

Act No. 225
Public Acts of 1988
Approved by the Governor
July 1, 1988
Filed with the Secretary of State
July 1, 1988

**STATE OF MICHIGAN
84TH LEGISLATURE
REGULAR SESSION OF 1988**

Introduced by Reps. Stabenow, Perry Bullard, Gubow, Jondahl, Leland, Berman, Hickner, Bankes,
Power, Oxender, Smith and Jonker

ENROLLED HOUSE BILL No. 4643

AN ACT to amend section 3 of Act No. 220 of the Public Acts of 1935, entitled as amended "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," being section 400.203 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 3 of Act No. 220 of the Public Acts of 1935, being section 400.203 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 3. A child under 17 years of age, provision for whose support and education has been made under regulations of the commission, may be admitted to the Michigan children's institute by either 1 of the following provisions:

(a) By commitment to the state department of social services. All children committed to the Michigan children's institute shall be considered committed to the state department of social services and shall be subject to review by the juvenile division of the probate court under chapter XIIIA of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws. The superintendent of the institute shall represent the state as guardian of each child committed beginning with the day the child is admitted and continuing until the child is 19, unless the superintendent or the commission discharges the child sooner as provided in section 8 or 9 of this act. Wherever commitment to the Michigan children's institute is mentioned in any law of this state, it shall be construed to mean commitment to the state department of social services. A child may be committed to the state department of social services by either of the following:

(i) By the juvenile division of the probate court, if the child is within the court's jurisdiction under section 2(b) of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws.

(ii) By the probate court, if the child is a ward of the court and the court has denied an order of adoption for the child.

(b) By observation order. If a child has been decreed to be a ward of the probate court or the juvenile division of the probate court has acquired formal jurisdiction of a child, and it appears to the probate court that, because of the circumstances of the case or because the child's condition might be benefited, the court may make a temporary commitment to the state department of social services and direct that the child be taken to a facility of the Michigan children's institute for observation for a period not to exceed 90 days. Before the expiration of this order of observation, the superintendent of the institute shall report to the probate court the results of the observation of the child. If the superintendent reports to the probate court that the order of observation should

be extended or that the child is in need of treatment for emotional disturbance which does not require hospital care and for which the institute has facilities, then the court may extend the temporary commitment and continue the observation order or establish a treatment period for the child to any date prior to the nineteenth birthday of the child. If the child has ceased to be a ward of the court, written consent of the person or persons lawfully having custody of the child shall be secured. Before the expiration of this extended order of observation or treatment, the superintendent shall report to the probate court the results of the observation or treatment of the child and an opinion stating what disposition can be made of the child. Before any child is sent to a facility of the institute for observation, the superintendent of the institute shall notify the probate court that there is room to receive the child and shall designate the facility of the institute for the reception of the child. The commission may by regulation establish conditions for the reimbursement of the expense of caring for the child while under the supervision of the institute if the parents or other persons responsible for the child's support are financially able to pay reasonable costs of the child's care.

Section 2. This amendatory act shall take effect April 1, 1989.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 84th Legislature are enacted into law:

(a) House Bill No. 4642.

(b) House Bill No. 4641.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.