

DEPARTMENT OF SOCIAL SERVICES

GENERAL RULES

(By authority conferred on the department of social services by section 6 of Act No. 280 of the Public Acts of 1939, as amended, being S400.6 of the Michigan Compiled Laws)

PART 5. STATE JUVENILE WARDS

BOYS' TRAINING SCHOOL

R 400.321 Departures from school.

Rule 321. (1) "Temporary leave of absence for vacation" shall be defined as permission to leave the school for a specific and very temporary purpose, to return to school when purpose of absence has been accomplished.

(2) Conditional release, formerly known as "release and parole," shall be defined as supervised placement of a child by an employee of the department upon conditions set by the department when the child's progress requires care outside of the school prior to official discharge. Conditions of release may be placement in the parental home, relative's home, in a foster family home, or group facility.

(3) Cost of care for a child on conditional release in any of the suitable facilities mentioned in subrule (2) above may be assumed by the department not to exceed the established rate for board and care; provided that, when a child on conditional release is placed in the parental home, total cost of care shall be assumed by the parents unless the family is found to be in need on assistance standards.

(4) "Discharge" and "graduation" shall both be defined as an order of the superintendent ending all responsibility or control of school and all supervision.

(5) Boys shall be discharged upon attainment of nineteenth birthday.

(6) The superintendent shall have discretion to discharge:

(a) When court or other supervising agency recommends such action on the basis of successful completion of period of release or parole.

(b) In order to enable boy, with court approval, to enlist for military service.

(c) When a boy 17 years of age or older is believed to have gained maximum advantage from school program or has demonstrated that he does not respond to it.

(d) Upon arrest for a new offense and waiver of jurisdiction from juvenile court to criminal court.

History: 1954 AC; 1979 AC.

USE OF FACILITIES OF DEPARTMENT OF CORRECTIONS FOR BOYS COMMITTED TO
DEPARTMENT OF SOCIAL SERVICES

R 400.331 Procedures prior to use of facilities of corrections department.

Rule 331. (1) The director shall consider the use of the facilities of the corrections department only upon written request of the superintendent of boys' vocational school.

(2) In order to assist him in making a decision, information submitted to the director by the school shall include the following:

(a) A description of the boy's behavior at the boys' vocational school and his inability to adjust. This should include a detailed outline of all procedures which have already been tried in assisting the boy to a better adjustment.

(b) Specific evidence that the boy has been found to be so aggressively out of control as to be a menace to himself or others in boys' vocational school. The following are possible evidences of such behavior, although they do not automatically make a boy eligible, nor does this list exclude other types of behavior:

(i) Assault with intent to do serious bodily injury.

(ii) Repeated acts of physical aggression; history indicates a pattern of extreme aggressiveness.

(iii) Demonstrated inability to participate in the boys' vocational school program, coupled with repeated trancies accompanied by other delinquent acts.

(iv) Forcing another boy, through threat of physical aggression, to be the passive partner in a sexual act more than once.

(v) Habitual use of narcotics.

- (c) Reasons why the boy cannot profit from the boys' vocational school program.
 - (d) Reasons why the boy would profit from care in the Michigan reformatory at Ionia.
 - (e) Additional information in the form of such records as are available regarding his family history and school and community reports.
 - (f) Written reports of physical and psychiatric examinations made specifically because of the request, or within 3 months prior to the request. There must be a positive determination that the boy is not suffering from a mental illness which is possibly sufficient to permit commitment to a state hospital.
- (3) Following a review of the information submitted, the director of the department of social welfare shall hold a personal interview with the boy. Keeping in mind the information submitted to him, during the interview the director will attempt particularly to learn:
- (a) The boy's attitude toward the program and personnel of boys' vocational school.
 - (b) The boy's difficulties, with what he sees as reasons for them.
 - (c) The boy's attitude toward the possibility of placement in the Michigan reformatory at Ionia.
 - (4) The committing judge will be informed that this interview is to be held.
 - (5) Following the interview the director shall make a decision regarding the action to be taken, and if the boy is to be placed in the reformatory the department of corrections shall be notified.
 - (6) Copies of the information submitted to the director shall be forwarded to the department of corrections.

History: 1954 AC; 1979 AC.

R 400.332 Procedures while under care in Michigan reformatory at Ionia.

Rule 332. (1) The boy shall be required to abide by those rules of the department of corrections, which apply to the inmates of the Michigan reformatory at Ionia, and to take part in its regular program, unless excused therefrom by the warden of the Michigan reformatory at Ionia.

(2) Qualified members of the boys' vocational school staff shall be permitted and required to make frequent regular visits to such boys. During such visits the staff members shall attempt to determine the readiness for release or return to the boys' vocational school. The staff members shall contact officials of the Michigan reformatory at Ionia in order to gain supplemental information regarding adjustment of these boys.

(3) The length of the period of stay in the Michigan reformatory at Ionia should be flexible and governed by the varying needs of the boys in placement there. It should thus be governed by the length of time spent in the program that will most benefit the particular boy under consideration.

(4) A boy may be returned at any time and for any reason whatsoever to the boys' vocational school by the director, and when such return is for reasons other than final discharge or reinstatement as a member of the boys' vocational school, he will be returned to the Michigan reformatory at Ionia by the director when the purpose for which he has been returned has been accomplished. This will provide for temporary leaves of absence, necessitated by illness or death in the boy's family, for medical or surgical attention to the boy, and for other personal or family reasons.

History: 1954 AC; 1979 AC.

PAYMENTS TO AND REIMBURSEMENT OF STATE FOR CARE OF CHILDREN

R 400.341 Costs of care; per diem rates.

Rule 341. The social welfare commission shall each year in September establish the daily rate of cost for care of children committed to the state department of social welfare under S804.101 et seq., S803.101 et seq., and S400.201 et seq. of the Michigan Compiled Laws. The rate established shall be determined on the basis of expenditures and days care provided during the immediately preceding state fiscal year for each type of care provided such children. The rate shall apply in determining required reimbursement to the state for care provided during the calendar year immediately following. A separate rate is to be established for each of the following: boarding care, care in girls' training school, care in boys' training school including forestry camps, and care in other group care facilities which the department is authorized to operate for care of such department wards. Each rate shall cover the entire cost of care; except that reimbursement of the state from funds received from the United States veterans' administration for children at Michigan children's institute will be limited to only those expenditures identified as paid in respect to the individual child.

History: 1954 AC; 1979 AC.

Editor's note: Former R 400.341--R 400.348, pertaining to payments to the state for the care of children, were rescinded by 1954 ACS 5. For history of rescinded rules, see 1955 AACCS; 1979 AC.

R 400.343 Costs of care; days' care basis for per diem rates.

Rule 343. The per diem rate shall be determined by dividing the net expenditures by the sum of days care received during the fiscal year by all children receiving each type of care. In case of truancy and temporary leaves of absence, separation shall not be considered to have occurred until after 5 days of absence.

History: 1954 AC; 1979 AC.

R 400.344 Notice to auditor general, department of revenue, and probate courts.

Rule 344. The department of social services will give official notice of annual determination of the rates established under R 400.341 to the auditor general, the department of revenue, and each probate court.

History: 1979 AC.

R 400.345 Charges; computation.

Rule 345. Charges will be made on a monthly basis according to the per diem rate for each type of care and the number of days care provided each child during the month.

History: 1979 AC.

R 400.346 Definition of special guardian.

Rule 346. The phrase "special guardian" as used in part (e) of section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, as amended by Act No. 139 of the Public Acts of 1953, shall not be construed to mean a special guardian appointed pursuant to section 11 of chapter 3 of Act No. 288 of the Public Acts of 1939. Since the state, by the statutes governing boys' vocational school, girls' training school, and Michigan children's institute, has assumed state guardianship of the person of the boys and girls committed to such schools and institute, and the respective superintendents represent the state in such guardianship, the phrase permits them to act also as custodian of funds available from the federal government for the care of children.

History: 1979 AC.

R 400.347 United States veterans administration payments.

Rule 347. Whenever funds for the care of a boy or girl who has been committed to boys' vocational school, girls' training school, or Michigan children's institute may be available from the veterans' administration of the federal government, the superintendent of the institution to which the boy or girl is committed shall request that he be recognized as custodian of the boy or girl and designated as payee for such funds under the regulations of the veterans' administration. When so designated by the veterans' administration, he may pay from such funds to the institution of which he is superintendent the cost of the current care of the boy or girl as determined in R 400.341 and R 400.345 to the extent possible under federal regulations, provided that payments made from such federal funds shall not be in lieu of any reimbursement or reimbursements a parent is ordered to make by the court committing the boy or girl to the institution.

History: 1979 AC.

R 400.348 Survivors benefits.

Rule 348. Whenever the superintendent is payee for benefits under the old age and survivors insurance law of the federal government belonging to any boy or girl for whom he represents the state as guardian, he may pay from such funds to the institution of which he is superintendent the cost of the current care of the boy or girl as determined in R 400.341 and R 400.345 to the extent possible under federal regulations, provided that payments made from such federal funds shall not be in lieu of any reimbursement or reimbursements which a parent is ordered to make by order of the court committing the boy or girl to the institution.

History: 1979 AC.

R 400.349 Federal payments deemed gifts.

Rule 349. Since the naming of the superintendent by the federal government as payee for funds available under the old age and survivors insurance law or through the veterans' administration for any boy or girl is based on the relationship in fact of the superintendent to the boy or girl and not in consideration of any requirement of state law that the federal government so name and pay, payments received by the institutions from their superintendents under R 400.347 and R 400.348 shall be considered gifts of money to the social welfare commission under section 15 of Act No. 280 of the Public Acts of 1939, being S400.15 of the Michigan Compiled Laws, and, after notification of the auditor general, shall be deposited with the state treasurer as a voluntary payment for the care of the boy or girl for whom intended.

History: 1979 AC.

EXCLUSIONS

R 400.361 Procedures prior to order of exclusion.

Rule 361. When the superintendent of boys' vocational school desires to recommend to the social welfare commission the exclusion of a boy who, because of mental or physical defect, would be unable to profit from training in the school, he shall present to the commission the signed statements of the medical doctor, psychiatrist, and clinical psychologist upon which his request is based, together with statements as to whether the nature of the defect would endanger other boys at the school. Copies of the statements and recommendations shall also be sent to the committing judge at least 5 days prior to the meeting of the social welfare commission at which the recommendation will be acted on. The judge will also be informed of the date, time, and place of the meeting.

History: 1954 AC; 1979 AC.

R 400.362 Charge against counties for excludable boys.

Rule 362. Charge against the county for the care of a boy whom the court wishes to remain in boys' vocational school, and the commission has authorized to remain, shall begin for the day following the day of the commission action.

History: 1954 AC; 1979 AC.

GIRLS' TRAINING SCHOOL

R 400.371 Departures from school.

Rule 371. (1) "Leave of absence" shall be defined as permission for a girl to leave the school temporarily for a specific purpose, to return to the school when the purpose of the absence has been accomplished. The girl remains under the control of the school. Such a leave will be granted:

- (a) In case of emergency in the girl's immediate family, when verified by the probate court.
- (b) To girls for whom a brief home visit might serve a useful purpose.
- (c) In case of need for temporary medical care at a place such as the university hospital.

(2) Conditional release, formerly known as "release and parole," shall be defined as supervised placement of a child by an employee of the department upon conditions set by the department when the child's progress requires

care outside of the school prior to official discharge. Conditions of release may be placement in the parental home, relative's home, in a foster family home, or group facility.

(3) Cost of care for a child on conditional release in any of the suitable facilities mentioned in subrule (2) above may be assumed by the department not to exceed the established rate for board and care, provided that when a child on conditional release is placed in the parental home, total cost of care shall be assumed by the parents unless the family is found to be in need on assistance standards.

(4) "Absence without leave" shall be defined as the leaving of the school campus by any girl without official permission.

(5) "Discharge" shall be defined as an order of the superintendent ending all responsibility, control, and supervision by the school.

(a) Girls shall be discharged upon attainment of nineteenth birthday.

(b) The superintendent shall have discretion to discharge a girl upon:

(i) Marriage of the girl with permission of the superintendent.

(ii) Demonstration of her successful social adjustment or self-support over a substantial period of time.

(iii) Demonstration that the girl has received maximum advantage from the school program or that she does not respond to it.

(iv) Return to the county as ineligible for care at the school under the statutory admission restrictions.

(v) Return to the county as incorrigible if the girl is 17 years of age or older.

(vi) Transfer to other state institutions as provided by law, except Michigan children's institute.

(6) Upon agreement with the superintendent of Michigan children's institute, the superintendent may transfer a girl to Michigan children's institute for paid care and supervision. Such transfer shall be used for:

(a) Girls previously transferred from Michigan children's institute to girls' training school and expected to return to the care of the institute after a period of care at the training school.

(b) Pregnant girls during the period of maternity care.

(c) Girls in need of placement and supervision when such transfer will materially benefit them mentally or physically.

History: 1954 AC; 1979 AC.