

Report on Public Policy Position

Name of section:

Judicial Conference Section

Contact Person:

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Bill Number:

[HB 5367](#) (Spade) Children; foster care; out-of-state placement of juvenile; prohibit use of state funds. Amends sec. 18, ch. XIA of [1939 PA 288](#) (MCL 712A.18).

[HB 5368](#) (Spade) Children; foster care; out-of-state placement of juvenile; prohibit use of state funds. Amends sec. 5 of [1974 PA 150](#) (MCL [803.305](#)).

Date position was adopted:

December 7, 2007

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

27

Number who voted in favor and opposed to the position:

23 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

These bills, although well intended, would unnecessarily restrict the treatment options available to juveniles and their families, unnecessarily restrict the options available to the court to protect public safety and place an unnecessary financial burden of county budgets.

By restricting placements to a geographic radius within the state, numerous specialized and cost effective programs may be placed outside the reach of many courts and counties in the state. In fact, in rural areas of the state, including the Upper Peninsula, neighboring state capitols may be closer than a facility within the state, even if operated by a private provider. Further, at the same time that public safety may require a secure detention

placement, the state is closing beds and raising the per diem on the ones that continue to exist. Accordingly, we should increase the options available to the courts and not restrict them.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-5367>

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FOR LEGISLATIVE ISSUES ONLY:

- ✓ **This position falls within the following Keller-permissible category:**
- ✓ **The regulation and discipline of attorneys NO**
- ✓ **The improvement of the functioning of the courts YES**
- ✓ **The availability of legal services to society NO**
- ✓ **The regulation of attorney trust accounts NO**
- ✓ **The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession. NO**

Keller-permissible explanation:

The proposal would impair the ability of courts to choose treatment options for juveniles as well as straining county budgets that provide most of the funding for the operation of probate courts in Michigan.