

# HOUSE BILL No. 4643

May 14, 1987, Introduced by Reps. Stabenow, Perry Bullard, Gubow, Jondahl, Leland, Berman, Hickner, Banks, Power, Oxender, Smith and Jonker and referred to the Committee on Judiciary.

A bill 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:

1       Section 1. Section 3 of Act No. 220 of the Public Acts of  
2 1935, being section 400.203 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 3. ~~Any~~ A child under 17 years of age, provision for  
5 whose support and education has been made under regulations of  
6 the commission, may be admitted to the MICHIGAN CHILDREN'S  
7 institute ~~hereafter in accordance with any one~~ BY EITHER 1 of  
8 the following provisions:

1 (a) By commitment to the state department of social  
2 ~~welfare.~~ Any SERVICES. ALL CHILDREN COMMITTED TO THE MICHIGAN  
3 CHILDREN'S INSTITUTE SHALL BE CONSIDERED COMMITTED TO THE STATE  
4 DEPARTMENT OF SOCIAL SERVICES AND SHALL BE SUBJECT TO REVIEW BY  
5 THE JUVENILE DIVISION OF THE PROBATE COURT UNDER CHAPTER XIIA OF  
6 ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO  
7 712A.28 OF THE MICHIGAN COMPILED LAWS. THE SUPERINTENDENT OF THE  
8 INSTITUTE SHALL REPRESENT THE STATE AS GUARDIAN OF EACH CHILD  
9 COMMITTED BEGINNING WITH THE DAY THE CHILD IS ADMITTED AND CON-  
10 TINUING UNTIL THE CHILD IS 19, UNLESS THE SUPERINTENDENT OR THE  
11 COMMISSION DISCHARGES THE CHILD SOONER AS PROVIDED IN SECTION 8  
12 OR 9 OF THIS ACT. WHEREVER COMMITMENT TO THE MICHIGAN CHILDREN'S  
13 INSTITUTE IS MENTIONED IN ANY LAW OF THIS STATE, IT SHALL BE CON-  
14 STRUED TO MEAN COMMITMENT TO THE STATE DEPARTMENT OF SOCIAL  
15 SERVICES. A child may be committed to the state department of  
16 social ~~welfare~~ SERVICES BY EITHER OF THE FOLLOWING:

17 (i) ~~-(1)-~~ By the juvenile division of the probate court, if  
18 the child is ~~abandoned by his parents, guardian or other custo-~~  
19 ~~dian, or is otherwise without proper custody or guardianship, or~~  
20 ~~if the child's home or environment, by reason of neglect, cruel-~~  
21 ~~ty, drunkenness, criminality or depravity on the part of the par-~~  
22 ~~ents, guardian or other custodian, is an unfit place for such~~  
23 ~~child to live in, or~~ WITHIN THE COURT'S JURISDICTION UNDER SEC-  
24 TION 2(B) OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF  
25 1939, BEING SECTION 712A.2 OF THE MICHIGAN COMPILED LAWS.

26 (ii) ~~-(2)-~~ By the probate court, if the child is a ward of  
27 ~~said~~ THE court and the court has denied an order of adoption

1 for ~~said~~ THE child. ~~, if the child is sound in mind and body~~  
2 ~~and free from chronic or contagious disease as shown by a careful~~  
3 ~~examination given by a regularly authorized and competent~~  
4 ~~physician. All children heretofore or hereafter committed to the~~  
5 ~~Michigan children's institute shall be deemed committed to the~~  
6 ~~state department of social welfare. The superintendent of the~~  
7 ~~institute shall represent the state as guardian of each child~~  
8 ~~committed beginning with the day the child is admitted and con-~~  
9 ~~tinuing until the child is 19, unless the superintendent or the~~  
10 ~~commission shall discharge the child sooner as provided in sec-~~  
11 ~~tions 8 or 9 of this act. Wherever commitment to the Michigan~~  
12 ~~children's institute is mentioned in any law of this state, it~~  
13 ~~shall be construed to mean commitment to the state department of~~  
14 ~~social welfare.~~

15 (b) By observation order. ~~When in accordance with the pro-~~  
16 ~~visions of the statutes,~~ IF a child has been decreed to be a  
17 ward of the probate court ~~—~~ or the juvenile division of the  
18 probate court has acquired formal jurisdiction of a child, ~~if it~~  
19 ~~shall appear~~ AND IT APPEARS to the ~~judge of~~ probate COURT  
20 THAT, because of the circumstances of the case ~~—~~ or because the  
21 CHILD'S condition ~~of the child~~ might be benefited, the court  
22 may make a temporary commitment to the state department of social  
23 ~~welfare~~ SERVICES and direct that the child be taken to a facil-  
24 ity of the Michigan children's institute for observation for a  
25 period not to exceed 90 days. Before the expiration of this  
26 order of observation, the superintendent of the institute shall  
27 report to the ~~judge of~~ probate COURT the results of the

1 observation of ~~said~~ THE child. If the superintendent ~~shall~~  
2 ~~report~~ REPORTS to the ~~judge of~~ probate COURT that the order of  
3 observation should be extended ~~—~~ or that the child is in need  
4 of treatment for emotional disturbance which does not require  
5 hospital care and for which the institute has facilities, then  
6 the court may extend the temporary commitment and continue the  
7 observation order or establish a treatment period for the child  
8 to any date prior to the nineteenth birthday of the child. ~~When~~  
9 ~~such~~ IF THE child has ceased to be a ward of the court, written  
10 consent of the person or persons lawfully having custody of the  
11 child shall be secured. Before the expiration of this extended  
12 order of observation or treatment, the superintendent shall  
13 report to the ~~judge of~~ probate COURT the results of the obser-  
14 vation or treatment of the child and an opinion stating what dis-  
15 position can be made of the child. Before any child is sent to a  
16 facility of the institute for observation, the superintendent of  
17 the institute shall notify the ~~judge of~~ probate COURT that  
18 there is room to receive the child and shall designate the facil-  
19 ity of the institute for the reception of the child. The commis-  
20 sion may by regulation establish conditions for the reimbursement  
21 of the expense of caring for ~~said~~ THE child while under the  
22 supervision of the institute ~~when~~ IF the parents or other per-  
23 sons responsible for the child's support are financially able to  
24 pay reasonable costs of ~~such~~ THE CHILD'S care.

25 ~~(c) By transfer. Any child now attending or under the con-~~  
26 ~~trol of the boys' vocational school at Lansing or the girls'~~  
27 ~~training school at Adrian, upon recommendation of the~~

~~1 superintendent of each respective institution and upon approval  
2 of the commission, may be transferred to the care of the Michigan  
3 children's institute for placement and supervision under such  
4 regulations as the commission shall establish when such transfer  
5 will materially benefit the child either mentally or physically.  
6 The original commitment shall be deemed to be in full force and  
7 effect for the purpose of retaining such child in the custody of  
8 the state. Before such transfer is made the superintendent of  
9 the institute shall indicate in writing that there is room to  
10 receive the child and the superintendent, with the approval of  
11 the commission, may return the child to the care of the institu-  
12 tion to which original commitment was made at any time before the  
13 expiration date of the order of commitment.~~

14       Section 2. This amendatory act shall not take effect unless  
15 all of the following bills of the 84th Legislature are enacted  
16 into law:

17       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4642  
18 (request no. 00516'87).

19       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4641  
20 (request no. 00516'87 b).