunified with the parent with whom the  
23 child lived at the time of removal.

24 (e) Notwithstanding the provisions in subdivision (a), subject  
25 to appropriations, until September 30, 2016, the department shall  
26 pay 100% of the costs of any rate increase to the providers of  
27 residential foster care services under contract with the

1 department, as provided in the annual appropriation for the  
2 department budget.

3 (f) Notwithstanding the provisions in subdivision (a) and  
4 subject to appropriations, in a county with a population of not  
5 less than 575,000 or more than 650,000, for the purpose of this  
6 subdivision only for cases transferred by the department to a child  
7 placing agency, the department shall pay 100% of the administrative  
8 rate to providers responsible for foster care case management  
9 services to families of children who are court-ordered into foster  
10 care due to child abuse or child neglect and placed in the care and  
11 supervision of the department, regardless of placement setting  
12 until the prospective payment system described in subdivision (g)  
13 is implemented. This subdivision does not apply after May 1, 2018.

14 (g) Notwithstanding the provisions in subdivision (a) and  
15 subject to appropriations, the department shall implement a  
16 prospective payment system as part of a state-administered  
17 performance-based child welfare system in a county with a  
18 population of not less than 575,000 or more than 650,000, for  
19 foster care case management in accordance with section 503 of  
20 article X of 2014 PA 252. The county is only required to contribute  
21 to foster care services payments in an amount that does not exceed  
22 the average of the annual net contribution made by the county for  
23 cases received under section 2(b) of chapter XIIIA of the probate  
24 code of 1939, 1939 PA 288, MCL 712A.2, in the 5 previous fiscal  
25 years before October 1, 2015. The prospective payment system as  
26 part of the state-administered performance-based child welfare  
27 system shall be implemented as described in this subdivision but

1 shall not include in-home care service funding. This subdivision  
2 does not apply after May 1, 2018.

3 (h) Subdivisions (f) and (g) only impact child abuse and child  
4 neglect services and not juvenile justice program funding. This  
5 subdivision does not apply after May 1, 2018.

6 (5) The department is liable for the costs of all juvenile  
7 justice services in a county that is a county juvenile agency other  
8 than county juvenile agency services.

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

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

19 (8) The department shall develop a reporting system providing  
20 that reimbursement under subsection (4)(a) shall be made only on  
21 submission of billings based on care given to a specific,  
22 individual child. The system shall be implemented not later than  
23 October 1, 1982.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.