



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2022-14

Juvenile Residential Facilities Advisory Committee

Michigan Department of Health and Human Services

Michigan is committed to protecting the safety and well-being of youth in the juvenile justice system. In June 2021, with Executive Order 2021-6, I launched the Juvenile Justice Reform Task Force and tasked it with assessing our juvenile justice system and recommending proven practices and strategies for reform. The Task Force was chaired by Lt. Governor Garlin Gilchrist and reflected a partnership between county and state leaders, the courts, juvenile justice advocates, and experts. After a year of diligent work, the Task Force issued its final report and recommendations on July 22, 2022.

One of the Task Force's primary objectives was to make recommendations for safely reducing juvenile placements in detention and residential facilities. In its final report, the Task Force concluded that Michigan has inadequate state laws, court rules, and funding incentives to guide the use of residential placements. As a result, the quality of services and case management received by youth in residential placements differs significantly by county, wardship, and facility.

With this context in mind, the Task Force unanimously recommended the establishment of a statewide residential advisory committee to support the Michigan Department of Health and Human Services. Appropriate and timely placements, especially for youth with behavioral health needs who require specialized treatment in a residential facilities, have been increasingly difficult to find over the past year. The efforts of this advisory committee will build upon the success of the Juvenile Justice Reform Task Force to recommend quality assurance and improvement processes for residential facilities statewide.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Residential Advisory Committee

- (a) The Residential Advisory Committee ("Committee") is created as an advisory body within the Michigan Department of Health and Human Services ("Department").
- (b) The Committee may include the following representatives from state government:
 - (1) The Director of the Department, or the Director's designee from within the department, who will serve as the chair of the Committee;
 - (2) The Senior Deputy Director of the Children's Services Agency within the Department, or their designee from within the Agency;
 - (3) The Superintendent of Public Instruction or his designee from within the Michigan Department of Education; and
 - (4) A representative of the State Court Administrative Office.
- (c) The Committee may include the following members appointed by the governor:
 - (1) A probate court judge who regularly handles juvenile cases;
 - (2) A circuit court judge who regularly handles juvenile cases;
 - (3) A representative of family court administrators;
 - (4) A prosecutor;
 - (5) A juvenile defense attorney;
 - (6) A representative of county government;
 - (7) A representative of a tribal government;
 - (8) A representative of a juvenile justice association;
 - (9) A representative of the Michigan Committee on Juvenile Justice, or its successor organization.
 - (10) A member with expertise in youth mental health;
 - (11) A member with expertise in residential behavioral health for youth;
 - (12) Two representatives of residential facilities;
 - (13) A youth-justice advocate; and

- (14) An individual who has lived experience in the juvenile justice system, either as a juvenile or parent.

2. Charge to the Committee

- (a) The Committee must act in an advisory capacity to the governor and must:
 - (1) Review licensing standards for state-run, locally run and privately run juvenile justice facilities and make recommendations to improve evidence-based standards for juvenile justice residential placements, regardless of facility or wardship type.
 - (2) Review staff training, service standards, and length-of-stay guidelines for local detention and residential facilities and make recommendations to improve or strengthen each.
 - (3) Review existing case management standards, which could include risk and needs assessments, service delivery, behavioral health treatment, family-team meetings, dual ward policies, and reentry planning process and recommend baseline standards to guide long-term post disposition residential placements, regardless of county of wardship.
 - (4) Recommend criteria to measure progress toward evidence-based outcomes, including educational outcomes, for youth placed in residential facilities.
- (b) In addition, the Committee may, at the invitation of the Department, support the Department's statewide strategic planning initiatives related to residential placements and management.
- (c) The Council will dissolve on October 1, 2024, or such other time as the governor directs.

3. Operations of the Committee

- (a) The Department must assist the Committee in the performance of its duties and provide personnel to staff the Committee. The budgeting, procurement, and related management functions of the Committee will be performed under the direction and supervision of the director of the Department.
- (b) The Committee must meet at least quarterly and at the call of the Chairperson or as may be provided in procedures adopted by the Committee.
- (c) Members who attend less than 50 percent of the scheduled meetings in any calendar year have vacated their appointment. Upon notification, the governor must fill the vacancy in the same manner as the original appointment.
- (d) The Committee may adopt additional procedures, consistent with this order and applicable law, governing its organization and operations.

- (e) The Committee must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (f) The Committee may establish advisory workgroups composed of individuals or entities participating in Committee activities, including other members of the public as deemed necessary by the Committee, to assist it in performing its duties and responsibilities. The Committee may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (g) The Committee may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Committee also may consult with outside experts to perform its duties, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education.
- (h) The Committee may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (i) Members of the Committee must not receive additional compensation for participation on the Committee. Members of the Committee may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (j) Members of the Committee must refer all legal, legislative, and media contacts to the Department.

4. Implementation

- (a) All departments, committees, commissioners, or officers of this state must give to the Committee any necessary assistance required by the Committee in the performance of the duties of the Committee so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Committee, consistent with applicable law.
- (b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (d) If any portion of this order is found to be unenforceable, the unenforceable provision will be disregarded and the rest of the order will remain in effect as issued.
- (e) This order is effective upon filing.

Given under my hand and the great seal of the State of Michigan.

Date: October 20, 2022

Time: 8:00 am



GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 10/20/22 AT 10:22 A.M.