

HOUSE BILL No. 6079

September 16, 1998, Introduced by Rep. LaForge and referred to the Committee on Human Services and Children.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 55 and 115b (MCL 400.55 and 400.115b), section 55 as amended by 1987 PA 266 and section 115b as amended by 1988 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 55. The county department shall administer a public
2 welfare program, as follows:

3 (a) To grant general assistance, including medical care as
4 defined in this section and care in the county medical care
5 facility, but not including hospitalization and infirmary care
6 except for care in the county medical care facility or a county
7 infirmary existing on January 1, 1981, to any person domiciled in
8 the county who has a legal settlement in this state. General
9 assistance may also be granted to a person who has a legal

1 settlement in this state but no domicile in the county and a
2 recoupment may be made when appropriate in the manner provided in
3 cases of emergency hospitalization under this act. In a tempo-
4 rary emergency, general assistance may be given to indigents
5 without a settlement in this state as the county department con-
6 siders necessary, including, if other funds are not available for
7 the purpose, all necessary expenses in transporting an indigent
8 to his or her domicile in this state, or in another state or
9 nation, when information reasonably tends to show that the person
10 has a home available in his or her place of domicile in this
11 state or a legal residence in another state or nation. A legal
12 settlement in this state is acquired by an emancipated person who
13 has lived continuously in this state for 1 year with the intent
14 to make it his or her home and who, during the 1-year period has
15 not received public assistance, other than assistance received
16 during and as a direct result of a civil defense emergency, or
17 support from relatives. Time spent in a public institution shall
18 not be counted in determining settlement. A legal settlement
19 shall be lost by remaining away from this state for an uninter-
20 rupted period of 1 year except that absence from this state for
21 labor or other special or temporary purpose shall not occasion
22 loss of settlement.

23 (b) To administer categorical assistance including medical
24 care.

25 (c) To supervise and be responsible for the operation of the
26 county infirmary and county medical care facility. In a county
27 having a population of 1,000,000 or more ~~which~~ THAT maintains a

1 county infirmary or county hospital or a joint infirmary and
2 hospital providing for mental patients, the institution and the
3 admissions to the institution ~~shall be~~ ARE subject to the con-
4 trol of a board to be known as the board of county institutions.
5 The board shall consist of 5 members appointed by the county
6 board of commissioners, except that in a county having a board of
7 county auditors, 3 members of the board of county institutions
8 shall be appointed by the county board of commissioners and 2
9 members shall be appointed by the board of county auditors. Each
10 member of the board ~~shall hold~~ HOLDS office for a term and
11 ~~receive~~ RECEIVES compensation as the county board of commis-
12 sioners provides by ordinance. In relation to the administration
13 of the institutions, the board ~~shall have and succeed~~ HAS AND
14 SUCCEEDS to all powers and duties formerly vested by law, gener-
15 al, local, or special, in the superintendents of the poor in the
16 county and the board of county institutions as constituted on
17 April 13, 1943. The board of county institutions of the county
18 may also maintain outpatient facilities for the treatment of
19 needy persons suffering from mental disorders. The board ~~shall~~
20 also ~~have~~ HAS the same powers as are given to the county board
21 in section 78.

22 (d) To furnish in all cases, insofar as practicable, care
23 and treatment ~~which will tend~~ THAT TENDS to restore needy per-
24 sons to a condition of financial and social independence.

25 (e) To require that each applicant ~~shall~~ furnish proof
26 satisfactory to the county board that the applicant is entitled
27 to the aid, assistance, or benefit sought.

1 (f) To investigate, in respect to each application for any
2 form of public aid or assistance, the circumstances of the appli-
3 cant, both at the time of application and periodically during the
4 receipt of aid or assistance.

5 (g) To maintain adequate social and financial records per-
6 taining to each recipient of aid or assistance and so far as is
7 practicable engage in the prevention of social disabilities.

8 (h) To investigate, when requested by the ~~probate~~ court,
9 matters pertaining to dependent, neglected, and delinquent chil-
10 dren and wayward minors, under the jurisdiction of the ~~probate~~
11 court to provide supervision and foster care as provided by court
12 order, and to furnish the court, on request, investigational
13 service in respect to the hospitalization of children under the
14 program of services for crippled children established under part
15 58 of the public health code, ~~Act No. 368 of the Public Acts of~~
16 ~~1978, being sections 333.5801 to 333.5879 of the Michigan~~
17 ~~Compiled Laws~~ 1978 PA 368, MCL 333.5801 TO 333.5879, which serv-
18 ices shall include the follow-up investigation and continuing
19 observations.

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

24 (j) To assist in the development of sound programs and stan-
25 dards of child welfare, and promote programs and policies looking
26 toward the prevention of dependency, neglect, and delinquency and

1 other conditions affecting adversely the welfare of families and
2 children.

3 (k) To create within the county department a division of
4 medical care. The county board may appoint a properly qualified
5 and licensed doctor of medicine as the head of the division and
6 an advisory committee. The advisory committee shall consist of 1
7 doctor of medicine, nominated by the county medical society; 1
8 dentist, nominated by the district dental society; and 1 pharma-
9 cist, nominated by the district pharmaceutical association, to
10 assist in formulating policies of medical care and auditing and
11 reviewing bills. ~~"Medical care" as~~ AS used in this act,
12 "MEDICAL CARE" means medical care rendered under the supervision
13 of a licensed physician in an organized out-patient department of
14 a hospital licensed by the department of public health under
15 article 17 of the public health code, ~~Act No. 368 of the Public~~
16 ~~Acts of 1978, being sections 333.20101 to 333.22181 of the~~
17 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.20101 TO 333.22260,
18 or home and office attendance by a physician, osteopathic physi-
19 cian and surgeon, or podiatrist licensed under article 15 of the
20 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
21 ~~being sections 333.16101 to 333.18838 of the Michigan Compiled~~
22 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.18838; and when pre-
23 scribed by the physician, osteopathic physician and surgeon, or
24 podiatrist, diagnostic services requiring the use of equipment
25 not available in his or her offices, if the services do not
26 require overnight care, dental service, optometric service,
27 bedside nursing service in the home, or pharmaceutical service.

1 The private physician-patient relationship shall be maintained.
2 The normal relationships between the recipients of dental, opto-
3 metric, nursing, and pharmaceutical services, and the services
4 furnished by a physician, osteopathic physician and surgeon,
5 podiatrist, or ~~a~~ chiropractor licensed under article 15 of the
6 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
7 ~~being sections 333.16101 to 333.18838 of the Michigan Compiled~~
8 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.18838, and the persons
9 furnishing these services shall be maintained. This section
10 ~~shall~~ DOES not affect the office of a city physician or city
11 pharmacist established under a city charter, a county health
12 officer, or the medical superintendent of a county hospital.
13 This section ~~shall permit~~ PERMITS the use of a case management
14 system, a patient care management system, or other alternative
15 system for providing medical care.

16 (l) To cause to be suitably buried the body of a deceased
17 indigent person who has a domicile in the county, when requested
18 by the person's relative or friend, or of a stranger, when
19 requested by a public official following an inquest.

20 (m) To administer additional welfare functions as are vested
21 in the department, including hospitalization.

22 (n) To act as an agent for the state department in matters
23 requested by the state department under the rules of the state
24 department.

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

1 Sec. 115b. (1) The office shall assume responsibility for
2 all children committed to the state department by the juvenile
3 division of the probate court, FAMILY DIVISION OF CIRCUIT COURT,
4 or the court of general criminal jurisdiction under the youth
5 rehabilitation services act, ~~Act No. 150 of the Public Acts of~~
6 ~~1974, being sections 803.301 to 803.309 of the Michigan Compiled~~
7 ~~Laws; and Act No. 220 of the Public Acts of 1935, as amended,~~
8 ~~being sections 400.201 to 400.214 of the Michigan Compiled Laws~~
9 1974 PA 150, MCL 803.301 TO 803.309; AND 1935 PA 220, MCL 400.201
10 TO 400.214. Upon the recommendation of the office, the depart-
11 ment may provide institutional care, supervision in the communi-
12 ty, boarding care, halfway house care, and other children and
13 youth services and programs necessary to meet the needs of those
14 children; or may obtain appropriate services from other state
15 agencies, local public agencies, or private agencies. If the
16 program of another state agency is considered to best serve the
17 needs of the child, the other state agency shall give priority to
18 the child.

19 (2) The department, acting in compliance with policies and
20 standards developed by the office, shall study and act upon a
21 request for service as to, or a report received of, neglect,
22 exploitation, abuse, cruelty, or abandonment of a child by a
23 parent, guardian, custodian, NONPARENT ADULT, or person serving
24 in loco parentis, or a report concerning a child in need of
25 protection. On the basis of the findings of the study, the
26 department shall assure, where necessary, the provision of
27 appropriate social services to the child, parent, guardian,

1 custodian, NONPARENT ADULT, or person serving in loco parentis,
2 to reinforce and supplement the parental capabilities, so that
3 the behavior or situation causing the problem is corrected or the
4 child is otherwise protected. The department in assuring the
5 provision of services, and in providing the services, shall
6 encourage participation by other existing governmental units or
7 licensed agencies and may contract with those agencies for the
8 purchase of any service within the scope of this subsection. The
9 department shall initiate action in an appropriate court if the
10 conduct of a parent, guardian, ~~or~~ custodian, OR NONPARENT ADULT
11 requires. The department, in conjunction with the office, shall
12 promulgate rules necessary for implementing the services autho-
13 rized in this subsection. The rules shall include provision for
14 local citizen participation in the program to assure local under-
15 standing, coordination, and cooperative action with other commu-
16 nity resources. In the provision of services, there shall be
17 maximum utilization of other public, private, and voluntary
18 resources available within a community. AS USED IN THIS SUBSEC-
19 TION, "NONPARENT ADULT" MEANS A PERSON WHO MEETS ALL OF THE FOL-
20 LOWING CRITERIA:

21 (A) IS 18 YEARS OF AGE OR OLDER.

22 (B) HAS SUBSTANTIAL AND REGULAR CONTACT WITH THE CHILD UNDER
23 THE JURISDICTION OF THE COURT UNDER SECTION 2(B) OF CHAPTER XIIA
24 OF 1939 PA 288, MCL 712A.2.

25 (C) IS NOT THAT CHILD'S PARENT OR SOMEONE WHO ACTS IN LOCO
26 PARENTIS TO THE CHILD UNDER THE JURISDICTION OF THE COURT UNDER
27 SECTION 2(B) OF CHAPTER XIIA OF 1939 PA 288, MCL 712A.2.

1 (D) IS NOT RELATED TO THE CHILD UNDER THE JURISDICTION OF
2 THE COURT UNDER SECTION 2(B) OF CHAPTER XIIA OF 1939 PA 288, MCL
3 712A.2, BY BLOOD OR AFFINITY TO THE FOURTH DEGREE.

4 (3) ~~When~~ IF an agency or organization proposes to place
5 for adoption, with a person domiciled in this state, a child who
6 is a citizen of or resides in ~~—~~ a country other than the United
7 States or Canada, the department shall conduct, within 180 days
8 after receipt of the request from the agency or organization, the
9 investigation prescribed by section 46 of chapter X of ~~Act~~
10 ~~No. 288 of the Public Acts of 1939, being section 710.46 of the~~
11 ~~Michigan Compiled Laws~~ 1939 PA 288, MCL 710.46. In a county
12 where the office determines it to be more feasible both geograph-
13 ically and economically, the department may purchase the adoption
14 services up to the actual cost of providing those services. The
15 department shall charge parent fees prescribed by the
16 legislature.

17 (4) The office ~~shall be~~ IS responsible for the develop-
18 ment, interpretation, and dissemination of policy regarding
19 departmental investigations requested or ordered by the ~~probate~~
20 court under section 55(h) and the provision of foster care serv-
21 ices authorized by this act. Foster care services shall include
22 foster care of state wards, aid to dependent children foster
23 care, foster care of wards of the ~~juvenile division of the~~
24 ~~probate~~ court placed under the care and supervision of the
25 department by order of the court, and voluntary parental place-
26 ment of children in foster care.