

A PLAN FOR THE
VOLUNTARY TRANSFER OF JUVENILE COURT PROBATION STAFF
TO THE
MICHIGAN STATE DEPARTMENT OF SOCIAL SERVICES

November, 1979



Office of Children and Youth Services
Michigan Department of Social Services

63066

STATE OF MICHIGAN



WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF SOCIAL SERVICES

300 S. CAPITOL AVENUE, LANSING, MICHIGAN 48926

JOHN T. DEMPSEY, Director

November 9, 1979

Michigan Legislature
State Capitol
Lansing, MI 48901

Re: Plan for the Voluntary Transfer of Juvenile Court Probation Staff
to the Department of Social Services

I have attached a plan for the Voluntary Transfer of Court Probation Staff
to the Michigan Department of Social Services.

This plan is submitted in compliance with the legislative requirement of
the Office of Children and Youth Services, Michigan Department of Social
Services stated in Section 116(3) of Public Act 87 of 1978.

The purpose, approach and recommendations are summarized in the Synopsis
(pages 1-3) and Summary of Recommendations (pages 9-12). The suggested
legislative changes necessary to implement the plan are detailed in the
Recommendations section (pages 47-57).

In brief the plan suggests specific revisions of the Social Welfare Act as
a means of gradually eliminating the dual system of juvenile justice service
delivery in Michigan. This would be accomplished through a voluntary transfer
of all services currently provided by the juvenile courts to the Michigan
Department of Social Services.

This plan has my full support. It would clarify the relationship between
the Judicial and Executive Branches of government to the benefit of both
and would gradually eliminate a fundamental obstacle to the delivery of
efficient and effective services to Michigan youth.

Sincerely,

A handwritten signature in cursive script, reading "John T. Dempsey".

John T. Dempsey



TABLE OF CONTENTS

	<u>Page</u>
SYNOPSIS	1
INTRODUCTION	4
Purpose	4
Overview	4-5
Issues	5-6
Approach	6-7
Method	7-8
SUMMARY OF RECOMMENDATIONS FOR LEGISLATIVE ACTION.	9-12
CURRENT SITUATION	13
Effects of Dual System	14-17
Other States	17-18
County Juvenile Officer System	18-19
County, State Funding of Service Delivery	20-21
Number and Cost of Current Court Services Staff.	21-23
SUGGESTED APPROACH	24
A Gradual Unification of Services.	25-26
Discussion of Judicial and Social Services Functions	26-27
Suggested Distinction Between Executive and Judicial Functions.	27-29
Provision of Intake, Monitoring Services; The County Juvenile Officer	29-31
TRANSFER PROCEDURE	
Discussion	32
List of Procedures	33-38
TRANSFER COSTS	39-42
TRANSFER ISSUES	43-46
RECOMMENDATIONS.	47-57
APPENDICES	
Appendix A - Section 116(1) and 117(a) of the Social Welfare Act	58
Appendix B - Description of Procedures: Personnel Department DSS	59-60
Appendix C - State Employees Retirement System	61-63
Appendix D - Sample Civil Service Transfer Proposal	64-65
Appendix E - Number and Type of Court Service Staff by County. .	66-76
Appendix F - Active Juvenile Court Cases	77
Appendix G - Comments on the Recommendations by Review Committee Members	78-84

SYNOPSIS

This plan has been developed in compliance with a legislative mandate that the Office of Children and Youth Services, Department of Social Services develop a plan for the voluntary transfer of juvenile court probation staff to the Department.

Because probation staff in the courts do much more than just provide probation services, uncertainties arose about how to apply this mandate to the system of juvenile justice as it now exists.

We could have adopted a literal interpretation of the legislation, and outlined procedures for a transfer of probation staff. However, because we were convinced that this approach would create additional confusion, we have focused instead on what is believed to be the intent of the legislature in requesting this plan.

This document is based upon two central themes:

1. Any transfers from the courts to the Department must be voluntary on the part of local officials.
2. Any voluntary transfers must include a transfer of all services currently provided or purchased by the courts.

A draft of this plan was forwarded to members of a review committee of non-departmental representatives. Their comments and questions on the final draft are summarized in Appendix G of this plan.

The responsibility for the direct provision or purchase of services for the prevention, control, and treatment of delinquency and neglect has been in question for some time. This responsibility is currently divided principally

between the juvenile courts and the Michigan Department of Social Services. Each agency is organizationally and constitutionally autonomous.

A number of studies of the Michigan juvenile justice system over the past quarter of a century have examined problems associated with our current system and advocated a single services system to replace Michigan's dual system. Better coordination of services and a reduction in the disparity of services from county to county are principal reasons which have been advanced for bringing together these services within one organization.

We presume the legislature's request for a plan for the voluntary transfer of probation staff from the courts to the Department to be an outgrowth of the findings of these studies, i.e., a concern for increasing equity, consistency and accountability of services to youth, while insuring local involvement in decision making.

We are recommending a gradual elimination of Michigan's dual system of service delivery and the unification of those services within the Executive Branch of government through the following legislative changes:

1. Distinguishing between Judicial and Executive responsibilities.
2. The instigation of negotiations upon the request of local officials to transfer the following services, staff and facilities on a county by county basis: pre-dispositional investigation, probation, adoption, foster care, diagnostic evaluation and treatment, purchased residential care, shelter care, detention, protective care, prevention and diversion services, and other services that may be offered in individual counties.
3. The integration of the transfer process with the state appropriation process.

4. The provision of the authority for both local and state officials and the legislature to stop any transfer at any point in the negotiation process.
5. The payment by the State of 60% of the costs of transferred services, with the exception of detention.
6. The elimination of the county juvenile officer system.
7. The repeal of legislation which permits the court to require the Department to provide services without a court commitment to the Department.

The courts are and have been providing high quality, professional services to Michigan youth. These recommendations for unification are not being presented because it is thought that the Department currently provides better services, but because unification is critical to Michigan's ability to advance its service delivery system. A unified system of services, where accountability is clear and the relations between programs can be established, would be an improvement regardless of what entity administers those services. The Executive branch of government is both constitutionally and logically the appropriate point of unification.

It is our contention that legislative action to unify services and clarify the responsibilities of the Executive and Judicial branches of government would result in the improvement of both services to youth and the performance of judicial functions by the courts.

Roger Lewis, Acting Director
Office of Children & Youth Services

INTRODUCTION

Purpose

This plan is submitted in response to the legislative mandate in Public Act 87 of 1978, which states in Sec. 116(3) that the Office of Children and Youth Services, Department of Social Services:

"...shall develop a plan which permits the voluntary transfer of county juvenile court probation staff to the department (of social services) ..."

The act states that the plan must:¹

1. Require the joint concurrence of the County Board of Commissioners and the Probate Court in order to begin transfer procedures.
2. Set forth procedures for negotiation between the State, the County and the Probate Court.
3. Afford juvenile court probation staff who are transferred the opportunity to be employed in the State Classified Civil Service.
4. Enable the court to maintain sufficient staff to perform all duties required of it by law.
5. Be submitted to the legislature not later than 18 months after the effective date of the subsection, i.e., by October 1, 1979.

Overview

The responsibility for the direct provision or purchase of services for the prevention, control, and treatment of delinquency and neglect has been in question for some time. This responsibility is currently divided principally between the juvenile courts and the Michigan Department of Social Services. Each agency is organizationally and constitutionally autonomous.

¹ See the Appendix, Section A, for the specific language used in the Social Welfare Act of 1939 as amended in 1978.

A number of studies of the Michigan juvenile justice system over the past quarter of a century have examined problems associated with our current system and advocated a single services system to replace Michigan's dual system. Better coordination of services and a reduction in the disparity of services from county to county are principal reasons which have been advanced for bringing together these services within one organization.

Although these studies differ in their approaches, the major issues which have been identified can be summarized as follows:

1. The delivery of services is fragmented between and among judicial, executive and private groups.
2. There are serious inequities in the method of delivery and amount of services available across county lines and between major service delivery agents.
3. There is no consistent method for establishing accountability for services rendered. Therefore, questions of inefficiency, and ineffectiveness remain unresolved.

We presume that the legislature's request for a plan for the voluntary transfer of probation staff from the courts to the Department to be an outgrowth of the findings of these studies, i.e., a concern for increasing equity, consistency, and accountability of services to youth, while insuring local involvement in decision making.

Issues

The legislature's general intentions noted above seem clear. However, upon careful examination of the language of the mandate and its possible consequences, the Department became concerned that implementing the section as written would have a reverse effect from the one intended. It would increase the fragmentation of the system, and reduce the ability of either the courts

or the Department to offer equitable, high-quality services to the youth of Michigan.

Probation staff in many counties perform duties other than the preparation of pre-dispositional reports and the supervision of youth on probation. Probation officers may be responsible for: 1) screening of cases at intake; 2) placement of youth out of their own homes; 3) recruitment, screening, and use of family foster homes; 4) holding of preliminary hearings (referee); 5) administration and supervision of juvenile court programs and services; and 6) other duties as assigned by the judge.

As written, the legislation leaves open the question as to whether or not these services - excluding judicial functions, intake screening and monitoring - are to transfer automatically along with the probation staff who now provide them. The legislation speaks only to the transfer of staff. Presumably, some, all, or none of these services could transfer with the staff depending upon the outcome of negotiations in each county. This action would increase the fragmentation, inefficiency and inequitable distribution of services that appear to be the target of the original legislation.

Approach

Faced with this situation (legislative language that could have the opposite effect from its presumed intent), the Department decided to suggest modifications of the approach described in the legislation, draft the plan based on these modifications, and submit the plan to the legislature for consideration.

As will be described in the body of this plan, the major modification made is the translation of a voluntary transfer of staff into a voluntary transfer of services from the courts to the State.

The legislation requires procedures for the voluntary transfer of probation staff. This plan describes procedures for the voluntary transfer of court services as well as the staff necessary to continue those services within the Department of Social Services.

Method

The following activities were completed in developing and finalizing this report.

1. The collection of information on the number, location, responsibilities and cost of current staff in the juvenile courts.

This information was gathered from existing sources within the Department and the State Court Administrative Office. Because of differences in collection procedures and wide variations in local practice this information must be regarded as generally descriptive rather than exact.

2. The review of previous transfers of staff within Michigan and in other states.

Because staff transfers have either been completed or are being completed on a fairly regular basis in Michigan, the Department of Civil Service has established a fairly definitive list of procedures for completing such transfers. These procedures are described in the text.

Transfers and methods of delivery used in other states were also reviewed and are described in the text. However, the methods used by other states seem to have little application to Michigan's current situation.

3. The review of previous studies of Michigan's juvenile justice system.

A number of studies of the Michigan juvenile justice system have been completed within the last ten years. These studies were reviewed for relevance to the issues dealt with in this plan.

4. The formation of a representative group from other parts of the system

to review issues stemming from the legislation.

The Office assembled a group of non-departmental representatives to review drafts of this plan. The people were selected because of their knowledge of the system and because they were an effective point of contact with the major groups that would be affected by the plan.

When members of this group reassembled to review the final draft, a number of those present disagreed with the approach. A summary of the comments and questions raised by those members of the review committee who wished to comment is presented as Appendix G to this plan.

The remainder of this plan covers the following areas:

1. A summary of recommendations for legislative action.
2. A review of the current situation.
3. A suggested approach for distinguishing executive from judicial functions.
4. A description of procedures for the negotiation and implementation of transfers.
5. A discussion of the fiscal and programatic implications of transferring court services.
6. Presentation of recommendations for legislative action.

SUMMARY OF RECOMMENDATIONS FOR LEGISLATIVE ACTION

A revision of the Social Welfare Act is suggested as a means of implementing each of the following recommendations.

Please see the Recommendations section of this plan for the specific language proposed for each revision.

Recommendation 1: The State should establish a long range policy of unifying juvenile justice services through a transfer of services currently operated by the probate courts to the Executive branch of government.

A revision of Section 116 of the Social Welfare Act is suggested as a means of implementing a gradual, voluntary transfer of services to the Department of Social Services.

The proposed revision lists services now provided by the courts and would:

- a. Restrict transfers to a transfer of all juvenile justice services.
- b. Empower the Office of Children and Youth Services, in conjunction with the State Court Administrative Office, with the authority to settle differences about whether a particular activity is a judicial function or a service as defined by law.
- c. Provide the Department with the authority to initially determine the State's best interests regarding state operation of detention services in compliance with the Regional Detention Plan submitted to the legislature by the Department in April, 1979.

Recommendation 2: A transfer of services should be completed on a county by county basis and be begun only upon the request of local officials. Extensive local involvement will be required to determine the details of each transfer, and to balance the state's interests in consistency with a recognition of the unique characteristics of each county.

A revision of the Social Welfare Act is suggested as a means of stipulating both the procedures and expected results of negotiations between local and state officials in each county that expresses an interest in a transfer of services.

The following is expected to occur as a result of this negotiation process:

- a. Those interested in a transfer, or concerned about its effects will be able to influence the outcome.
- b. Negotiation in each county will insure that the unique characteristics of the county can be taken into account during the development of a transfer plan.
- c. Those involved in the negotiations will gather the information they need to make an informed, final judgment of whether such a transfer could be expected to meet their own interests.
- d. The transfer agreement that is completed during the negotiations will be coordinated with the State budget process. This written agreement will provide the legislature with the detail necessary to determine the expected fiscal and programatic implications of such a transfer in each county.

Recommendation 3: Each major party at interest in each county transfer should have the authority to stop any transfer at any point in the negotiation process, up to legislative and gubernatorial approval.

A number of groups have been suggested for inclusion in the negotiation process: Law enforcement, private children's agencies, Department of Management and Budget, employee associations, etc. However, only the following are suggested as having the authority to veto a transfer before it is finalized: The Department of Social Services, the county board of commissioners, the chief judge of probate, the county board of social services, the legislature and the Governor.

Under current Michigan law the Civil Service Commission must also review and approve transfer agreements before they are implemented.

A final subsection would allow the stoppage of a transfer after legislative approval under extenuating circumstances, but would eliminate any question of a previously approved transfer being rescinded by such things as changes in personnel after the process is complete.

Recommendation 4: The State should assume 60% of the costs of any transferred services, with the remaining 40% to be charged back to local government. Any services not transferred should continue under current reimbursement formulas.

If services are to be unified under the Executive branch of government as specified in Recommendation #1, the legislature must determine how those services will be financed and include that decision in any new legislation.

The Department recommends that the State assume 60% of the cost of any transferred services with the exception of detention (detention costs are suggested as continuing at present 50% state, 50% county costs). The cost of administering these programs is to be assumed by the state.

The total cost of such a transfer will vary depending upon specific circumstances in counties and upon legislative decisions regarding the parameters for such transfers. However, if all counties wished to transfer and county juvenile officers and detention programs also transferred, the current state share of the cost of the staff would increase by an estimated \$7,837,141 and county costs would decrease by approximately \$6,109,921.¹ Because of the recommended equal sharing of detention costs, the state's actual share of the cost of transferred staff salaries and fringes would equal 56 per cent of the total costs for these staff.

¹ The difference between the State increase and county decrease is the result of expected improvements in fringe benefits for staff under state Civil Service provisions.

The 60%/40% formula is designed to strike a balance between the need to encourage counties to consider consolidation of services without providing so much fiscal incentive that the voluntary nature of the transfer is clouded by its fiscal advantages.

Recommendation 5: Eliminate the County Juvenile Officer System.

Two alternative methods of eliminating the County Juvenile Officer System are suggested. Either of these methods would have departmental support. The alternatives are:

- a. Approve Senate Bill 674 submitted on September 24, 1979 by Senator Sederburg.

If this option is selected an additional subsection (described in the Recommendation section) should be added to this bill in order to link this approach with the voluntary transfer process.

- b. Make persons employed as County Juvenile Officers or Assistants employees of the State Court Administrative Office.

If transferred to the State Court Administrative Office, these employees should remain in the courts and be assigned to the maintenance of court functions in counties where services have been transferred.

Recommendation 6: Eliminate the current court option of requiring the Department to provide services to court wards without a commitment to the Department.

The Department recommends that Section 400.55(h) of the Social Welfare Act be repealed.

This subsection provides no particular advantage to Michigan youth, yet results in complex record-keeping and inefficiency. It also reduces the Department's ability to predict and prepare for future changes in its workload.

CURRENT SITUATION

It would not be accurate to say that Michigan currently has a "system" for the delivery of juvenile justice services to youth. Instead there is a dual service delivery system which involves both the Executive and Judicial branches of government. In addition, both of these entities purchase some services through private organizations and agencies.

The Juvenile Division of the Probate Court is responsible for screening (intake) and for making the legal determination for disposition of the individual case (judicial); the court is also responsible for assuring that the orders of the court are carried-out (monitoring).

In addition, the seventy-nine juvenile court jurisdictions presently administer a combination of probation services, secure detention facilities, non-secure detention services, in-home detention services, foster care, purchased residential care, runaway services (both residential and non-residential), youth service bureaus, shelter care, casework for dependent and neglected children and adoptive services.¹

County juvenile court services are staffed by both county paid employees and by employees whose salaries are state subsidized through the County Juvenile Officer system.

The State Department of Social Services provides services to dependent, neglected and abused youth and to adjudicated juvenile delinquents who are committed to the Department by the juvenile court. These services include investigation, continued supervision in the community, residential care in a variety of institutions, camps, halfway houses, group homes, shelter homes, and after-care (parole) supervision. Diversion services are offered in some counties and the Department contracts with private providers for runaway services in eighteen

¹ See P.A. 288, 1939 and P.A. 54, 1944, The Probate Code, Ch. XIIA, Juvenile Division, 712A-712A.28 and The Michigan Juvenile Court Rules, The Michigan Supreme Court, 3/1/79.

counties, plus five centers in Wayne County.

Within the Department, the Office of Children and Youth Services is responsible for planning and programming for local delinquency and neglect services. However, the actual delivery of the services is the responsibility of the 83 local DSS offices, under the supervision of the Department's Field Services Administration.

When a youth is identified by the juvenile court as needing services, those services may be provided by either the court itself or by the Department of Social Services. Frequently, a youth may initially receive services from the court and at some later date, be committed to the State in order to qualify for DSS services.

There are no standard criteria for a judge to determine whether to refer a youth to a court operated service or to commit to the Department of Social Services. This decision may include consideration of some, or all, of the following factors: the committing offense, the youth's age, background and family history, the need for secure placement, the availability of community-based services, the treatment needs of the youth, the current court caseload, monetary considerations, the treatment philosophy of the court, public opinion, etc.

Effects of Dual System¹

This dual delivery system has some negative effects on the quality, effectiveness, and availability of services to youth. Because no single entity is responsible for services delivery there is a lack of statewide planning, coordination, monitoring or accountability for the delivery of services.

¹ The effects of the dual service delivery system were examined recently in detail in the Michigan Comprehensive Plan for Juvenile Justice Services, Office of Juvenile Justice Services, 1977. The reader is referred to that document for a more complete discussion and analysis of this subject. Some of the information contained herein is basically a summary of the Comprehensive Plan.

No specific goals and objectives for juvenile justice services have been developed and adopted by all the service providers. For example, there is no common system-wide interpretation of the two primary guiding philosophies in juvenile justice: the protection of "the best interests of the child" and "the best interests of the public." While individual courts, programs and workers must strive to achieve these goals, there is no common agreement about what the goals really mean, which programs best meet those goals, how goal achievement can best be measured, or what resources are needed to help achieve those goals.

With two basic services delivery units (the court and the Department), there is no comprehensive planning to insure statewide availability of quality services at reasonable costs. Some counties have extensive community-based programs for their youth; other counties have less to offer locally. In addition, there is little coordinated exchange of information between and among the various courts and DSS offices regarding what services are available and which may be worth replicating.

Further, there is no uniform objective method for measuring the effectiveness of various services offered, nor even agreement about what "effectiveness" means. There is no system-wide method of monitoring. The courts and the department are usually responsible for evaluating their own programs, if evaluation is to be done at all.

This scattered responsibility is problematic for several reasons: some programs are never evaluated; some courts lack sufficient evaluation capability to conduct evaluations; and program evaluations are often incompatible with one another, thus hindering program comparisons.

Another troublesome problem which may be largely attributable to the dual service delivery system, is the lack of accountability for the failures of the system to adequately help many youth. There is temptation for the courts and the Department to "second guess" each other's treatment efforts, but no clearly defined mechanism exists for resolving disagreements or for identifying and resolving problems.

Via the Child Care Fund, the State has a significant dollar investment in court delivered services programs but little direct control over the quality or effectiveness of the services offered. Likewise, via the charge back system, the courts participate financially in state-operated residential programs without direct control over the particular service offered a particular youth.

In addition to a dual system of services, the court has dual options for referring youth for DSS services. The court may either commit a youth to the Department as a state ward, or it may require the Department to provide supervision or foster care to court wards who are not committed to the Department.

Section 400.55 of the Social Welfare Act requires the Department:

"(h) To investigate, when requested by the probate court matters pertaining to dependent, neglected, and delinquent children and wayward minors, under the jurisdiction of the probate court to provide supervision and foster care as provided by court order..."

Some courts have argued that this subsection provides distinct advantages to the court, in that it permits the court more direct control over the quality and type of services provided by the Department. Others have said they believe this subsection to be advantageous to youth in that being a court ward is less stigmatizing than being a DSS ward.

The use of this section by the courts, plus the dual system of service delivery, results in three different classifications of youth: 1) court wards being served

by the courts, 2) court wards served by DSS, and 3) DSS wards served by DSS. With the exception that DSS residential facilities may only be used for DSS wards, these classifications have no practical meaning when one examines the type of youth served in each group and the nature of the services provided.

This issue has been of serious concern to the Department for some time, because of the potential it poses for an overload of departmental services. As fiscal pressure on local courts increases, a court could, if it wished, invoke this subsection and require the Department to immediately provide services for all youth now being served by the court. In effect, this subsection now permits the transfer, without advanced notice, of the responsibility for all services to DSS without any transfer of the staff, equipment, supplies or facilities necessary to fulfill that responsibility.

In conclusion, it can be seen that the dual system of services delivery results in unequal availability of services and in fragmented planning, evaluation and accountability for juvenile justice services. The best interests of children would be better served with focused singular responsibility for each major step in the juvenile justice system.

Other States

Other states have also considered the issue of the most appropriate mechanism for the delivery of juvenile justice services. Florida and South Carolina transferred all juvenile justice services to state administration.

In New York State, probation services (both adult and juvenile) are administered as a branch of local government rather than by the courts. The state subsidizes all juvenile services, including probation. In order to qualify for the subsidy, probation departments must hire from a state register of eligible candidates. The register is compiled by competitive testing on a geographic basis and local probation employees must also participate in state staff training programs as a

condition of the county's continued eligibility. The New York State subsidy closely resembles Michigan's Child Care Fund subsidy to counties for the out-of-home placement of wards, except that New York also includes probation and other services of the probation department.

Alabama studied the desirability of such a transfer through legislative committees and decided that the administration of probation services should remain at the county level because of the burgeoning administrative responsibilities of state government.

None of the above action was of a voluntary nature and staff members of the various state and local offices have reported differing opinions as to the effectiveness of their respective delivery systems.

County Juvenile Officer System

Any revision of the current juvenile justice system must address the County Juvenile Officer system. Currently, each county in the state has at least one state-subsidized court worker who operates under the title of County Juvenile Officer (CJO). This position was formerly known as the "County Agent." The County Agent position was originally created 106 years ago and was administered by the State Board of Corrections and Charities.

At that time, services to wards, both delinquent and dependent/neglected, on probation, in institutions or who were indentured, were provided solely by the state and by volunteer court probation officers. In 1909, Act 310 provided that judges could appoint county-paid probation officers as employees of the court (in addition to the state paid county agent). This system of staffing for juvenile courts has remained virtually unchanged for the past 70 years.

The CJO appointment and retention system itself is complicated. The County Juvenile Officer is appointed by the Governor upon the recommendation of the

local juvenile court judge, and works directly for the local juvenile court judge. The CJO enjoys neither full-fledged state Civil Service employee status nor county employee status. His or her state salary is established by statute --- thus, requiring action of the legislature to improve salaries. In some instances salaries are supplemented by local county funds; county fringe benefits may be supplied as well as the state fringes. In other cases, the CJO is totally dependent upon state salary.

Funds for the County Juvenile Officer positions are administered through the Child Care Fund. The state funds are appropriated for these positions according to the guide shown in Table 1.

TABLE 1		
Legislative Formula for Determining the Number of County Juvenile Officers in Each County		
Source: P.A. 377, 1978 (effective October 1, 1978)		
<u>County Population</u>	<u># of CJO's</u>	<u>Salary (state)</u>
to 40,000	1	\$12,443.60
40,000 to 75,000	1	13,112.64
75,000 to 150,000	1	13,801.68
	1 Ass't. CJO	12,068.64
150,000 to 250,000	1	14,511.60
	2 Ass't. CJO's	12,381.84
250,000 to 500,000	1	15,221.52
	4 Ass't. CJO's	12,674.16
500,000 +	1	15,952.32
	6 Ass't. CJO's	12,987.36

County Juvenile Officers provide many different services to local courts. CJO's may provide probation services, may serve as court administrator or as assistant administrator, may serve as referees, or may perform any court-related duty assigned by the juvenile court judge. In Wayne County, for example,

CJO's are used as process servers and legal file clerks.

Appendix E describes in detail the alignment, salary, and duties of the CJO's in each of the counties.

County, State Funding of Service Delivery

The dual system of service delivery has contributed to the development of an extremely complex, fragmented system of county, state and federal funding of juvenile justice services in Michigan.

The various sources of funds for services use different combinations of criteria to determine eligibility for funds. These criteria can include:

1. Family financial status (example: Aid to Dependent Children in Foster Care).
2. Placement (example: Community Residential Care funding).
3. Age (used by most funding sources).
4. Legal status (example: State Ward Board and Care Account).
5. Type of staff (example: County Juvenile Officers).

Some of these funding sources are based on shared state/county responsibility. These may take the form of repayments by the state to the county for services rendered (such as the Child Care Fund) or repayments by the county to the State for services the state has provided county residents (such as State Ward charge back).

Some of the funding of services is based upon 100 per cent state or county payments, with no cost sharing (for example: Adoption subsidies are 100% state costs, while court probation services, unless directed toward in-home detention, are 100% county costs). Others are based on shared county/state costs (for example: Detention is shared 50% state, 50% local).

The above is not intended to provide a description of current funding sources. It is presented to exemplify the current complexity and fragmentation of funding that exists in Michigan.

Because of multiple sources of funds and distinctions in the application of these funds on a county by county basis it is currently impossible to accurately identify the total cost of services now being provided at all level of government. The best that can be done is to attempt to approximate these costs.

Number and Cost of Current Court Service Staff

The following material is drawn from a variety of sources and is an attempt to estimate the cost of services now provided through juvenile courts as accurately as possible.

Most of the cost associated with the provision of services is for staff salaries. The following material describes the number, type and cost of staff now working in courts in primarily service rather than judicial functions.

County juvenile court staff, including County Juvenile Officers, were identified through information obtained from the State Court Administrative Office. The positions were first identified by each Probate Court-Juvenile Division and were reported by the Administrative Office in the 1979 Court Employees Compensation Survey.

Table number 2, which follows, lists the number of positions in courts by type and source of funds. With the exception of County Juvenile Officers (CJO's) all of these staff are tentatively identified as staff performing service functions in the courts. This listing, therefore, excludes positions such as: Judges, referees, probate registers, probate clerks, traffic hearings officers, etc.

Since CJO's are handled separately in the narrative, all CJO and ACJO positions are included regardless of their function in the courts. If clerical positions were specifically identified in the Compensation Survey as working in the juvenile rather than probate division, they are included as services staff.

TABLE 2

Estimated State Total of CJO's, ACJO's and
Court Staff Working in Non-Judicial
Court Functions by Number, Source of Funds and Cost

Source: • 1979 Court Employees Compensation Survey, State Court
Administrative Office
• Child Care Resources Division, Office of Children and
Youth Services

Position	Number	Source of Funds	Salary plus Fringe ⁶		
			State Share	County Share	Total
County Juvenile Officers	137 ¹	• Child Care CJO, ACJO Fund • CCF Basic Grant • Some County Salary Supplements	\$2,068,634 ²	\$ 627,828	\$ 2,696,4
County Juvenile Court Services Staff ³	716	• County Funds • Some Costs Shared by State	(unknown) ⁴	14,816,213	14,816,2
Detention Employees	768 ⁵	• Shared State/County	6,069,585	6,069,585 ⁵	12,139,1
TOTALS	1,621		\$8,138,219	\$21,513,626	<u>\$29,651,8</u>

1. The number and cost of CJO's and ACJO's includes 3 probation officer positions funded through Child Care Fund Basic Grant provisions.
2. The state cost figure does not include state payments for CJO and ACJO travel, estimated at \$94,000 per year.
3. As described in the text, the number of service related court staff was determined by classifying court staff into services and judicial categories according to position title. Based on this classification, no court staff with primarily judicial responsibilities are included in this figure. See Appendix E for county by county detail on number, type and cost of staff.
4. An undetermined amount of state funds are being used to reimburse counties for the costs of some staff. See text for discussion.
5. Detention employees are included in this listing regardless of title. The costs shown are only those reimbursable under state guidelines. The actual county share of detention costs is likely to be higher than the figure shown.
6. There are wide variations in fringe benefits provided on a by-county basis. Fringes have been included in these figures based on an estimate average of 15% above base salary. The actual fringes provided for court staff are 10 to 13 per cent higher in some counties.

The above can be used as a general guide for estimating the costs of services now provided by courts. However, a number of major costs of current court service delivery cannot be estimated at the present time. These costs include such things as: Office space, equipment, supplies, travel, etc.

The actual current state share of the costs of services is higher than shown because of state payments for in-home care services. The FY 78-79 appropriation for in-home care is \$1,788,530. In-home care funds are occasionally used as match for OCJ funds, thus the actual costs of the programs can be much greater than just the state share. Some of the state in-home care fund is used in the DSS subaccount and some in the Court Child Care Fund subaccount. Since the court staff working in in-home care cannot be separately identified in the court's Compensation Survey the State's share of the cost of these positions cannot be identified. In any event, the percentage of state funds used for the court positions listed, is minimal.

In addition, a considerable amount of state funds for services is paid to third party providers identified by the courts: foster care families, child care institutions, etc. If services are transferred, these costs could go up or down depending upon the extent of departmental use of direct vs. purchased services.

Although cost estimates can be provided, the dual system of service delivery, the distinct character of each court and the complexity and duplication of information sources, combine to make it impossible to accurately identify all court provided services costs without extensive on-site assessments in each court. This assessment will have to be completed on a county by county basis as part of the transfer negotiation process suggested later in this plan.

SUGGESTED APPROACH

The Public Welfare Act as amended is replete with references to public concern about the equity, efficiency and effectiveness with which juvenile justice services are delivered. A voluntary transfer of court services can promote these values through the following:

- The triple statuses of: court ward receiving court services, court ward receiving DSS services, and DSS ward receiving DSS services, can be eliminated, given accompanying statutory change.
- The delays which occur with the change in legal status and the cost of legal procedures can be reduced.
- Treatment and placement planning can be done with a full range of possibilities in mind.
- Execution of the plan can be completed more efficiently.
- Common objectives, standards and policies can be set.
- Unified training programs can be developed.
- A common tendency to prefer "our" programs to "theirs" will be eliminated.
- A very complex set of rules and procedures related to funding arrangements of charge backs and reimbursements can be combined and simplified.
- Finally, juvenile court judges will be relieved of the responsibility to administer social services. They will be free to concentrate upon their judicial responsibilities.

Accountability for the quality of services will be affixed to one agency.

Section 116(3) of the Social Welfare Act refers to the voluntary transfer of "county juvenile court probation staff." As noted in the introduction to this report, probation staff in Michigan's juvenile courts do more than just prepare

predisposition reports for the judge and supervise youth who are placed on probation.

We assume that the legislature intended that all services, exclusive of judicial functions, intake and monitoring, are to transfer with the staff which provides them. If only probation services per se were to transfer other social services would be left behind for the court and county to supply through other staff or through purchase. We consider this interpretation to be untenable. The result would almost certainly be greater fragmentation of services, not unification.

However, since the statutory language refers to the voluntary transfer of probation staff rather than the transfer of services provided by the court and all services staff exclusive of judicial functions, legislative clarification is needed as an essential feature of enabling legislation.

A Gradual Unification of Services

The case for unification of staff and services as providing improved equity, efficiency and effectiveness in services, and clearly established accountability, appears compelling.

However, the argument for unification is not incontrovertible. Most juvenile justice services systems across the United States are dual systems similar to Michigan's system. A number of Michigan's juvenile courts have developed considerable self-sufficiency in the range of services which county government enables them to provide.

We believe it is to Michigan's advantage to move gradually. The knowledge which is gained from a few counties about the results of staff and services unification and the accompanying costs will place county governments and the State alike in a much better position to decide whether total unification in Michigan is advisable or whether other alternatives should be considered.

Gradual rather than immediate unification will provide additional advantages. The initial costs of unification and the continuing costs of program operation will be identified more precisely, and the costs of unification can be spread over several years. In addition, this will permit the gradual consolidation of a variety of payment and funding systems.

Discussion of Judicial and Social Services Functions.

As defined in Section 117(a) of the Social Welfare Act, services, exclusive of judicial functions, include: *"intake, detention, detention alternatives, probation, foster care, diagnostic evaluation and treatment, shelter care, or any other service approved by the office, including preventive, diversionary or protective care services."*

Section 116(3) requires that *"The plan shall enable the court to maintain sufficient staff to enforce court orders and to perform the preliminary inquiry and monitoring of court wards ---."*

Thus, judicial functions, plus intake (preliminary inquiry) and the monitoring of the execution of court orders would remain with the juvenile court. To the extent that probation staff now perform some of these functions, the court would need to retain a sufficient number of these staff to maintain these judicial functions.

Section 115e(1) of the Social Welfare Act states: *"The department, to the extent of funds appropriated for that purpose may assume the administration and operation or the administration, operation and facilities of a detention home established as an agency of the juvenile court under section 16 of chapter 12A of Act No. 288 of the Public Acts of 1939, being section 712 A.16 of the Michigan Compiled Laws."*

Detention homes are part of the services currently operated by nineteen courts. These homes and the staff working in them should be part of the services transferred to the Department in those counties wishing to transfer services.

However, the Department should retain the option of exempting detention services in any given county from the services accepted for transfer. The Department would only accept those facilities which, in the opinion of the Department, could be effectively and efficiently operated as regional detention homes in compliance with the Michigan Regional Detention Plan (April, 1979). This plan was submitted to the legislature by the Department in compliance with Section 400.115(d) of the Social Welfare Act.

Suggested Distinction Between Executive and Judicial Functions

1. Judicial Functions

- a. Intake - To determine what judicial action, if any, should be taken upon a complaint or petition.

NOTE: Section 117(a)(1) lists intake as a non-judicial service.

Section 116(3) specifies that the court must be provided with sufficient staff to perform the "preliminary inquiry," i.e., intake. This definition focuses on those aspects of current intake operations which involve the determination of appropriate judicial action and includes these along with other judicial functions (see the service definitions of "predisposition investigation" and "diagnostic evaluation" in the following pages).

- b. Preliminary Hearing - For children who have been taken into custody, to determine whether a petition should be authorized and whether the child should continue to be detained or should be released to parents, guardian or custodian.
- c. Adjudication - To arrive at a decision about the charges in the petition on the basis of the evidence presented.

- d. Disposition - To decide whether the child or youth should be made a ward of the court and to select the control/treatment option which is appropriate for the child or youth.
- e. Register - To perform or supervise (1) the processing of legal documents and (2) clerical and bookkeeping activities.
- f. Recording/Reporting - To make verbatim records of juvenile court proceedings by use of shorthand, machine shorthand or electronic equipment and to prepare transcripts as directed.
- g. Typing/Clerical - Typing of legal, social documents, filing, receptionist and other clerical tasks.
- h. Bailiff/Court Officer - To maintain courtroom security, to assist the judge or referee by delivering files, handling jury arrangements, and other related duties.
- i. Monitoring - To oversee the execution and result of court orders.

2. Services Functions

- a. Predisposition Investigation and Report - To collect and to report information relevant and necessary to the selection of an appropriate order of disposition.
- b. Probation - To provide investigative and supervisory services for children and youth who are placed in their own homes, the homes of relatives or in foster homes.
- c. Foster Care - To place and to maintain children and youth in licensed non-relative family foster homes, group homes, halfway houses and institutions. Family foster care functions also may include recruitment, screening, certification or licensing and monitoring.
- d. Diagnostic Evaluations/Treatment - To determine the causes of a child's problems and to apply an appropriate treatment. Customarily, diagnosis/treatment includes the use of psychological and/or psychiatric concepts and techniques.

- e. Shelter Care - To provide an alternative to secure custody detention for abused and neglected children and low risk delinquent youth.
- f. Protective Services - To investigate complaints of abuse and neglect, taking into temporary custody if at serious risk, to diagnose the causes of the abuse or neglect and to develop a remedy which will result in restoration to the family or which will provide an alternative placement if return to parents is not indicated.
- g. Prevention/Diversion - To provide programs which are alternatives to juvenile court intervention or which are alternatives to adjudication and disposition.
- h. Detention - To provide temporary residential care in a physically restrictive setting prior to adjudication, or after adjudication and disposition while awaiting placement.
- i. Transportation - To provide the resources necessary for the secure and timely movement of youth, such as from the court to detention and back.

Provision of Intake, Monitoring Services; The County Juvenile Officer

Senate Bill no. 674, submitted on September 24, 1979 by Senator Sederburg suggests a means of gradually abolishing the County Juvenile Officer system.

In summary, the bill would offer current County Juvenile Officers and Assistant County Juvenile Officers a choice between:

- a. Full participation in the states fringe benefit package provided for members of state classified civil service.
- b. Retaining whatever fringe benefits are currently provided in the county in addition to participation in the State Retirement System.

- c. With the approval of the chief judge, becoming full county employees with salary and benefits provided as stipulated in the county.

For any new CJO's or ACJO's, and any current employees that elect Option "c" above, the state would provide a grant to the county for staff salaries based on the size of the county.

If passed by the Legislature Senate Bill 674 would gradually eliminate the County Juvenile Officer system and replace it with grants to counties for court staff based on county size.

These provisions would gradually eliminate the County Juvenile Officer (CJO) and Assistant County Juvenile Officer (ACJO) by converting these positions to county employee positions subsidized by the State.

An alternative could be to convert CJO's and ACJO's to employees of the State Court Administrative Office, Michigan Supreme Court. The State Court Administrative Office could then assign these positions to the juvenile courts in accordance with standards which the Supreme Court would prescribe.

We suggest, in addition, that in those counties in which a services staff transfer is arranged, the County Juvenile Officer position(s) could be earmarked as the position(s) which will remain with the juvenile court for the purposes of providing the intake and monitoring services. In jurisdictions in which these duties would not require full time positions, other judicial functions such as register, referee, or court administrator could be included.

In the less populous counties which currently have only one C.J.O. position, the retention by the juvenile court of the entire position would require the Department to provide the necessary non-judicial court services with existing, or new, personnel.

An assessment of the exact number of positions which each juvenile court would need to meet its intake and monitoring responsibilities cannot be offered at this time. The State Court Administrative Office, Michigan Supreme Court, is not receiving sufficiently complete data to enable an assessment to be made. That determination must be made during the course of county/state negotiations for the transfer of staff.

TRANSFER PROCEDURE

Discussion

Transfers to state service have occurred with enough regularity over the years to permit the establishment by the State of some fairly standardized procedures for the documentation, review and completion of transfers.

Most notable was the transfer, in the 1960's, of all staff members of all County Departments of Welfare to the Department of Social Services.

Recently, staff of the Wayne County Psychiatric Hospital were transferred to the State Department of Mental Health. In October, 1978, the Department assumed, by request, the administration and operation of the Genesee County Juvenile Detention Center. In addition, a proposal has been developed to transfer county adult probation officers to the State Department of Corrections.

In order for the State to adequately consider requests for transfer, the transfer process must also be integrated with the State budget process.

The fiscal year for State government is October 1 through September 30. The budget development process normally begins from 18 months to two years before the fiscal year begins. Therefore budgets for appropriations which begin October 1, 1979, were under development from October 1977 through April of 1978.

We estimate that it will take approximately 6 months for the request, negotiation and documentation process. In addition, the review of budget requests, decision-making and state funding normally takes a year. Therefore a local request to begin the process must be submitted at least 18 months before funding and actual transfer can take place. Any requests received by April 1 of any given year could be operational by October 1 of the next year. Any requests submitted later than April 1 would be for the year after that, and so on.

List of Procedures

This section describes the procedures suggested for a transfer of services staff, equipment, supplies and facilities from requesting counties to the Department of Social Services. These procedures are designed to integrate three sets of considerations:

1. The unique characteristics of a voluntary transfer of services.
2. The procedures established for transfers by Civil Service, Social Services and Management and Budget.
3. The State budget cycle.

The following procedures have been divided into three areas. These areas are:

1. Transfer Requests
2. Negotiation/Documentation
3. Review/Funding

In parenthesis after each area is the approximate amount of time necessary to complete the activities listed.

Transfer Requests (One Month)

Step 1

By joint concurrence of the county board of commissioners and the chief judge of the probate court, an individual county may voluntarily request consideration of a transfer of county services staff, equipment, supplies and facilities to the Department of Social Services. The request will be made by formal communication (signed by the chief judge of the county probate court and the chairperson, county board of commissioners) to: the Director of the Department of Social Services with a copy to the county Social Services Board of the requesting county.

Step 2

Within one week the Department will acknowledge the request with a formal communication to:

1. The county probate court.
2. The county board of commissioners.

The Department, through Field Services Administration, will also formally notify the county Social Services Board and the Director of the County Department of Social Services that the request for the voluntary transfer of the county juvenile court services has been received.

Step 3

The county Social Services Board will formally acknowledge the receipt of the transfer request by letter to:

1. The board of county commissioners.
2. The chief judge of the probate court.
3. The Director of the County Department of Social Services.

Step 4

The Director of the Department of Social Services will:

1. Notify the Director of the Office of Children and Youth Services of the request for a transfer. The Office will be responsible for carrying out the planning, coordination activities that are necessary for the implementation of the transfer.
2. Notify DSS, Personnel Services of the pending transfer.

Step 5

The Office of Children and Youth Services will designate specific Office staff to be responsible for carrying out the planning, coordination activities necessary for the implementation of the transfer.

Step 6

The responsible OCYS staff will initiate contact with:

1. DSS, Field Services Administration.
2. DSS, Bureau of Personnel Administration and Staff Development - Personnel Services.
3. Department of Civil Service, Bureau of Classification.
4. Department of Management and Budget, State Employees Retirement System.
5. The Director of the County Department of Social Services.
6. The official county representative(s) as designated by the board of commissioners, the chief judge of the probate court, and the county Social Services Board.

Documentation/Negotiation (five months)

Step 1

The court will provide documentation to the Office of Children and Youth Services regarding the transfer as required by law and by procedures to be established by the Department. (See Recommendation 2 and Appendix B for details on some of the required information.)

Step 2

Upon receipt of the documentation, the Office of Children and Youth Services will forward copies of the material to the following:

1. DSS, Personnel Services
2. DSS, Business Services Division
3. DSS, Field Services Administration
4. Department of Management and Budget

Step 3

Upon receipt of documentation, the Department of Social Services, Personnel Services will complete preliminary job analysis, job classification and pay

rate schedule information. This information will be communicated to the Department of Civil Service, Bureau of Classification.

Step 4

The State Employees Retirement System, Department of Management and Budget, will review the material for information regarding the transfer of benefits.

Step 5

DSS Business Services, Facilities Management Section, will review the material for land and/or office space implications.

Step 6

When the necessary reviews have been completed, the Office of Children and Youth Services will notify representatives of the time and place of pending county/state negotiations:

- a. County Board of Commissioners
- b. County Social Services Board
- c. Director, County Department of Social Services
- d. Chief judge of probate
- e. Department of Civil Service
- f. Department of Management and Budget
- g. Law enforcement representative (selected by the county)
- h. Private children's agency representative (selected by the county)
- i. Employee representative (selected by the chief judge)

Step 7

The negotiations, unless vetoed by one of the major parties, will result in an approved written transfer plan detailing the provisions of the transfer in accord with requirements specified by the Department of Civil Service.

Review/Funding (twelve months)

Step 1

Department of Civil Service, Bureau of Classification, will present the provisions of the transfer request, with recommendations, to the Civil Service Commission.

Step 2

Under Michigan Law the Civil Service Commission may accept or reject the transfer provisions. The Commission will communicate its decision to the Bureau of Classification.

Step 3

The Department of Civil Service, Bureau of Classification, will communicate this decision to the Office of Children and Youth Services and to DSS, Personnel Services. A sample Civil Service proposal is included in Appendix D.

Step 4

- a. If disapproved by the Civil Service Commission, the Director, Department of Social Services, will communicate this information to the designated county officials with a request to reopen negotiations.
- b. If approved, the transfer plan will be incorporated into the Department of Social Services, Field Services Administration's budget request for the subsequent fiscal year.

Step 5

The Field Services Administration's budget request is reviewed:

- a. Internally by the Director's Office, and the Office of Planning, Budget and Evaluation.
- b. By the Governor's Office and the Department of Management and Budget.
- c. By the Legislature.

Step 6

Upon funding, the parties involved will be notified. The DSS, Personnel Services, and the DSS county office designated as administratively responsible will implement the transfer through DSS, Field Services Administration.

Step 7

Affected county employees will be notified of their impending transfer by the county, the Department of Social Services and the State Employee's Retirement System. They will be advised of the date of the transfer, its affect on their salaries and fringes and their rights and options as state employees.

Step 8

DSS Personnel Services, Department of Civil Service, State Employee's Retirement System, and the Office of Management and Staff Development, DSS, will conduct on-site orientation for all transferred employees.

TRANSFER COSTS

As noted earlier in this plan, if the legislature determines that the State's policy should be redirected toward a unification of services, the legislature must also determine the most appropriate method of financing the services.

Put briefly, one of the two questions, which follow, must be answered in the affirmative:

- a. Should the State apply its current pattern of cost sharing in institutional care, child care fund, etc., and "charge back" a portion of the cost of services to counties?
- b. Should the State apply its current pattern in abuse, neglect, delinquency community services, etc. and assume the total cost of providing local services?

If all County Juvenile Officers (CJO's) and Assistant County Juvenile Officers (ACJO's), all detention employees and all court staff identified by title as being court services staff were to transfer to the State, then 1,621 staff would transfer. As shown in Table 2, page 22, in the section titled "County/State Funding of Service Delivery," the total cost of these staff (salary plus an average 15 per cent fringe) is \$29,651,845.

The State currently contributes \$8,138,219 to these costs, plus provides an additional \$3,135,000 dollars annually in payments to counties for the care of state wards in detention. Counties are then billed for 50% of these costs or \$1,567,500. If the state's share is increased by it's share of the amount now being paid for state wards and the county share decreased by the same amount, then the cost of these staff are shared by:¹

¹ Actual payment by the State for detention of state wards to counties in 1978 - \$3,135,061.44; Source: Payment Document Control Division, MDSS. Although counties are billed for 50% of these costs actual county reimbursements to the State have been less than the amount billed.

- a. The State - \$9,705,719 (32.7%)
- b. The Counties - \$19,946,126 (67.3%)
- Total \$29,651,845

If these staff transfer to the executive branch, the cost to the state must be estimated based on a defined set of conditions. For example, if:

- a. All CJO's and ACJO's transfer
- b. All detention employees' transfer, with detention costs charged at 50%
- c. All counties decide to transfer services staff with services charged back to counties at 40 per cent
- d. Fringe benefits are calculated at the state civil service level of 24.5% (23.5% for employee, plus 1% for Civil Service)

...Then, the estimated cost to the state of adopting this plan would be as follows:

- a. State Share \$17,542,860 (55.9%)
- b. County Share \$13,836,205 (44.1%)

Total salaries plus
state fringes at
24.5% \$31,379,065

Since the State already contributes \$9,705,719, under these conditions the current state contribution would have to increase by \$7,837,141 an eighty-one per cent increase over current expenditures. County costs would decrease by \$6,109,921 a thirty-one per cent decrease from current county expenditures.

If all detention programs transferred at 60% state costs, rather than 50% and all other conditions remained the same, then:

- a. State Share \$18,827,439 (60%)
- b. County Share \$12,551,626 (40%)
\$31,379,065

Under these conditions, the current state contribution would increase by \$9,121,720, a ninety-four per cent increase over current expenditures. County costs would decrease by \$7,394,500; a thirty-seven per cent decrease from current county expenditures.

Regardless of the final conditions established by the legislature these changes should not be made within a single fiscal year. The approval of transfer requests should include consideration of the spreading of these costs over several fiscal years.

In addition, since the transfer negotiations, review and funding is expected to take at least eighteen months, if a request was made prior to April 1, 1980, the earliest likely date for an actual transfer would be October 1, 1981.

Obviously, there are a number of unknowns which could alter the cost estimates considerably. Among these are:

- a. These figures assume that all CJO's and ACJO's would transfer to the state. This assumption is probably incorrect, but until more is known about the intent of the legislature and the preferences of these staff a more accurate estimate is not possible.
- b. Until the exact conditions under which a transfer could take place are known (cost sharing formula, types of services and staff included, etc.) counties cannot make informed judgments about whether they would wish a voluntary transfer to take place.

Therefore, although some maximum costs can be estimated there is no way to predict how many counties would choose a transfer to the State.

- c. Some costs cannot be determined without more detailed review in prospective counties. These undetermined costs include:
 - (1) The extent of county reduction and state increases in costs associated with staffing (office space, equipment, supplies,

training, etc.).

- (2) The number, type and costs of support services staff required to support the transferred staff (secretaries, clerks, number and level of supervisory personnel, etc.).
- (3) The number and type of other non-judicial, non-probation and non-CJO service staff is unknown in some counties (diversion staff, foster care workers, youth service bureau staff, etc.).
- (4) Additional staff will be necessary in the Department of Social Services, Central Office, to develop procedures, establish standards for staff, develop training and conduct negotiations.
- (5) As existing positions are classified in the state civil service system some increases will occur because of salary differentials.

TRANSFER ISSUES

As has been described, the decision to unify services through a transfer from the courts to the Department has extensive programatic and fiscal implications for the delivery of service to Michigan youth.

The following is a list of some of the major issues which arise in this area of State policy. Some of these issues require the collection of additional information before a decision can be reached, others require that a choice be made about which of several options is judged to be the preferred approach for Michigan.

1. The implications of the Headlee Amendment for an action of this type remain unclear.

The Headlee Amendment is under review for its implications for a wide variety of State and local activities. As of this writing many questions about the application of this amendment appear unresolved.

If unification is contemplated in juvenile justice, further study is needed to assess the potential impact of the Headlee Amendment on a transfer of services that are now being provided by the court with county funds.

It should be clear, that this plan does not call for either a reduction in the State's share of the cost of financing local services, nor does it mandate additional local contributions beyond those currently provided by counties.

2. The total cost of a unified delivery system and its implications for State and county costs cannot be accurately determined at the present time.

As noted above, based on current spending, we would not expect the State's costs to reduce, nor the county's costs to increase.

However, the reverse may be true to an indeterminate extent. The State's costs may increase and the county's decrease, depending upon what approach to financing and support services is taken by the legislature.

3. The Department cannot efficiently and competently handle an immediate transfer of all court services.

If legislation were passed transferring services to the State and all eighty-three counties (or just the twenty largest counties) asked for a transfer within a year, the Department could not assume those responsibilities in that time without extensive risk to both the community and the youth during the period of transfer. This is for two reasons:

- a. The logistics of such a transfer are enormous. Completing the transfer negotiations, insuring the rights of employees transferred, and maintaining effective services during such a transition takes time. Regardless of the ability of the Department, unless the necessary time is available to effect such a transfer competently, then the State risks such errors as: Violations of employee rights, increased risk to communities, youth being "lost" during the process, etc.
- b. If a unification of services is pending, the Department intends to develop plans for establishing a continuum of services, defining the relationship between different services, and specifying the purpose of each service for different types of youth.

In essence, the mere transfer of services is not enough. All services, whether now provided by the Department or transferred from the courts, must be placed within a unified context of service delivery.

The Department has begun this planning for the services that are now administered by the Department. Additional time would be necessary to add transferred services to this effort.

4. If a revised code is passed, courts and the Department would have both an extensive code revision and the transfer of services to contend with simultaneously.

The code revisions, currently under study in the legislature, would result in some fundamental revisions in the juvenile justice system. However, none of these revisions deal with the issues of dual wardship or the dual system of delivering services in Michigan.

Dealing with a revised code and a transfer of services simultaneously would have both advantages and disadvantages. Staff in the courts and the Department would have to adjust to a considerable amount of change all at once. However, it may be easier for staff to adjust to fundamental changes made fairly quickly than it would be to spread those changes over a long period of time.

Given the emphasis of the code revision on procedural detail in the judicial process, it may be to the court's advantage to transfer services in order to direct maximum attention to the revisions in judicial functions.

5. Under a gradual approach toward unification there will be a period of time during which Michigan will have a mixed, rather than dual system, i.e., in some counties the dual system will remain while others will have unified service delivery.

This is a clear drawback to the approach being recommended. Since some counties are expected to transfer services now provided through the courts

and others are clearly not expected to, Michigan will have a mixed system for an indefinite period of time.

In spite of this disadvantage, the gradual approach still appears to be the method of choice. A mixed system should be no more difficult to manage since current familiar patterns will remain in counties where a transfer does not take place. In counties where a transfer does occur time has been allowed for the planning necessary to insure as smooth a transition as possible. As more counties transfer the difficulties of a mixed approach will reduce.

As described earlier, the gradual approach also permits:

- a. The spreading of increased state costs over several years.
- b. The involvement of local groups in negotiations which are designed to apply the general principles of a transfer to the unique characteristics of each county.
- c. The gathering of detailed cost and impact data on a county by county basis.

RECOMMENDATIONS

Recommendation 1: The State should establish a long range policy of unifying juvenile justice services through a transfer of services currently operated by the probate courts to the Executive branch of government.

In order to implement this recommendation the legislature should repeal subsection 116(3) of Public Act 280 of 1939 as amended, and replace this subsection with the following.¹

"(3)(a) Upon the joint concurrence of the County Board of Commissioners and the chief judge of probate a county may request a transfer of all juvenile justice services and facilities to the department. If any transfer is to occur this transfer must include any and all of the following services operated by or purchased by the probate court within the county: Detention, detention alternatives, probation, foster care, adoption, shelter care, diagnostic evaluation and treatment, preventive, diversionary, or protective services, or any other service approved by the office, in conjunction with the State Court Administrative Office."

"(3)(b) The department may exclude detention from the services to be transferred, if in the opinion of the department:

1. The facility cannot be efficiently operated by the State.
2. The facility cannot be operated as a regional facility in accord with the plan submitted by the department to the legislature under Section 400.115(d) of the Social Welfare Act."

Discussion

This restricts transfer requests to a transfer of all court operated juvenile justice services within the county. In cases where a question exists about whether a set of local activities is a "service" or a "judicial function," this

¹ As defined in this section of the Social Welfare Act, "Office" refers to the Office of Children and Youth Services, Michigan Department of Social Services. "Department" refers to the Michigan Department of Social Services.

subsection empowers the Office of Children and Youth Services in conjunction with the State Court Administrative Office with the responsibility of distinguishing between services and judicial functions as defined by law.

The subsection stipulates that the process must be initiated at the local level upon the agreement of county commissioners and the chief judge of probate. It also gives the Department the authority to determine the best interests of the state regarding state operations of detention services.

As will be seen in subsequent paragraphs the agreement of the county and the probate judge in this subsection is not a commitment to accept a transfer, but only an indication of interest and a willingness to begin negotiations to assess the effect of such a transfer on local services.

Recommendation 2: This transfer should be completed on a county by county basis and be begun only upon the request of local officials. Extensive local involvement will be required to determine the details of each transfer and to balance the state's interests in consistency with a recognition of the unique characteristics of each county.

The following language should be added to Section 116 of the Social Welfare Act.:

"(3)(c) Upon the receipt of written evidence of the concurrence of the county board of commissioners and the chief judge of probate the office shall initiate procedures for conducting negotiations between the state, as represented by the office, the affected county board of commissioners, the county board of social services, the chief judge of probate, and the Department of Civil Service. At least one representative from the following groups shall be invited to participate in the negotiations: Law enforcement, private children's agencies, Department of Management and Budget and any employee bargaining agents officially recognized by the chief judge as representing employee interests."

"(3)(d) These negotiations shall result in a written transfer agreement which must specify at least the following:

1. The name, function, title, accumulated sick leave, accumulated annual leave and annual salary of all employees to be transferred.
2. The name, functions, and title of all employees to remain in the court.
3. A description of what minimum court functions will be maintained and how the remaining employees will carry out these functions.
4. A description of the supportive staff, equipment, buildings and supplies to be transferred with the services, with evidence that these supports are necessary to the continued effective functioning of the service in the Department.
5. A description of the procedures to be followed in insuring employee rights and benefits during and after the transfer process.
6. A description of how transferred employees will be given the opportunity to be employed in the state classified civil service in compliance with procedures established by the Michigan Civil Service Commission.
7. A description of the estimated state and local costs of providing juvenile justice services both pre and post transfer, a description of how the costs of each service are to be determined by the department and a list of any reimbursements necessary from the State to the county for transferred supplies, equipment, buildings or other county costs associated with the transfer.
8. A description of the subsequent steps to be taken in completing the transfer, including estimated beginning and completion dates for the transfer."

Discussion

These subsections provide the detail necessary to conduct negotiations between the major groups involved in order to plan activities in each county that requests a transfer of court services.

The groups involved in the negotiation are those believed to be most affected by a transfer and those most interested in the final outcome.

This material still does not finalize the transfer procedures. If all of the above is completed, it still does not mean that a transfer will take place. However, several things are expected to occur during the negotiation process:

- A. Those interested in a transfer, or concerned about its effects, will have a chance to influence the outcome.
- B. Negotiation in each interested county will insure that the unique characteristics of the county can be taken into account during the development of a transfer plan.
- C. Those involved in the process will gather the information needed to make an informed final judgment of whether such a transfer could be expected to meet their own interests.
- D. The product to be completed during negotiation will provide the Department and the legislature with the detail necessary to determine the expected fiscal and programatic implications of such a transfer in each county.

Recommendation 3: Each major party at interest in each county transfer should have the authority to stop any transfer at any point in the negotiation process.

The parties which should have the authority to veto a transfer at any point in the process are: The Department of Social Services, the county Board of Commissioners, the chief judge of probate, the county Social Services Board, the Civil Service Commission, the legislature and the Governor.

This recommendation should be implemented through the addition of the following to Section 116 of the Social Welfare Act:

"(3)(e) The final transfer agreement must have the written support of the department, the county board of commissioners, the chief judge of probate, the Civil Service Commission and the county board of social services."

"(3)(f) Any approved transfer agreements must be submitted by the department to the legislature and the Department of Management and Budget for consideration in order to be included in the State budget for the subsequent year."

"(3)(g) Once the transfer has been approved in accord with section 116 (3)(a) through (3)(f) it may not be rescinded without the approval of both houses of the legislature and the Governor."

Discussion

These subsections are the final steps in the transfer process. The first subsection requires that the major groups affected by a transfer reach agreement on the detail necessary to complete such a transfer. If agreement is not reached, either negotiations continue or the process stops.

The interests of the local groups should be apparent. The interests of the Department and the Office should include an assessment of whether the Department is capable of assuming the transferred responsibilities in an effective and timely manner.

It is possible that the Department would conceptually support a number of transfers at any given time, but only give approval to a limited number in order to phase in the changes over time.

Law enforcement, private agencies and employee representatives have a critical role in the negotiating process, and are included in the list of required

participants in subsection 3(C). However, critical the involvement of these groups in determining the detail of any transfers, they have not been given the authority to veto a transfer.

The same is true of the Department of Management and Budget. This Department plays a critical role in the state's budget process but the final decisions about funding rest with the Governor and the legislature.

The integration of the transfer process into the budget cycle allows the legislature to maintain control over the costs and timing of such transfers depending upon current financial conditions and other considerations.

The final subsection would allow the repeal of a transfer after legislative approval under extenuating circumstances, but would eliminate any question of a previously approved transfer being rescinded because of such things as changes in personnel, at either the state or local level after the process is complete.

Recommendation 4: The State should assume 60% of the costs of any transferred services, with the remaining 40% to be charged back to local government. Any services not transferred should continue under current reimbursement formulas, when applicable.

This recommendation should be implemented through the addition of the following to Section 116 of the Social Welfare Act:

"(3)(h) Once the transfer has been completed the department shall charge the county of residence for 40% of the cost of all transferred services provided for each youth. This chargeback shall be subject to the following:

- 1. The cost of administering any transferred services operated directly by the department shall be paid by the state.*
- 2. The cost of detention services will be charged back to counties at the rate of 50% of the cost of care per day per youth.*

3. All non-transferred services currently operated by the department or purchased by the department shall continue under current funding formulas and regulations.
4. No state reimbursement shall be provided to counties for the direct provision or purchase by the court of any service that has been transferred under the provisions of this section."

"(3)(i) Prior to the instigation of any formal transfer negotiations the department shall establish procedures for conducting negotiations. These procedures shall specify at least the methods of determining the cost of transferred services, list any reimbursement procedures and will separate those items which are negotiable by counties and those which are not open to negotiation on a county by county basis."

Discussion

If services are to be unified under the Executive branch of government as specified in recommendation #1, the legislature must determine how those services will be financed and include that decision in any new legislation.

There are essentially two options in this area:

- (1) Establish a county/state cost sharing formula and require the department to charge back the cost of services to counties based on that formula.
- (2) Fund services entirely with state and federal funds.

The recommendation that the State fund 60% of the cost of transferred services is made more tentatively than the recommendation to unify services. The figure of 60% is essentially an arbitrary one, designed to strike a balance between the need to encourage counties to consider consolidation of services without providing so much fiscal incentive that the voluntary nature of the transfer is clouded by its fiscal advantages.

Since the total cost of the services is unknown at present, this percentage also reduces the problem of asking the State to "sign a blank check." While it would provide some incentives to counties to consider a transfer, 60% of the cost is not believed to be excessively beyond the State's current share of these same services.

In spite of the arbitrary nature of the percentage, further study is not likely to produce much more substantive data on the relative costs of using one percentage versus another. Until the state specifies what services and staff are to be considered, and specifies the State's contribution, we cannot accurately assess which of the 83 counties would be willing to transfer.

Finally, this percentage would reduce the fiscal burden on counties of providing services, and still require enough county financing to insure local interest in the quality, effectiveness and efficiency of services being provided with county money.

Recommendation 5: Eliminate the County Juvenile Officer System.

This can be done in one of two ways, either of which is acceptable to the Department. The options are:

Option 1: Approve Senate Bill 674 submitted on September 24, 1979 by Senator Sederburg with the following addition to Section 2:

2(b) If negotiations for a transfer of services from the courts to the State have been completed in accord with Section 116 (3)(a) through 116 (3)(i) of Act 280 of 1939 as amended, the following shall apply to those County Juvenile Officers and Assistant County Juvenile Officers in the affected counties:

- 1. Those employees electing to receive state benefits and fringes under option (A), Section 2 shall transfer to the Department of Social Services.*
- 2. Those employees electing to receive local benefits under options (B) and (C) of Section 2, shall remain in the court to perform minimum court functions.*

Option 2: Add the following to Section 116 of the Social Welfare Act:

3(j) Persons employed as County Juvenile Officers or Assistant County Juvenile Officers as defined by law, who are employed in counties where negotiations for transfer have been completed in accord with subsections 3(a) through 3(i) shall:

1. Become employees of the State Court Administrative Office, Michigan Supreme Court.
2. Be transferred to the State Court Administrative Office without loss of salary, benefits, longevity or retirement, in accord with procedures developed by the State Court Administrative Office.
3. Be assigned to work in local probate courts and perform minimum court functions, in accordance with standards developed by the State Court Administrative Office.

3(k) Act 22 of the Public Acts of 1919, as amended, is hereby repealed.

Discussion

The County Juvenile Officer system is an antiquated method of insuring minimum staff to the juvenile courts. The system served its original purpose, but, as has been noted in study after study, it has become an unnecessary appendage which should be abolished.

The provisions of Senate Bill 674, modified by Option 1, are discussed in the Suggested Approach section of this plan. This bill was supported previously by the Department and has the advantage of affording persons employed as County Juvenile Officers and Assistant County Juvenile Officers the opportunity to determine which of several options best meets their interests.

SB 674 (Option 1) has the disadvantage of continuing some aspects of the system until it is gradually eliminated by attrition.

Option 2 has the advantage of eliminating the system in counties transferring services, but does not afford affected employees a choice. They must remain in the court and be employed by the State Court Administrative Office.

Recommendation 6: Eliminate the current court option of requiring the Department to provide services to court wards without a commitment to the Department.

This should be implemented through the repeal of MCL 400.55(h) of the Social Welfare Act which reads as follows:

"(h) To investigate, when requested by the probate court matters pertaining to dependent, neglected, and delinquent children and wayward minors, under the jurisdiction of the probate court to provide supervision and foster care as provided by court order, and to furnish the court, on request, investigational service in respect to the hospitalization of children under the program of the Michigan crippled children commission, which services shall include follow-up investigation and continuing observations."

Discussion

The Department believes that this subsection provides no particular advantage to Michigan youth since if a youth is appropriately committed to the Department, the Department is obligated to provide a full range of services to the youth. Some courts disagree, arguing that having the Department of Social Services provide services to wards of the court is less stigmatizing than making the youth a Departmental ward.

Empowering the courts with the ability to require that DSS provide certain services whether a youth is committed to the Department or not can result in

some serious difficulties:

1. Three separate categories of youth are created: 1) Court wards receiving court services, 2) court wards receiving DSS services and 3) DSS wards receiving DSS services.

These distinctions must now be maintained, but they are essentially meaningless in terms of the services rendered. The result is complicated, inefficient record keeping that serves no real purpose.

2. The courts may use this clause as a sort of organizational "relief valve" - requiring the Department to provide services to court wards as court budgets are cut, work loads increase, etc.
3. Since the courts may turn this "relief-valve" on or off at any time, the Department cannot plan ahead for major increases or decreases in this service population.
4. In almost all other areas, there exists at least the possibility of predicting future caseloads based on changes in specific variables (changes in the general youth population, number of arrests, incidents of abuse over time, etc.). The courts use of this "referral" to DSS cannot be predicted, since it is primarily based on the court's desire (or lack of desire) to require DSS to provide services.

APPENDIX

SOCIAL WELFARE ACT
Act 280 of 1939

Sec. 116. (1) With respect to juvenile court probation staff, the office shall:

(a) Develop and recommend to the supreme court standards and qualifications for employment and other criteria designed to develop an adequate career service.

(b) Maintain information as to court employment needs and assist in recruitment of qualified personnel.

(c) Provide, with legislative approval, a statewide system of preservice and inservice training, which may include full and part-time scholarships.

(d) Develop recommendations regarding the functions of the office of county juvenile officer.

(2) The office may provide consultation and assistance services to the juvenile probation service of the probate court.

(3) The office shall develop a plan which permits the voluntary transfer of county juvenile court probation staff to the department by the joint concurrence of the county board of commissioners and the presiding judge of the probate court. The plan shall include procedures for negotiations between the state, as represented by the office, and the affected county board of commissioners, the county board of social services, and the presiding judge of the probate court for that county. The plan shall afford persons employed as juvenile court probation staff, who are transferred pursuant to the plan, the opportunity to be employed in the state classified civil service in compliance with procedures established by the Michigan civil service commission. The plan shall enable the court to maintain sufficient staff to enforce court orders and to perform the preliminary inquiry and monitoring of court wards required by chapter 12A of Act No. 258 of the Public Acts of 1939, as amended, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws. The plan shall be submitted to the legislature not later than 18 months after the effective date of this subsection.

Sec. 117a. (1) As used in sections 117a to 117g, "juvenile justice service" means a service, exclusive of judicial functions, provided by a county for juveniles who are within, or are likely to come within, the jurisdiction of the juvenile division of the probate court under section 2 of chapter 12A of Act No. 288 of the Public Acts of 1939, as amended, being section 712A.2 of the Michigan Compiled Laws. A service includes intake, detention, detention alternatives, probation, foster care, diagnostic evaluation and treatment, shelter care, or any other service approved by the office, including preventive, diversionary, or protective care services.

Description of Procedures: Department of Personnel Services, DSS

A county that voluntarily requests the transfer of services staff will supply the Department of Social Services, Personnel Services, with the following information:

1. Organizational Chart
2. Data on Eligible Employees -
 - A. Name
 - B. Social Security Number
 - C. County Job Title
 - D. Date Hired
 - E. Date Started Present Position
 - F. Present Salary
 - G. Salary Step
 - H. Salary Pay Range, Minimum - Maximum
 - I. Annual and Sick Leave Balance

In addition, each employee who is eligible for transfer will submit to Personnel Services a job description on forms specified by the Department.

The forms to be used, as well as further information, will be available from: .

Department of Social Services
 Bureau of Personnel, Administration, and Staff Development
 6th Floor, Commerce Center
 300 South Capitol Avenue
 Lansing, Michigan 48909

After the information has been processed by DSS Personnel Services and job classifications and salary ranges have been determined, the materials will be submitted to the Department of Civil Service, Bureau of Classification.

Description

The County will prepare a written proposal of conditions to be effective at date of transfer. The proposal will include specifics on annual and sick leave, insurances, salary, and seniority benefits; if proposals are different for some employees, separate proposals must be submitted. Such proposals will be negotiated by all interested parties.

Upon receipt of the above, the Personnel Office will communicate to the Department of Civil Service, Bureau of Classification a written proposal of those conditions which are supported by the Department and will seek establishment of all necessary positions. Following the Civil Service Commission's approval of the transfer, appointment forms will be provided by DSS Personnel Services and must be prepared by all transferring employees to allow for their being placed on State payroll.

State Employees Retirement System

P.A. 87, Section 116(3) states, *"The plan shall afford persons employed as juvenile court probation staff, who are transferred pursuant to the plan, the opportunity to be employed in the State classified civil service in compliance with procedures established by the Michigan Civil Service Commission."* Retirement and all other benefits and rights will be stipulated in the individual transfer proposal for each requesting county which will be developed and negotiated by all interested parties.

Act 593, P.A. 1978, allows for the crediting of employment with a Michigan court of record for retirement purposes if the person has accrued five years of service with the courts, provided that employment with the state occurs within five years of the court employment; if more than five years has elapsed between the court employment and employment with the state, the employee must be in the state retirement system for five years before the court employment can be accredited.

Act 148, P.A. 1978 allows for the crediting of up to five years of military service for retirement purposes provided that the person has accrued at least ten years of state retirement system credit. Military service cannot be credited if it is or will be credited under any other federal, state or local publically supported retirement system except for retirement eligibility acquired for service in the military reserve. Credit for military service may also be applied for longevity and leave accrual purposes. The employee should request a Military Work Sheet from the address listed below. Questions regarding retirement should be directed to:

Michigan Department of Management and Budget
State Employees Retirement System
P.O. Box 30026
Lansing, Michigan

MILITARY SERVICE WORKSHEET

1. Name (Printed or Typed) _____ 2. Soc. Sec. # _____

3. Address (Street & No.) _____

4. City & Zip Code _____

a. Military Service being claimed _____ Years and _____ Months

b. Hourly Rate of Pay _____ x 2088 hours = _____ = Fiscal Year Income

c. Multiply Fiscal Year Income (from line b) times .05 (5%) = _____

d. Multiply line c times Years of Military Service _____

e. Divide line c by 12 _____

f. Multiply line e times Completed Months of Military Service _____

g. Total amount due for Military Service (add lines d and f) _____

I enclose my check, made payable to the State of Michigan, in the amount of _____, representing payment for _____ Years and _____ Months of Military Service. I understand that once this payment is made, I may make no further requests for any additional military service. I further understand that my computation will be audited by the Retirement System; and in the event an error has been made, I will be billed for the underpayment or receive reimbursement for the overpayment. I also understand that service cannot be credited if it is or would be credited under any other federal, state, or local publicly supported retirement system, but that this restriction shall not apply if I have or will have acquired retirement eligibility under the Federal government for service in the reserve.

5. _____
Date

6. _____
Signature

FOR RETIREMENT SYSTEM USE ONLY

Log Page _____

Mil _____

Overpayment _____

RV# _____

Pay _____

Voucher date _____ PV# _____

Vest _____

Date Billed _____

Pmt _____

RV# _____

Notified _____

Name	Soc. Sec. #	County Job Title	Date Hired	Date Started Present Position	Present Salary	Step	Salary Range		Accumulated Leave	
							Minimum	Maximum	Sick	Annual

SAMPLE

SAMPLE

SAMPLE

CIVIL SERVICE

1. Employees who have status as certified by the county or by the court will receive State Civil Service status in comparable classifications.
2. If employment status certification cannot be determined, employees who have _____ years or more of service in the juvenile court system in Michigan as of the date of transfer will be placed in the State classified service as of the date of transfer without further test of fitness but subject to satisfactory completion of a six month probationary period.
3. If employment status certification cannot be determined, employees who have less than _____ years of service in the juvenile court system in Michigan as of the date of transfer will be placed in the State classified service as of the date of transfer on a provisional basis, subject to passing a non-competitive State Civil Service examination and satisfactory completion of a six month probationary period.
4. All continuous classified status service with the Court/County to transfer to the State will be treated the same as if that service had been with the State for purposes of employment preference and other seniority provisions covered under Michigan Civil Service Rule 21 and the Department of Social Services seniority policy. This would also include eligibility for longevity, bonus annual leave and other fringe benefits. (Such service will be subject to audit by the State Auditor General).
5. All employees brought into the State classified service by this transfer will be permitted to enroll in the State group insurance programs as if they were new State employees with no break in insurance coverage.
6. "Red Circle" pay treatment will be given to those employees retained in comparable positions allocated under the State's classification plan to classes having lower pay ranges. Employees falling within this category will be paid the base

rates they received from the County, until such time as the salaries for their State Civil Service classifications equal or exceed their "Red Circle" rates.

7. Subject to audit by the State, the State will assume annual leave which a County/Court employee transferring to the State has accumulated with the County as of the date of transfer, but not in excess of _____ hours. The state will not assume any accumulated compensatory time.
8. Subject to audit by the State, the State will assume sick leave which a County/Court employee transferring to the State has accumulated with the County as of the date of transfer but not in excess of the amount the employee could have accumulated if the employment had been State Civil Service.

The above conditions apply only to employees on the County/Court payroll as of the day preceding the date of the transfer.

Counties Under 75,000 Population

N=62

Source: State Court Administrative Office

Number, Type and Salary of Court
Services Staff by County

Appendix E

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Alcona	1	Administrator Referee Probation Off.	\$12,443	\$14,443	\$2,000	\$1,980	\$14,222	0	\$ 0
Alger	1	Admin., Ref., P.O.	12,443	12,443	0	1,980	14,422	1 Clerk	7,662
Alpena	1	P.O. Admin. Referee	12,443	18,448	6,005	1,980	14,422	2 Probation Officers 1 Juvenile Register 1 Clerk, 1 Y.H. Super.	56,483
Antrim	1	Admin., Ref., P.O.	12,443	12,443	0	1,980	14,422	1 Probation Officer 1 Probation Officer	22,641
Arenac	1	Admin., Ref., P.O.	12,443	12,443	0	1,980	14,422	0	0
Baraga	1	Admin., Ref., P.O.	12,443	14,978	2,535	1,980	14,422	0	0
Barry	1	Admin. Referee P.O.	12,443	20,438	7,995	1,980	14,422	4 Probation Officers 1 Case Work Aide 1 Deputy Juven. Reg. 1 Clerk (part-time)	72,629
Benzie	1	Admin., Ref., P.O.	12,443	12,933	490	1,980	14,422	1 Probation Officer 1 Clerk	15,788
Branch	1	Admin., Ref.	12,443	14,872	2,429	1,980	14,422	1 Probation Super. 3 Probation Officers 1 Spec. Serv. Coord. 1 Juvenile Register	76,495
Cass	1	Admin., P.O.	13,112	16,711	3,599	2,086	15,198	2 Probation Officers 1 Deputy Juv. Reg. 1 Juvenile Register 1 Clerk	47,977
Charlevoix	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	1 Juvenile Register	6,265
Cheboygan	1	Admin., Ref., P.O.	12,443	12,443	0	1,980	14,422	1 Clerk	6,370
Chippewa	1	Admin., Ref.	12,443	16,769	4,326	1,980	14,422	1 Probation Officer 1 Clerk	18,920
Clare	1	Admin., Ref.	12,443	14,802	2,359	1,980	14,422	1 Probation Officer	9,292

Counties Under 75,000 Population

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Clinton	1	Admin.	13,112	17,500	4,388	2,086	15,198	3 Probation Officers 1 Juvenile Register 1 Foster Home Coord.	62,638
Crawford	1	Admin., Ref.	12,443	12,443	0	1,980	14,422	0	0
Delta	1	Admin., Ref.	13,112	17,502	4,390	2,086	15,198	1 Prob. Off. (p.t.)	13,379
Dickinson	1	Admin., P.O.	12,443	16,900	4,457	1,980	14,422	1 Prob. Off. (p.t.)	4,500
Emmet	1	Admin., Ref. P.O.	12,443	13,933	1,490	1,980	14,422	1 Probation Officer 1 Juvenile Register	19,560
Gladwin	1	Admin., P.O.	12,443	14,140	1,697	1,980	14,422	0	0
Gogebic	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	1 Assist. P.O.	4,780
67 Gd. Traverse	1	Caseworker Dir., Super.	13,112	18,698	5,586	2,086	15,198	1 Administrator 3 Probation Officers 3 Clerks	89,744
Gratiot	1	Admin.	12,113	17,542	4,430	2,086	15,198	1 Probation Officer 1 Assist. P.O. 1 Juvenile Register	36,911
Hillsdale	1	Admin., Ref.	13,112	16,968	3,856	2,086	15,198	3 Probation Officers 1 Juvenile Register	48,588
Houghton	1	Admin.	12,443	14,395	1,952	1,980	14,422	1 Probation Officer	9,500
Huron	1	Admin.	12,443	17,748	5,305	1,980	14,422	1 Probation Officer 1 Clerk	20,286
Ionia	1	Admin.	13,112	17,494	4,382	2,086	15,198	2 Probation Officers 1 Clerk	36,696
Iosco	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	0	0
Iron	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	0	10,500
Isabella	1 (1 P.O. position paid by CCF Basic Grant)	Admin., P.O.	13,112 13,164	17,042 13,164	3,930 0	2,086 0	15,198 13,164	1 Probation Officer 1 Deputy Juv. Reg.	22,767
Kalkaska	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	0	0

Counties Under 75,000 Population

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Keewenaw	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	0	0
Lake	1	Admin., Ref. P.O.	12,443	14,345	1,902	1,980	14,422	2 Probation Officers	17,500
Lapeer	1	Admin.	13,112	17,000	3,888	2,086	15,198	5 Probation Officers 1 Clerk	67,727
Leelanau	1	Admin., Ref.	12,443	14,803	2,360	1,980	14,422	1 Probation Officer	12,376
Luce	1	Admin., P.O.	12,443	14,999	2,556	1,980	14,422	1 Clerk	7,280
Mackinac	1	Admin., Ref. P.O.	12,443	12,443	0	1,980	14,422	1 Clerk	6,500
Manistee	1	Admin., Ref. P.O.	12,443	16,443	2,000	1,980	14,422	1 Probation Officer 1 Clerk	19,092
Marquette	1	P.O. Superv.	13,112	16,674	3,562	2,086	15,198	1 Administrator 3 Probation Officers 1 Juvenile Register 1 Clerk	86,728
Mason	1	Admin., Ref., Casework Supr.	12,443	17,995	5,552	1,980	14,422	1 Probation Officer 1 Clerk	21,789
Mecosta	1	Admin., Ref.	12,443	15,134	2,691	1,980	14,422	2 Probation Officers 1 Clerk	28,993
Menominee	1 (1 P.O. position paid for through CCF)	Admin., P.O. Supervisor	12,443	15,488	3,045	1,980	14,422		
		(1 P.O. position paid for Basic Grant)	12,232	12,232	0	0	12,232	0	0
Midland	1	Admin., Ref.	13,112	18,938	5,826	2,086	15,198	1 P.O. Supervisor 4 Probation Officers 1 Juvenile Register 3 Clerks	133,930
Missaukee	1	Admin., Ref. P.O.	12,443	12,443	0	1,980	14,422	0	0
Montcalm	1	Admin., Ref.	12,443	16,929	4,486	1,980	14,422	1 Juv. Reg., 1 Clerk 3 Probation Officers	57,824
Montmorency	1	Admin., Ref.	12,443	12,443	0	1,980	14,422	0	0
Newaygo	1	Admin., Ref.	12,443	16,000	3,557	1,980	14,422	1 P.O. Super. 3 P.O.'s	57,000

Counties Under 75,000 Population

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Oceana	1	Admin., Ref. P.O.	12,443	14,240	1,797	1,980	14,422	1 Probation Officer	10,900
Ogemaw	1	Admin., P.O.	12,443	13,443	1,000	1,980	14,422	1 Clerk	7,221
Ontonagon	1	Admin., P.O.	12,443	12,443	0	1,980	14,422	0	0
Osceola	1	Admin., Ref. P.O.	12,443	12,443	0	1,980	14,422	0	0
Oscoda	1	Admin., Ref.	12,443	14,643	2,200	1,980	14,422	0	0
Otsego	1 (1 P.O. position paid through CCF)	Admin., P.O. Basic Grant)	12,443	16,443	4,000	1,980	14,422	0	0
Presque Isle	1	Admin., P.O.	12,443	13,443	1,000	1,980	14,422	0	0
Roscommon	1	Prob. Off.	12,443	13,443	1,000	1,980	14,422	1 Admin. 1 Probation Officer	18,323
St. Joseph	1	Admin., Ref.	13,112	20,116	7,004	2,086	15,198	1 Asst. Admin. 1 Supervisor 8 Probation Officers 1 Juvenile Register 1 Deputy Juv. Reg. 2 Clerks	172,565
Sanilac	1	Admin., Supr.	13,112	21,419	8,307	2,086	15,198	2 Probation Officers 1 Juvenile Register	36,225
Schoolcraft	1	Admin., Ref. P.O.	12,443	12,443	0	1,980	14,422	0	0
Shiawassee	1	Admin., Ref.	13,112	21,162	8,050	2,086	15,198	1 Supervisor 5 Probation Officers 1 Juvenile Register	90,724
Tuscola	1	Admin., Supv.	13,112	17,112	4,000	2,086	15,198	3 Probation Officers 3 Clerks	52,931

Counties Under 75,000 Population

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Van Buren	1	Admin., Ref.	13,112	19,659	6,547	2,086	15,198	1 Supervisor 6 Probation Officers 1 Juvenile Register 1 Clerk	101,385
Wexford	1	Admin., Ref. P.O.	12,443	12,443	0	1,980	14,422	0	0
TOTAL	65		822,126	988,057	165,931	124,456	933,952	152	
		62 County Juvenile (Probation) Officer Positions						County appropriation for county juvenile court staff.....\$1,734,384	
		3 County Juvenile Probation Officer's paid through CCF Basic Grant						15% fringe benefits... 260,157 (average)	
								\$1,994,541	
								County salary supplement to state subsidized CJO positions..... 165,931	
								TOTAL COUNTY APPROPRIATION..... \$2,160,472	
								Total state subsidy to County Juvenile Officers, including fringe benefits..... \$ 933,952	

Counties with a Population of 75,000 to 150,000

N=8

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Allegan	2	Asst. Admin., Ref., 1 P.O.	\$25,869	\$29,348	\$ 3,478	\$4,115	\$29,984	1 Administrator 4 Probation Officers 1 Juvenile Register 2 Deputy Juv. Reg.	\$109,390
Bay	2	Prob. Off.	25,869	30,410	4,541	4,115	29,984	1 Administrator 1 Probation Officers 1 Juvenile Register 2 Clerks	66,091
Calhoun	2	1 Prob. Super. 1 Prob. Off.	25,869	40,360	14,491	4,115	29,984	1 Administrator 1 Asst. Admin. 2 Prob. Super. 18 Probation Officers 1 Juvenile Register 3 Clerks	456,508
Eaton	2	1 Admin. 1 Referee	25,869	39,915	14,026	4,115	29,984	6 Probation Officers 1 Juvenile Register 1 Deputy Juv. Reg. 1 Secretary	121,945
Lenawee	2	1 Admin. 1 Ref./Adoption F.C. Licensing	25,869	37,650	11,781	4,115	29,984	4 Probation Officers 1 Asst. Admin. 1 Supervisor 1 Juvenile Register 3 Clerks	114,366
Livingston	2	Prob. Off.	25,869	33,984	8,118	4,115	29,984	2 P.O./Referee 1 Probation Officer 2 Clerks	78,272
Monroe	2	1 Admin., Ref. 1 Adop. Wkr.	25,869	42,370	16,501	4,115	29,984	1 Asst. Admin. 1 P.O. Supervisor 5 Probation Officers 1 Juvenile Register 1 Clerk	141,561

Counties with a Population of 75,000 to 150,000

County	# of CJO's (State Sub.)	Job. Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
St. Clair	2	Prob. Off.	25,869	26,892	1,023	4,115	29,984	1 Admin. 1 Asst. Admin. 1 P.O. Supervisor 5 Probation Officers 1 Juvenile Register 1 Deputy Juv. Reg. 2 Clerks	171,925
TOTAL	16		\$206,952	\$280,929	\$73,959	\$32,920	\$239,872	67	
<p>County appropriation for county juvenile court staff.....\$1,145,692 15% fringe benefits (av) <u>171,853</u> 1,317,545</p> <p>County salary supplement to state subsidized CJO positions..... <u>73,959</u></p> <p>TOTAL COUNTY APPROPRIATION.....\$1,391,504</p> <p>Total state subsidy to County Juvenile Officers, including fringe benefits \$239,872</p>									

Counties with a Population of 150,000 to 250,000

N=6

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Berrien	3	1 P.O. 1 D/N Casewkr. 1 Vol. Coord.	\$ 39,273	\$48,204	\$ 8,931	\$ 6,248	\$ 45,521	1 Admin. 1 Asst. Admin. 10 Probation Officers 2 Asst. P.O. 4 P.O. Supervisors 1 Juvenile Register 4 Deputy Juv. Reg. 1 Business Manager 1 Clerk	\$336,639
Jackson	3	1 Admin. 1 Prob. Super. 1 FH Superv.	39,273	61,384	22,111	6,248	45,521	4 Probation Officers 1 Juvenile Register 2 Clerks	99,283
Kalamazoo	3	1 Admin. 1 Prob. Super. 1 Dir. of Status Div. Project	39,273	68,038	28,765	6,248	45,521	1 Asst. Admin. 19 Probation Officers 1 Juvenile Register 2 Clerks	410,136
73 Muskegon	3	1 Admin. 2 Prob. Off.	39,273	59,977	20,704	6,248	45,521	1 Asst. Dir. 3 Prob. Supervisors 7 Probation Officers 1 Juvenile Register 2 Clerks 1 Adoption Coord.	235,024
Ottawa	3	1 Referee 1 Intake Supv. 1 Prob. Off.	39,273	51,541	12,268	6,248	45,521	6 Probation Officers 1 P.O. (part-time) 1 Accounts Clerk 1 Clerk	112,491
Saginaw	3	1 Referee 1 Intake Supv. 1 Prob. Off.	39,273	60,246	20,973	6,248	45,521	1 Admin. 1 Asst. Admin. 1 P.O. Supervisor 9 Probation Officers 3 Clerks	227,939
TOTAL	18		\$235,638	\$349,390	\$113,752	\$37,488	\$273,126	90	

County Appropriation for
county juvenile court
staff..... \$1,431,512
15% fringe benefits (av) 213,227
1,634,739

County salary supplement
to state subsidized CJO
positions..... 113,752

TOTAL COUNTY
APPROPRIATIONS \$1,748,491

CONTINUED

1 OF 2

Counties with a Population of 250,000 to 500,000

N=4

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Genesee	5	Prob. Officers	\$ 65,917	\$103,368	\$ 37,368	\$10,481	\$ 76,398	1 Admin. 1 Asst. Admin. 4 P.O. Supervisor 12 Probation Officers 4 Asst. Prob. Off. 1 Soc. Serv. Tech. 1 Juvenile Register 5 Clerks	\$473,053
Ingham	5	1 Admin. 1 Prob. Super. 3 Prob. Off.	65,917	91,630	25,713	10,481	76,398	3 Probation Sup. 28 Probation Officers 1 Casework Aide 1 Juvenile Register 22 Clerks	670,959
Kent	5	1 Admin. 1 Asst. Admin. 1 Super. of Foster Home Care 2 Prob. Off.	65,917	109,641	43,724	10,481	76,398	4 Prob. Supervisors 19 Probation Officers 2 Prob. Aides 1 Juvenile Register 7 Clerks	510,645
Washtenaw	5	1 Prob. Off. 1 Neg. Intake 1 Intake Sup. 1 Prob. Supv. 1 Coord. of Casework and Adoption	65,917	97,739	31,822	10,481	76,398	1 Admin. 11 Probation Officers 1 Juvenile Register 3 Clerks	254,261
TOTAL	20		\$263,668	\$402,295	\$138,627	\$41,924	\$305,592	127	

County appropriation for
county juvenile court
staff..... \$1,908,918
15% fringe benefits (av) 283,337
2,192,255

County salary supplement
to state subsidized CJO
positions..... 138,627

TOTAL COUNTY
APPROPRIATION \$2,330,882

Total state subsidy to
County Juvenile Officers,
including fringe benefits \$305,592

Counties with a Population of 500,000 +
N=3

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Macomb	7	3 Neg. Casewkr 4 Prob. Off.	\$ 93,874	\$130,452	\$ 36,578	\$11,490	\$105,364	1 Admin. 3 P.O. Supervisors 24 Probation Officers 6 Asst. P.O. 2 Data Supervisors 1 Juvenile Register 26 Clerks	\$ 790,931
Oakland	7	2 Prob. Off. 4 YSB Staff 1 Foster Care 2 Prob. Off. 4 YSB Staff 1 Foster Care & Adoption	93,874	128,198	34,324	11,490	105,364	1 Admin. 1 Asst. Admin. 9 Supervisors 56 Probation Officers 1 Bus. Admin. 1 Volunteer Coord. 5 Psychologists 7 Trainees 1 Juvenile Register	1,833,837
Wayne	7	1 Ins. Casewkr. 2 Legal File Asst. 2 Traffic Ref. 2 Process Servers	93,874	158,109	64,235	11,490	105,364	<u>Casework Services</u> 1 Admin 1 Asst. Admin. 4 Division Directors 11 Supervisors 69 Probation Officers 1 Child Care Worker 48 Clerks <u>Data Control</u> 1 Business Manager 6 Clerks <u>Personnel</u> 1 Manager 1 Clerk <u>Accounts</u> 1 Manager 1 Machine Operator 1 Steno 1 Bookkeeper	4,051,000

Counties with a Population of 500,000 +

County	# of CJO's (State Sub.)	Job Function	State Subsidy	Present Salary	Co. Salary Supplement	State Fringe Benefits	Total State Subsidy	County Probation Court Staff	County Appropriation
Wayne (cont.)								<u>Typing Pool</u> 1 Manager 25 Clerks <u>Mailroom</u> 2 Clerks <u>Stockroom</u> 1 Clerk <u>Clinic</u> 1 Director 8 Psychiatric Soc. Workers 7 Psychologists	
TOTAL	21		281,622	417,181	135,559	34,470	316,092	280	
76								County appropriation for county juvenile court staff.....\$6,675,768 15% fringe benefits (av) <u>1,001,365</u> 7,677,133 County salary supplement to state subsidized CJO positions..... 135,559 TOTAL COUNTY APPROPRIATION.....\$7,812,692 Total state subsidy to County Juvenile Officers including fringe benefits \$316,092	
<u>GRAND TOTAL</u>	137	3 P.O. Postions paid by CCF Basic Grant	1,810,006	2,437,852	627,846	271,250	2,068,634	<u>GRAND TOTAL</u>	County appropriation for county juvenile court staff, including fringe benefits... \$14,816,213 County Salary supplement to state subsidized CJO positions 627,828 TOTAL COUNTY APPROPRIATION \$15,440,041 Total state subsidy to County Juvenile Officers, including fringe benefits..... \$2,068,634* * Does not include travel expense appropriation. \$94,000 (estimate)

Active Juvenile Court Cases the End of the Month of June, 1979

Delinquent					Depend. & Neg.		Delinquent					Depend. & Neg.	
		Off.	Unoff.	Off.	Unoff.			Off.	Unoff.	Off.	Unoff.		
1	Alcona *	AL	19	12	0	0	43	Lake	LA	NA	NA	NA	NA
2	Alger	AG	1	25	4	0	44	Lapeer	LP	214	13	37	49
3	Allegan	AE	153	0	174	0	45	Leelanau	LE	54	0	5	0
4	Alpena	AP	84	0	16	0	46	Lenawee	LN	155	21	141	0
5	Antrim	AN	30	0	19	0	47	Livingston	LI	NA	NA	NA	NA
6	Arenac	AR	37	65	47	31	48	Luce	LU	25	14	5	0
7	Baraga	BG	28	2	1	0	49	Mackinac	MA	74	1	14	0
8	Barry	BA	59	23	34	0	50	Macomb	MC	NA	NA	108	565
9	Bay	BY	150	6	133	0	51	Manistee	MN	43	3	18	0
10	Benzie	BE	29	3	40	1	52	Marquette	MR	91	1	78	0
11	Berrien	BN	105	94	35	153	53	Mason	MS	43	14	1	0
12	Branch	BR	87	7	39	0	54	Mecosta	MT	33	10	19	2
13	Calhoun	CA	239	276	DSS	DSS	55	Menominee	ME	NA	NA	NA	NA
14	Cass	CS	277	0	44	0	56	Midland	MI	NA	NA	NA	NA
15	Charlevoix	CH	NA	NA	NA	NA	57	Missaukee	MR	9	0	17	1
16	Cheboygan	CE	88	3	28	2	58	Monroe	MO	244	53	135	0
17	Chippewa	CP	57	5	NA	NA	59	Montcalm	MM	84	29	55	0
18	Clare	CL	16	41	63	0	60	Montmorency	MY	10	9	0	0
19	Clinton	CT	29	41	NA	NA	61	Muskegon	MU	192	0	NA	NA
20	Crawford	CR	136	129	5	1	62	Newaygo	NE	45	4	37	0
21	Delta	DE	255	0	28	0	63	Oakland	OC	871	0	578	0
22	Dickinson	DI	NA	NA	NA	NA	64	Oceana	OE	NA	NA	NA	NA
23	Eaton	EA	61	17	8	0	65	Ogemaw	OG	27	0	22	0
24	Emmet	EM	NA	NA	NA	NA	66	Ontonagon	ON	29	15	3	0
25	Genesee	GC	NA	NA	NA	NA	67	Osceola	OS	28	2	16	0
26	Gladwin	GL	28	0	0	0	68	Oscoda	OD	19	0	39	0
27	Gogebic	GO	7	6	NA	NA	69	Otsego	OT	18	12	26	13
28	Gd. Traverse	GR	567	168	85	0	70	Ottawa	OW	NA	NA	NA	NA
29	Gratiot	GT	56	3	17	0	71	Presque Isle	PR	24	6	2	0
30	Hillsdale	HI	NA	NA	NA	NA	72	Roscommon	RO	32	5	29	1
31	Houghton	HO	10	6	13	6	73	Saginaw *	SA	243	0	423	0
32	Huron	HU	48	5	37	0	74	St. Clair	SC	235	0	226	0
33	Ingham	IC	NA	NA	NA	NA	75	St. Joseph	SJ	0	129	10	0
34	Ionia	IO	36	53	17	0	76	Sanilac	SN	87	0	20	0
35	Iosco	IS	71	0	8	0	77	Schoolcraft	SO	10	22	4	0
36	Iron	IR	NA	NA	NA	NA	78	Shiawassee	SH	181	13	85	1
37	Isabella	IB	NA	NA	NA	NA	79	Tuscola	TU	120	0	82	0
38	Jackson	JA	298	1	186	0	80	Van Buren	VB	223	1	56	3
39	Kalamazoo	KA	NA	NA	NA	NA	81	Washtenaw	WA	148	125	175	24
40	Kalkaska	KL	NA	NA	NA	NA	82	Wayne	WC	1500	144	256	0
41	Kent	KE	404	65	929	DSS	83	Wexford	WE	NA	NA	NA	NA
42	Keweenaw	KW	0	0	0	0							

* = April, 1979 data; Wayne County's figures are for December, 1978

NA = Not Available

Source: Supreme Court Administrator's Office

Caseload data is incomplete because of problems in manual reporting system since CCPIIS was discontinued.

Comments on the Recommendations
By Review Committee Members

The Department of Social Services mailed copies of the last draft of this plan to members of the Review Committee for the Voluntary Transfer of Probation Staff.

The Review Committee included representatives from the following agencies and organizations: Juvenile judges, County Juvenile Officer's Association, Michigan Association of Counties, Office of Criminal Justice, Michigan County Social Service Association, Michigan Association of Juvenile Court Administrators, Probate Judge's Association, legislative aids, Michigan Juvenile Justice Association, State Court Administrative Office, and Wayne County Board of Commissioners.

The following is a summary of comments made on the draft by members of the Review Committee.

It should be clear that these comments represent the summarized opinions of those who wished to comment and do not necessarily represent any official positions taken by the organizations listed above.

Comment - *The Department has been given the option to exclude detention from the services transferred in the plan. Since detention is clearly a service isn't this position inconsistent with the thesis of unification?*

Response - The intent was not to avoid responsibility for detention programs but only to insure that detention homes could be efficiently operated by the State and accepted in concert with the Michigan Regional Detention Plan, submitted to the legislature in April, 1979.

Comment - The description of the duties of the bailiff on page 25 of the draft includes transportation of youth to hearings. Why is the transportation responsibility left with the courts and not included as a transferred service?

Response - That description was written because in some courts the bailiff or court officer walks youth from a nearby detention home to the court for a hearing.

At a more general level, it is clear that transportation is a service and should be included as a responsibility of the Executive Branch. This change will be made in the final plan.

Comment - Many courts, agencies and organizations do not appose the unification of services as a general concept, but they strongly oppose the idea that services should be unified as part of the Department of Social Services.

Community impressions of the Department tend to be negative and the courts are concerned about the inefficiency and unresponsiveness of an organization the size of the Department.

If services could be unified under a separate Department of Children and Youth the concept of unification would have much more support than it does now.

Response - When this plan was requested as part of Public Act 280 of 1978, the legislature specified that the staff were to transfer to the Department of Social Services.

The plan does not argue that the Department now provides better services. It hypothesizes that any organization could improve a unified system of service delivery.

Comment - On page 24 of the draft intake is listed as a judicial function.

It is really an executive function now performed by the Prosecutor's Office in other courts, and by the Department in abuse/neglect cases.

While a logical split between executive and judicial functions would move intake to the Executive Branch of government the overall effect of this unification would be to eliminate the need for a separate court system for juveniles.

Response - The responsibility for "preliminary inquiry" is currently included in the Social Welfare Act as a judicial responsibility, for this reason intake is listed as a function to remain with the court.

The suggestion that unifying services would eliminate the distinctions between the juvenile court and other courts requires further study.

Other alternatives should be examined with unification such as the creation of a Family Court system, or leaving juvenile courts as they are, but requiring a preliminary hearing on all cases brought before the courts.

Comment - On the top of page 44 of the draft it says OCYS will resolve differences in the definition of "service" vs "judicial" responsibilities as defined by law. Clearly the State Court Administrative Office should be included, since the courts are the ultimate forum for these decisions.

Response - The point is well taken. The final plan will reflect this change.

Comment - On the bottom of page 44 of the draft employee bargaining agents are listed as recognized by the County Board, the "Chief Judges" (not presiding judge) is officially recognized as the employer.

Response - This change will be made in the final plan.

Comment - There is a concern that in some counties the judge's position on transfers may be dictated by the financial interests of the County Board.

Response - We recognize that political pressures could be applied to any of the parties listed as having the authority to veto a transfer prior to legislative approval. These pressures are part of a process we all must deal with. The only thing that can be said is that the Chief Judge in each county is listed as one of the parties authorized to veto a transfer.

Comment - Won't the plan result in a loss of control over services expenditures by the county? What's to prevent the state from unilaterally increasing expenditures and thereby increasing the county's 40 per cent share?

Response - The county's control over expenditures must be clearly defined as part of the general procedures for transfers, and applied to the unique situation in each county during the negotiation process. More study is needed, but, in addition, we suspect that a unilateral move by the State that results in an increase in county costs without county approval would be a violation of the Headlee Amendment.

Comment - Why doesn't the State just pay for 100 per cent of the transferred services?

Response - This is clearly a legislative option, and is discussed in the text of the plan. The Department recommends a 60/40 cost sharing rather than 100 per cent state funds because: a) this maintains a county fiscal investment in services and presumably maintains an appropriate level of county interest in the quality of services provided, and b) the formula recommended by the Department also represents a substantial additional investment by the State and a corresponding decrease in county fiscal pressures.

Comment - In the draft Newaygo County is not included in the list of counties.

Response - We apologize for the oversight. The cost and number of staff in Newaygo were included in the totals but the county was inadvertently omitted from the listing. The omission will be corrected.

Comment - The 15 per cent overage fringe for court staff appears to be low. Many courts pay between 20 and 30 per cent fringes.

Response - This may be correct, but an accurate average of court fringe benefits is not available as far as we are aware. A more accurate estimate of the State's cost is probably the State's fringe package, but, again the exact figure won't be known until county/state negotiations can be completed.

Comment - Many employees are concerned about what will happen to their pay and fringes if they transfer. What can we tell them?

Response - Each case will have to be determined individually, through standardized DSS and Civil Service procedures. Transferred employees will not lose pay as a result of Civil Service employment. They may or may not benefit, depending upon their current pay and eventual Civil Service classification.

Comment - The last recommendation is to eliminate the power of the courts to require DSS to provide services to non-DSS wards. It should be clear that there are advantages to this practice, as well. For example, our court believes there is less stigma to being a court ward than to a DSS ward.

Response - This point will be added to the final plan.

Comment - The implications of services unification are more serious on a long range basis than the proposed revisions of the juvenile code. The Department should be aware that a number of courts, agencies and organizations will oppose

this plan. This opposition can be expected for the reasons listed in the comment sections of this summary, as well as for other reasons.

We would like to note that this opposition is not based on a criticism of the effort that has gone into the plan, nor simply a resistance to change. We are seriously concerned that services to youth will decline if the transfer is enacted.

END