CHAPTER 803. YOUTH TRAINING AND REHABILITATION

HOUSE OF CORRECTION FOR JUVENILE OFFENDERS
Act 78 of 1855

803.11-803.23 Repealed. 1949, Act 31, Eff. Sept. 23, 1949.

MICHIGAN INDUSTRIAL SCHOOL FOR BOYS
Act 114 of 1893

803.51-803.55 Repealed. 1949, Act 30, Eff. Sept. 23, 1949.

BOYS' TRAINING SCHOOL
Act 185 of 1925

803.101-803.113 Repealed. 1974, Act 150, Imd. Eff. June 12, 1974.

BOYS' VOCATIONAL SCHOOL
Act 20 of 1946 (1st Ex. Sess.)

803.201-803.209 Repealed. 1956, Act 181, Imd. Eff. Apr. 17, 1956.

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BOYS' VOCATIONAL SCHOOL
Act 181 of 1956

AN ACT to authorize the department of social welfare to acquire options on a site for and to purchase, subject to the approval of the state administrative board, a site for a boys' vocational school; to authorize planning for site utilization and the preparation of plans; to make appropriations therefor and to repeal certain acts and parts of acts.

History: 1956, Act 181, Imd. Eff. Apr. 17, 1956.

The People of the State of Michigan enact:

803.211 Boys' vocational school; site, options, preliminary plans, estimates.

Sec. 1. The department of social welfare is authorized and directed to obtain options and to purchase a site or sites for the location of a boys' vocational school, to make studies and investigations as to size and type of construction for said school and to prepare preliminary plans and obtain the estimated cost thereof: Provided, That any purchase of a site or sites shall be subject to approval by the state administrative board as to price and accounting procedures.

History: 1956, Act 181, Imd. Eff. Apr. 17, 1956.

803.212 Boys' vocational school; appropriation, disbursement.

Sec. 2. For the purposes of section 1 there is hereby appropriated the sum of $200,000.00 from the general fund of the state. The amounts hereby appropriated shall be paid out of the state treasury at such times and in such manner as is or may be provided by law.

History: 1956, Act 181, Imd. Eff. Apr. 17, 1956.

803.213 Department of social welfare; authorization to call on state agency for assistance.

Sec. 3. The department of social welfare is authorized to call upon any state agency for assistance in carrying out the purposes of this act.

History: 1956, Act 181, Imd. Eff. Apr. 17, 1956.

803.214 Appropriations release; unexpended balances; commitment.

Sec. 4. Expenditures under the provisions of this act shall be authorized when the release of the appropriations is approved by the state administrative board. No agency included within the provisions of this act shall make any commitments for any project until after the release of the appropriation. The board may approve the release of a part of any appropriation for the purpose of preparing such plans or for such studies or investigations as may be necessary.

It is hereby provided that any unexpended balance in any of the appropriations made under this act shall not revert to the fund from which appropriated at the close of the fiscal year, but shall continue until the purposes for which the same were appropriated have been completed.

Any appropriation under the provisions of this act for preliminary plans shall not be deemed a commitment on the part of the legislature for any future appropriations.

History: 1956, Act 181, Imd. Eff. Apr. 17, 1956.

803.215 Repeal.

Sec. 5. Act No. 20 of the Public Acts of the First Extra Session of 1946, as amended, being sections 803.201 to 803.209, inclusive, is hereby repealed.

History: 1956, Act 181, Imd. Eff. Apr. 17, 1956.

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THE JUVENILE FACILITIES ACT
Act 73 of 1988

AN ACT to provide for certain responsibilities and duties of the family independence agency and county juvenile agencies and certain facilities, institutions, and agencies; and to provide for the preparation of certain reports pertaining to certain juveniles.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: "This act shall take effect June 1, 1988." This section was amended by Act 176 of 1988 to read as follows: "This act shall take effect October 1, 1988."

The People of the State of Michigan enact:

803.221 Short title.

Sec. 1. This act shall be known and may be cited as "the juvenile facilities act".

History: 1988, Act 73, Eff. Oct. 1, 1988.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: "This act shall take effect June 1, 1988." This section was amended by Act 176 of 1988 to read as follows: "This act shall take effect October 1, 1988."

803.222 Definitions.

Sec. 2. As used in this act:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act.

(b) "Department" means the family independence agency.

(c) "Juvenile" means a person within the jurisdiction of the family division of the circuit court under section 2(a) of chapter XIIA of 1939 PA 288, MCL 712A.2, or within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(d) "Juvenile facility" means a county facility, an institution operated as an agency of the county or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, or under section 27a of chapter IV or section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 764.27a and 769.1.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1996, Act 416, Eff. Jan. 1, 1998;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: "This act shall take effect June 1, 1988." This section was amended by Act 176 of 1988 to read as follows: "This act shall take effect October 1, 1988."

803.223 Annual report.

Sec. 3. If a juvenile is committed to a juvenile facility, the department or county juvenile agency, as applicable, shall prepare for the court that committed the juvenile an annual report stating the services being provided to the juvenile, where the juvenile has been placed, and the juvenile's progress in that placement.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: "This act shall take effect June 1, 1988." This section was amended by Act 176 of 1988 to read as follows: "This act shall take effect October 1, 1988."

803.224 Inquiry; report.

Sec. 4. (1) If a juvenile within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, is committed to a juvenile facility pending trial, the department or county juvenile agency, as applicable, shall inquire into the juvenile's antecedents, character, and circumstances and shall report in writing to the court before the juvenile's sentencing.

(2) A report prepared under subsection (1) shall include all of the following:

(a) An evaluation of and a prognosis for the juvenile's adjustment in the community based on factual information contained in the report.

(b) A recommendation as to whether the juvenile is more likely to be rehabilitated by the services and facilities available in adult programs and procedures than in juvenile programs and procedures.

(c) A recommendation as to what disposition is in the best interests of the public welfare and the protection of the public security.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1996, Act 416, Eff. Jan. 1, 1998;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: "This act shall take effect June 1, 1988." This section was amended by Act 176 of 1988 to read as follows: "This act shall take effect October 1, 1988."

803.225 Commitment report; petition to conduct review hearing; combining annual report

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with review hearing.

Sec. 5. (1) Before a juvenile hearing under section 18d of chapter XIIA of 1939 PA 288, MCL 712A.18d, or under section 1b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1b, the department or county juvenile agency, as applicable, shall prepare a commitment report for the court. A commitment report shall include all of the following:

(a) The services and programs currently being utilized by, or offered to, the juvenile and the juvenile's participation in those services and programs.

(b) Where the juvenile currently resides and the juvenile's behavior in his or her current placement.

(c) The juvenile's efforts toward rehabilitation.

(d) Recommendations for the juvenile's release or continued custody.

(2) If the department or county juvenile agency, as applicable, believes that the juvenile has been rehabilitated and does not present a serious risk to public safety, the department or county juvenile agency may petition the court to conduct a review hearing at any time before the juvenile becomes 19 years of age or, if the committing court has continued jurisdiction over the juvenile, at any time before the juvenile becomes 21 years of age.

(3) The annual report required by section 3 may be combined with a review hearing under this section.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: "This act shall take effect June 1, 1988." This section was amended by Act 176 of 1988 to read as follows: "This act shall take effect October 1, 1988."

803.225a Community placement and discharge from wardship; chemical testing for DNA identification profiling; exception; providing samples; manner; consent; hearing or court order not required; disclosure; assessment; "felony" and "sample" defined.

Sec. 5a. (1) A juvenile who is under the supervision of the department or a county juvenile agency under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, shall not be placed in a community placement of any kind and shall not be discharged from wardship until he or she has provided samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and has provided samples for a determination of his or her secretor status if any of the following apply:

(a) The juvenile has been found responsible for a violation of section 83, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, and 750.321, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a violation of section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a, or a local ordinance substantially corresponding to section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a.

(b) The juvenile has been convicted of a felony or attempted felony, or any of the following misdemeanors, or local ordinances substantially corresponding to the following misdemeanors:

(*i*) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(*ii*) A violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution.

(*iii*) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(*iv*) A violation of section 451 of the Michigan penal code, 1931 PA 328, MCL 750.451, first and second prostitution violations.

(*v*) A violation of section 454 of the Michigan penal code, 1931 PA 328, MCL 750.454, leasing a house for purposes of prostitution.

(*vi*) A violation of section 462 of the Michigan penal code, 1931 PA 328, MCL 750.462, female under the age of 17 in a house of prostitution.

(2) Notwithstanding subsection (1), if at the time the juvenile is convicted of or found responsible for the violation the investigating law enforcement agency or the department of state police already has a sample from the juvenile that meets the requirements of the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, the juvenile is not required to provide another sample or pay the fee required under subsection (6).

(3) The samples required to be collected under this section shall be collected by the department or county juvenile agency, as applicable, and transmitted by the department or county juvenile agency to the department

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of state police in the manner prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(4) The department or county juvenile agency may collect a sample under this section regardless of whether the juvenile consents to the collection. The department or county juvenile agency is not required to give the juvenile an opportunity for a hearing or obtain a court order before collecting the sample.

(5) The DNA profiles of DNA samples received under this section shall only be disclosed as follows:

(a) To a criminal justice agency for law enforcement identification purposes.

(b) In a judicial proceeding as authorized or required by a court.

(c) To a defendant in a criminal case if the DNA profile is used in conjunction with a charge against the defendant.

(d) For an academic, research, statistical analysis, or protocol developmental purpose only if personal identifications are removed.

(6) A juvenile found responsible for or convicted of 1 or more crimes listed in subsection (1) shall pay an assessment of $60.00. The juvenile agency shall transmit the assessments or portions of assessments collected to the department of treasury for the department of state police forensic science division to defray the costs associated with the requirements of DNA profiling and DNA retention prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(7) As used in this section:

(a) “Felony” means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(b) “Sample” means a portion of a juvenile's blood, saliva, or tissue collected from the juvenile.

History: Add. 1996, Act 511, Imd. Eff. Jan. 9, 1997;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999;—Am. 2001, Act 90, Eff. Jan. 1, 2002.

803.226 Contracts.

Sec. 6. The department and a county juvenile agency may enter into contracts necessary to carry out the duties and responsibilities of this act.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1998, Act 521, Imd. Eff. Jan. 12, 1999.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: “This act shall take effect June 1, 1988.” This section was amended by Act 176 of 1988 to read as follows: “This act shall take effect October 1, 1988.”

803.227 Conditional effective date.

Sec. 7. This act shall not take effect unless all of the following bills of the 84th Legislature are enacted into law:

(a) House Bill No. 4731.

(b) House Bill No. 4733.

(c) House Bill No. 4741.

(d) House Bill No. 4748.

(e) House Bill No. 4750.

(f) House Bill No. 5203.

(g) Senate Bill No. 137.

(h) Senate Bill No. 604.

(i) Senate Bill No. 605.

(j) Senate Bill No. 607.

(k) Senate Bill No. 608.

(*l*) Senate Bill No. 609.

History: 1988, Act 73, Eff. Oct. 1, 1988.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: “This act shall take effect June 1, 1988.” This section was amended by Act 176 of 1988 to read as follows: “This act shall take effect October 1, 1988.”

The following bills, referred to in this section, were enacted into law:

House Bill No. 4731 was filed with the Secretary of State March 14, 1988, and became P.A. 1988, No. 51, Eff. Oct. 1, 1988.

House Bill No. 4733 was filed with the Secretary of State March 14, 1988, and became P.A. 1988, No. 52, Eff. Oct. 1, 1988.

House Bill No. 4741 was filed with the Secretary of State March 14, 1988, and became P.A. 1988, No. 53, Eff. Oct. 1, 1988.

House Bill No. 4748 was filed with the Secretary of State March 25, 1988, and became P.A. 1988, No. 67, Eff. Oct. 1, 1988.

House Bill No. 4750 was filed with the Secretary of State March 14, 1988, and became P.A. 1988, No. 54, Eff. Oct. 1, 1988.

House Bill No. 5203 was filed with the Secretary of State June 21, 1988, and became P.A. 1988, No. 182, Eff. Oct. 1, 1988.

Senate Bill No. 137 was filed with the Secretary of State March 24, 1988, and became P.A. 1988, No. 64, Eff. Oct. 1, 1988.

Senate Bill No. 604 was filed with the Secretary of State March 28, 1988, and became P.A. 1988, No. 74, Eff. Oct. 1, 1988.

Senate Bill No. 605 was filed with the Secretary of State March 28, 1988, and became P.A. 1988, No. 75, Eff. Oct. 1, 1988.

Senate Bill No. 607 was filed with the Secretary of State March 28, 1988, and became P.A. 1988, No. 76, Eff. Oct. 1, 1988.

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Senate Bill No. 608 was filed with the Secretary of State March 28, 1988, and became P.A. 1988, No. 77, Eff. Oct. 1, 1988.
Senate Bill No. 609 was filed with the Secretary of State March 28, 1988, and became P.A. 1988, No. 78, Eff. Oct. 1, 1988.

803.228 Effective date.

Sec. 8. This act shall take effect June 1, 1988.

History: 1988, Act 73, Eff. Oct. 1, 1988;—Am. 1988, Act 176, Eff. Oct. 1, 1988.

Compiler's note: Sec. 8 of Act 73 of 1988 provides: “This act shall take effect June 1, 1988.” This section was amended by Act 176 of 1988 to read as follows: “This act shall take effect October 1, 1988.”

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YOUTH REHABILITATION SERVICES ACT
Act 150 of 1974

AN ACT to provide for the acceptance, care, and discharge of youths committed as public wards; to prescribe the liability for the cost of services for public wards; to prescribe procedures for the return of public wards who absent themselves without permission; to provide a penalty for the violation of this act; and to repeal acts and parts of acts.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1996, Act 512, Imd. Eff. Jan. 9, 1997;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

The People of the State of Michigan enact:

803.301 Short title.

Sec. 1. This act shall be known and may be cited as the "youth rehabilitation services act".

History: 1974, Act 150, Imd. Eff. June 12, 1974.

803.302 Definitions.

Sec. 2. As used in this act:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act.

(b) "Department" means the family independence agency.

(c) "Public ward" means either of the following:

(*i*) A youth accepted for care by a youth agency who is at least 12 years of age when committed to the youth agency by the juvenile division of the probate court or the family division of circuit court under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, if the court acquired jurisdiction over the youth under section 2(a) or (d) of chapter XIIA of 1939 PA 288, MCL 712A.2, and the act for which the youth is committed occurred before his or her seventeenth birthday.

(*ii*) A youth accepted for care by a youth agency who is at least 14 years of age when committed to the youth agency by a court of general criminal jurisdiction under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, if the act for which the youth is committed occurred before his or her seventeenth birthday.

(d) "Youth agency" means either the department or a county juvenile agency, whichever has responsibility over a public ward.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1988, Act 76, Eff. Oct. 1, 1988;—Am. 1996, Act 253, Eff. Jan. 1, 1997;—Am. 1996, Act 417, Eff. Jan. 1, 1998;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

Compiler's note: Section 3 of Act 76 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 179 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."

803.302a County as county juvenile agency; powers; revocation of authorization.

Sec. 2a. (1) On the date a county becomes a county juvenile agency under the county juvenile agency act, the county juvenile agency shall assume responsibility for all public wards for which the department had responsibility and for which the county had financial liability under section 5 immediately before the county became a county juvenile agency.

(2) If the county revokes authorization for the county juvenile agency under the county juvenile agency act, the department shall assume responsibility for the public wards for which the county juvenile agency had responsibility on the effective date of revocation.

History: Add. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

803.303 Youth agency; powers and duties.

Sec. 3. (1) A youth agency may receive and accept youths as public wards for purposes of care and rehabilitation. A youth agency shall accept a youth properly committed to it in accordance with law. Only 1 youth agency has responsibility for a youth at any time. The department shall not receive or accept youths as public wards for a county if that county is a county juvenile agency that assumed responsibility for public wards committed by the juvenile division of probate court, family division of circuit court, or court of general criminal jurisdiction for that county.

(2) Custody of a public ward under this act is as follows:

(a) If the department accepts the youth or responsibility for the youth is transferred to the department as provided in section 2a, the state, represented by the department director or his or her designate, has custody from the time of acceptance until the youth is discharged from wardship under section 7 or responsibility for

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the youth is transferred to a county juvenile agency under section 2a.

(b) If a county juvenile agency accepts the youth or responsibility for the youth is transferred to the county juvenile agency under section 2a, the county has custody from the time of acceptance or transfer until the youth is discharged from wardship under section 7 or responsibility for the youth is transferred to the department under section 2a. For custody purposes, the county is represented by the county department director designated by the following:

(*i*) For a county that has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the county executive or chief administrative officer.

(*ii*) For a county that has adopted an optional unified form of county government under 1973 PA 139, MCL 45.551 to 45.573, the county executive or county manager.

(*iii*) For a county not described in subparagraph (*i*) or (*ii*), the county board of commissioners.

(3) If a public ward is placed in a residential facility other than his or her own home, the youth agency shall provide the youth's food, clothing, housing, educational, medical, and treatment needs. The youth agency may consent to routine nonsurgical medical care or to emergency medical treatment of the youth, but consent for nonemergency elective surgery shall be given by the youth's parent or legal guardian. If a public ward is placed in his or her own home, the youth agency shall provide counseling services and may establish reasonable conditions under which the youth will be permitted to remain in the home, but the youth's parents retain all other parental rights and duties.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

803.304 Youth agency; additional powers and duties.

Sec. 4. (1) A youth agency may establish facilities and programs for the care of public wards. A youth agency shall supervise and operate facilities and programs or contract for the care of public wards, including institutions, halfway houses, youth camps, diagnostic centers, regional detention facilities and treatment centers, group homes, supervision in the community, or other child welfare services.

(2) A youth agency may utilize the facilities, services, or personnel of any approved agency of this state and its political subdivisions or of any licensed private agency for the care and rehabilitation of public wards. A youth agency may contract with the family division of circuit court for the care and rehabilitation of public wards.

(3) A youth agency may supervise a public ward placed in private home care.

(4) A public ward may be placed in any facility, residence, or program described in this section. If the youth agency determines the best interests of a public ward require the involvement of another state or county entity, other than the department of corrections, then the youth agency and that state or county entity shall determine an appropriate care and treatment plan for the public ward. A youth agency may place a public ward in a mental institution under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, unless the public ward resides with his or her parents. If the public ward resides with his or her parents, placement in a mental institution requires consent of the custodial parent. If placement in a mental institution occurs, the public ward shall be returned to the youth agency's custody upon release from the mental institution.

(5) When necessary, a youth agency may place a public ward in a public or private institution or agency incorporated under the laws of another state or country and approved or licensed by that state's or country's approving or licensing agency, provided that the program which the youth agency seeks to place a public ward meets licensing laws, requirements, and rules required for the placement of a public ward with a public or private institution or agency in Michigan. However, if 1 or more appropriate juvenile residential care providers located or doing business in this state have bed space available, the youth agency shall use that space rather than a space available by a provider located or doing business in another state. This requirement does not apply if the provider located or doing business in another state offers a specialized program that is not available in this state. For purposes of placements by the department only, “appropriate juvenile residential care provider” means a private nonprofit entity domiciled in this state that is licensed by the department of consumer and industry services and that entered into 1 or more contracts with the department to provide residential care services for youths on or before the effective date of the amendatory act that added this sentence.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1984, Act 325, Imd. Eff. Dec. 26, 1984;—Am. 1988, Act 76, Eff. Oct. 1, 1988;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

Compiler's note: Section 3 of Act 76 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 179 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

****** 803.305 SUBSECTIONS (4), (5), AND (6) DO NOT APPLY AFTER MAY 1, 2018 ******

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803.305 Cost of public ward's care; payment to providers responsible for foster care management in certain counties; prospective payment system as part of state-administered performance-based child welfare system.

Sec. 5. (1) Except as provided in subsections (3) to (5), the county from which the public ward is committed is liable to the state for 50% of the cost of his or her care, but this amount may be reduced by the use of funds from the annual original foster care grant of the state to the county, or otherwise, for any period in respect to which the department has made a finding that the county is unable to bear 50% of the cost of care. If the department reduces a county's liability under this section, the director shall inform the respective chairpersons of the appropriations committees of the senate and house of representatives at least 14 days before granting the reduction. The county of residence of the public ward is liable to the state, rather than the county from which the youth was committed, if the juvenile division of the probate court or the family division of circuit court of the county of residence withheld consent to a transfer of proceedings under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, as determined by the department. The finding that the county is unable to bear 50% of the expense shall be based on a study of the financial resources and necessary expenditures of the county made by the department.

(2) Except as provided in subsection (5), the department shall determine the cost of care on a per diem basis using the initial annual allotment of appropriations for the current fiscal year exclusive of capital outlay and the projected occupancy figures upon which that allotment was based. That cost of care applies in determining required reimbursement to the state for care provided during the calendar year immediately following the beginning of the current fiscal year for which the state expenditures were allotted.

(3) Except as provided in subsections (4) and (5), a county that is a county juvenile agency is liable for the entire cost of a public ward's care while he or she is committed to the county juvenile agency.

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

(5) Notwithstanding the provisions in subsections (1) and (2) and subject to appropriations, the department shall implement a prospective payment system as part of a state-administered performance-based child welfare system in a county with a population of not less than 575,000 or more than 650,000, for foster care case management in accordance with section 503 of article X of 2014 PA 252. The county is only required to contribute to foster care services payments in an amount that does not exceed the average of the annual net contribution made by the county for cases received under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, in the 5 previous fiscal years before October 1, 2015. The prospective payment system as part of the state-administered performance-based child welfare system shall be implemented as described in this subsection but shall not include in-home care service funding. This subsection does not apply after May 1, 2018.

(6) Subsections (4) and (5) only impact abuse and neglect services and not juvenile justice program funding. This subsection does not apply after May 1, 2018.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1980, Act 305, Eff. Dec. 19, 1980;—Am. 1984, Act 325, Imd. Eff. Dec. 26, 1984;—Am. 1996, Act 417, Eff. Jan. 1, 1998;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999;—Am. 2014, Act 521, Imd. Eff. Jan. 14, 2015.

803.306 Absence of public ward from facility or residence; penalty.

Sec. 6. (1) A public ward shall not absent himself or herself from the facility or residence in which he or she has been placed without the youth agency's prior approval. A public ward who violates this provision may be returned to the facility in which he or she was placed by a peace officer without a warrant. A person who knows the whereabouts of a public ward who violates this subsection shall immediately notify the youth agency and the nearest peace officer.

(2) A person who induces or assists a public ward to violate subsection (1) or who fails to give the notice required in subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

803.306a Escape from facility or residence; notification; orders; applicability of subsection (1); “escape” defined.

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Sec. 6a. (1) If a public ward described in subsection (2) escapes from a facility or residence in which he or she has been placed, other than his or her own home or the home of his or her parent or guardian, the individual at that facility or residence responsible for maintaining custody of the public ward at the time of the escape shall immediately notify 1 of the following of the escape or cause 1 of the following to be immediately notified of the escape:

(a) If the escape occurs in a city, village, or township that has a police department, that police department.

(b) If subdivision (a) does not apply, 1 of the following:

(*i*) The sheriff department of the county where the escape occurs.

(*ii*) The department of state police post having jurisdiction over the area where the escape occurs.

(2) Subsection (1) applies if the public ward is a public ward under an order of any of the following:

(a) The juvenile division of the probate court or the family division of circuit court under section 2(a)(1) of chapter XIIA of 1939 PA 288, MCL 712A.2.

(b) The circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(c) The recorder's court of the city of Detroit under section 10a(1)(c) of former 1919 PA 369.

(3) A police agency that receives notification of an escape under subsection (1) shall enter that notification into the law enforcement information network without undue delay.

(4) As used in this section, “escape” means to leave without lawful authority or to fail to return to custody when required.

History: Add. 1996, Act 481, Eff. Jan. 1, 1997;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

803.307 Duration of public wardship; discharge or release; delayed sentence; sentencing as adult offender.

Sec. 7. (1) A youth accepted by a youth agency remains a public ward until discharged from public wardship with the approval of any of the following and, if placed in an institution, shall remain until released with the approval of any of the following:

(a) If the youth was committed to a youth agency under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, and the youth was adjudicated as being in the court's jurisdiction under section 2(a) of chapter XIIA of 1939 PA 288, MCL 712A.2, with the approval of the family division of circuit court.

(b) If the youth was committed to a youth agency under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, with the approval of the court of general criminal jurisdiction under section 1b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1b.

(2) Except as otherwise provided in this section, a youth accepted as a public ward shall be automatically discharged from public wardship upon reaching the age of 19. Except as provided in subsection (3), a youth committed to a youth agency under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, for an offense that, if committed by an adult, would be a violation or attempted violation of section 72, 83, 84, 86, 88, 89, 91, 110a(2), 186a, 316, 317, 349, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.83, 750.84, 750.86, 750.88, 750.89, 750.91, 750.110a, 750.186a, 750.316, 750.317, 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, 750.530, and 750.531, or section 7401(2)(a)(*i*) or 7403(2)(a)(*i*) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, shall be automatically discharged from public wardship upon reaching the age of 21. Except as provided in subsection (4), a youth committed to a youth agency under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, shall be automatically discharged from public wardship upon reaching the age of 21.

(3) If the family division of circuit court imposes a delayed sentence on the youth under section 18(1)(n) of chapter XIIA of 1939 PA 288, MCL 712A.18, the youth shall be discharged from public wardship and committed under the court's order.

(4) If a court of general criminal jurisdiction sentences the youth to a sentence provided by law for an adult offender under section 1b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1b, the youth shall be discharged from public wardship and committed under the court's order.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1988, Act 76, Eff. Oct. 1, 1988;—Am. 1991, Act 90, Imd. Eff. July 31, 1991;—Am. 1994, Act 198, Eff. Oct. 1, 1994;—Am. 1996, Act 245, Eff. Jan. 1, 1997;—Am. 1996, Act 246, Eff. Jan. 1, 1997;—Am. 1996, Act 417, Eff. Jan. 1, 1998;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

Compiler's note: Section 3 of Act 76 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was amended by Act 179 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

803.307a Chemical testing for DNA identification; samples provided by public ward; collection; transmission to department of state police; manner; consent, hearing, or court hearing not required; disclosure; assessments; “felony” and “sample” defined.

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Sec. 7a. (1) A public ward under a youth agency's jurisdiction shall not be placed in a community placement of any kind and shall not be discharged from wardship until he or she has provided samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and has provided samples for a determination of his or her secretor status if any of the following apply:

(a) The public ward has been found responsible for a violation of section 83, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, and 750.321, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a violation of section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a, or a local ordinance substantially corresponding to section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a.

(b) The public ward has been convicted of a felony or attempted felony, or any of the following misdemeanors, or local ordinances that are substantially corresponding to the following misdemeanors:

(*i*) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(*ii*) A violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution.

(*iii*) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(*iv*) A violation of section 451 of the Michigan penal code, 1931 PA 328, MCL 750.451, first and second prostitution violations.

(*v*) A violation of section 454 of the Michigan penal code, 1931 PA 328, MCL 750.454, leasing a house for purposes of prostitution.

(*vi*) A violation of section 462 of the Michigan penal code, 1931 PA 328, MCL 750.462, female under the age of 17 in a house of prostitution.

(2) Notwithstanding subsection (1), if at the time the public ward is convicted of or found responsible for the violation the investigating law enforcement agency or the department of state police already has a sample from the public ward that meets the requirements of the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, the public ward is not required to provide another sample or pay the fee required under subsection (6).

(3) The samples required to be collected under this section shall be collected by the youth agency and transmitted to the department of state police in the manner prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(4) The youth agency may collect a sample under this section regardless of whether the public ward consents to the collection. The youth agency is not required to give the public ward an opportunity for a hearing or obtain a court order before collecting the sample.

(5) The DNA profiles of DNA samples received under this section shall only be disclosed as follows:

(a) To a criminal justice agency for law enforcement identification purposes.

(b) In a judicial proceeding as authorized or required by a court.

(c) To a defendant in a criminal case if the DNA profile is used in conjunction with a charge against the defendant.

(d) For an academic, research, statistical analysis, or protocol developmental purpose only if personal identifications are removed.

(6) A public ward found responsible for or convicted of 1 or more crimes listed in subsection (1) shall pay an assessment of $60.00. The department shall transmit the assessments or portions of assessments collected to the department of treasury for the department of state police forensic science division to defray the costs associated with the requirements of DNA profiling and DNA retention prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(7) As used in this section:

(a) “Felony” means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.

(b) “Sample” means a portion of a public ward's blood, saliva, or tissue collected from the public ward.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1988, Act 76, Eff. Oct. 1, 1988;—Am. 1991, Act 90, Imd. Eff. July 31, 1991;—Am. 1994, Act 198, Eff. Oct. 1, 1994;—Am. 1996, Act 245, Eff. Jan. 1, 1997;—Am. 1996, Act 246, Eff. Jan. 1, 1997;—Am. 1996, Act 417, Eff. Jan. 1, 1998;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999;—Am. 2001, Act 84, Eff. Jan. 1, 2002;—Am. 2001, Act 85, Eff. Jan. 1, 2002.

Compiler's note: Section 3 of Act 76 of 1988 provides: “This amendatory act shall take effect June 1, 1988.” This section was

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amended by Act 179 of 1988 to read as follows: “This amendatory act shall take effect October 1, 1988.”

803.308 Records confidential; exceptions.

Sec. 8. All records of a youth agency pertaining to a public ward are confidential and shall not be made public except as follows:

(a) If the person is less than 18 years of age, by the agency's authorization when necessary for the person's best interests.

(b) If the person is 18 years of age or older, by his or her consent.

History: 1974, Act 150, Imd. Eff. June 12, 1974;—Am. 1998, Act 517, Imd. Eff. Jan. 12, 1999.

803.309 Repeal; references as referring to department of social services.

Sec. 9. Act No. 183 of the Public Acts of 1925, being sections 804.101 to 804.113 of the Compiled Laws of 1970, and Act No. 185 of the Public Acts of 1925, being sections 803.101 to 803.113 of the Compiled Laws of 1970, are repealed. References in all laws to these acts, the girls' training school, or the boys' training school shall be deemed to refer to the department or institutions operated by the department under this act.

History: 1974, Act 150, Imd. Eff. June 12, 1974.

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CONSERVATION REHABILITATION CAMP FOR MALE DELINQUENT YOUTH
Act 229 of 1962

AN ACT to make appropriations for various state institutions, departments, commissions, boards, agencies and certain state purposes related to public welfare services for the fiscal year ending June 30, 1963, to provide for the expenditure of such appropriations, and to provide for the disposition of fees and other income received by the various state agencies.

History: 1962, Act 229, Imd. Eff. July 12, 1962.

The People of the State of Michigan enact:

803.317 Conservation rehabilitation camp for male delinquent youth; establishment; operations; program; trainees; camp facilities.

Sec. 17. The state department of social welfare shall establish and operate on publicly-owned land a conservation rehabilitation camp for male delinquent youth committed to that department.

The state department of social welfare shall be responsible for the rehabilitation program which shall include academic education, vocational training and personal and vocational counseling by qualified personnel.

The state department of social welfare may select as trainees male youth who have been committed to the department and whose rehabilitation will be furthered by this conservation education-training experience. Any person selected as a trainee shall remain in the custody of the department of social welfare.

In addition to any other amounts appropriated, there is hereby appropriated from the general fund for the fiscal year ending June 30, 1963 to the state department of social welfare the sum of $80,000.00, or as much thereof as may be necessary, for the construction and renovation of camp facilities.

In addition to any other amounts appropriated, there is hereby appropriated from the general fund for the fiscal year ending June 30, 1963 to the state department of social welfare the sum of $100,000.00, or as much thereof as may be necessary, for the operation of camp facilities herein provided. Any expenses incurred by any state department at the request of the state department of social welfare acting under the authority of this act shall be reimbursed from funds appropriated under this act.

History: 1962, Act 229, Imd. Eff. July 12, 1962.

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CONSERVATION REHABILITATION CAMP FOR MALE DELINQUENT YOUTH
Act 145 of 1963

AN ACT to authorize the establishment and maintenance of youth conservation rehabilitation camps; to define the powers and duties of the department of social welfare; and to make appropriations therefor.

History: 1963, Act 145, Imd. Eff. May 14, 1963.

The People of the State of Michigan enact:

803.321 Conservation rehabilitation camp for male delinquent youths; establishment.

Sec. 1. The department of social welfare shall establish and operate on publicly-owned land a conservation rehabilitation camp for male delinquent youth committed to that department.

History: 1963, Act 145, Imd. Eff. May 14, 1963.

803.322 Trainee selection.

Sec. 2. The department of social welfare may select as trainees male youth who have been committed to the department and whose rehabilitation will be furthered by this conservation education-training experience. Any person selected as a trainee shall remain in the custody of the department of social welfare.

History: 1963, Act 145, Imd. Eff. May 14, 1963.

803.323 Appropriation.

Sec. 3. There is hereby appropriated from the general fund for the fiscal year ending June 30, 1964 to the department of social welfare the sum of $50,000.00, or as much thereof as may be necessary, for the completion of construction and renovation of camp facilities. Total cost of such facilities including equipment shall not exceed the $50,000.00 appropriated herein and the $80,000.00 appropriated in Act No. 229 of the Public Acts of 1962.

History: 1963, Act 145, Imd. Eff. May 14, 1963.

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CAMP LAVICTOIRE
Act 145 of 1965

AN ACT to transfer camp LaVictoire from the state department of corrections to the state department of social welfare; and to authorize its operation as a conservation-rehabilitation camp.

History: 1965, Act 145, Imd. Eff. July 12, 1965.

The People of the State of Michigan enact:

803.331 Camp LaVictoire; transfer to department of social welfare.

Sec. 1. The buildings and physical assets comprising camp LaVictoire are hereby transferred from the state department of corrections to the state department of social welfare.

History: 1965, Act 145, Imd. Eff. July 12, 1965.

803.332 Camp LaVictoire; preparation of documents.

Sec. 2. The attorney general shall prepare and have executed the necessary deeds and documents to carry out the provisions of this act.

History: 1965, Act 145, Imd. Eff. July 12, 1965.

803.333 Camp LaVictoire; operation as a conservation-rehabilitation camp.

Sec. 3. The state department of social welfare is authorized to operate camp LaVictoire as a conservation-rehabilitation camp.

History: 1965, Act 145, Imd. Eff. July 12, 1965.

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