

CHAIRPERSON  
DEBBIE DE LEON

VICE-CHAIRPERSON  
VICTOR CELENTINO

VICE-CHAIRPERSON PRO-TEM  
STEVE DOUGAN

JUDICIARY COMMITTEE  
DEB NOLAN, CHAIR  
REBECCA BAHAR-COOK  
LAURA DAVIS  
PENELOPE TSEBNOGLOU  
RANDY SCHAFER  
STEVE DOUGAN

## **INGHAM COUNTY BOARD OF COMMISSIONERS**

*P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264*

THE JUDICIARY COMMITTEE WILL MEET ON THURSDAY, OCTOBER 28, 2010 AT 7:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

### Agenda

Call to Order

Approval of the [October 14, 2010 Minutes](#)

Additions to the Agenda

Limited Public Comment

1. Community Coalition for Youth - [Update](#) from Angela Austin
2. Ingham County Department of Human Services - Randy Rauch
  - a. Discussion: Residential Rate [Increase](#) from Michigan Department of Human Services
  - b. Discussion: Recent Law Enforcement Drug Raid Events that Resulted in Children Being Placed in Foster Care Placements (*No Materials*)
3. Circuit Court/Family Division - Third Quarter Report (*To be Distributed at Meeting*)
4. Controller/Administrator - Financial Claim [Request](#)

Announcements

Public Comment

Adjournment

**PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC  
DEVICES OR SET TO MUTE OR VIBRATE TO AVOID  
DISRUPTION DURING THE MEETING**

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at [www.ingham.org](http://www.ingham.org)

JUDICIARY COMMITTEE  
October 14, 2010  
Minutes

Members Present: Deb Nolan, Rebecca Bahar-Cook, Laura Davis, Penelope Tsernoglou, Randy Schafer, Steve Dougan and Board Chairperson Debbie De Leon

Members Absent: None

Others Present: John Neilsen, Rick Terrill, Maureen Winslow, Sara Deprez, Scott LeRoy, Carol Reed, Randy Bell, Stephanie Reuter, Sally Auer, Bryan Bobo and others

The meeting was called to order by Chairperson Nolan at 7:00 p.m. in the Personnel Conference Room "D & E" of the Human Services Building, 5303 S. Cedar Street, Lansing.

Approval of the September 16, 2010 Minutes

The September 16, 2010 Minutes were approved as submitted.

Additions to the Agenda

- 1e. Substitute - Resolution Authorizing Acceptance of a Michigan Drug Court Grant for the Ingham County Family Dependency Treatment Court
6. Late – Update Regarding Ms. Panetta’s Claim

Limited Public Comment

None

MOVED BY COMM. BAHAR-COOK, SUPPORTED BY COMM. SCHAFFER, TO APPROVE A CONSENT AGENDA FOR THE FOLLOWING ITEMS:

1. Circuit Court/Family Division
  - a. Out-of-State Travel Request - National Symposium on Juvenile Services - San Antonio, Texas
  - b. Out-of-State Travel Request - Abraxas Academy - Morgantown, PA
  - d. Out-of-State Travel Request - National Federation of Families Annual Conference - Atlanta, Georgia
  - e. Resolution Authorizing Acceptance of a Michigan Drug Court Grant for the Ingham County Family Dependency Treatment Court
  - f. Resolution to Authorize a Michigan Community Service Commission AmeriCorps Grant Position Placement for the Family Division of Circuit Court
2. 55<sup>th</sup> District Court - Resolution Authorizing the Ingham County 55th District Court to Accept Two Grant Awards from the Michigan Supreme Court’s State Court Administrative Office - Michigan Drug Court Grant Program (SCAO-MDCGP) and the Office of Highway Safety (SCAO-OHSP)

4. Controller/Administrator - 2010 3<sup>rd</sup> Quarter Budget Adjustments and Contingency Fund Update - Resolution Authorizing Adjustments to the 2010 Ingham County Budget

MOTION CARRIED UNANIMOUSLY.

MOVED BY COMM. BAHAR-COOK, SUPPORTED BY COMM. SCHAFER, TO APPROVE THE ITEMS ON THE CONSENT AGENDA.

MOTION CARRIED UNANIMOUSLY.

1. Circuit Court/Family Division
  - c. Out-of-State Travel Request - Boys Town - Nebraska

MOVED BY COMM. BAHAR-COOK, SUPPORTED BY COMM. DAVIS, TO APPROVE THE OUT OF STATE TRAVEL REQUEST TO BOYS TOWN – NEBRASKA.

Comm. Dougan asked if staff is able to combine travels that are geographically close to one another. Ms. Deprez, 30<sup>th</sup> Circuit, indicated that they have done that in the past; however this travel request is for an initial placement.

MOTION CARRIED UNANIMOUSLY.

3. Facilities Department - Resolution Authorizing a Contract with GAV Associates, Inc. to Provide Architectural & Engineering Services for Renovations to the Ingham County Family Center

MOVED BY COMM. BAHAR-COOK, SUPPORTED BY COMM. DAVIS, TO APPROVE THE RESOLUTION AUTHORIZING A CONTRACT WITH GAV ASSOCIATES, INC. TO PROVIDE ARCHITECTURAL & ENGINEERING SERVICES FOR RENOVATIONS TO THE INGHAM COUNTY FAMILY CENTER.

Mr. Terrill, Facilities, informed the Committee that they are requesting to enter into a contract with GAV Associates. He indicated that they were the lowest bid for the architectural engineering services for phase II of the Ingham County Family Center renovations. Comm. Dougan asked where GAV Associates is based. Mr. Terrill stated that they are located in Farmington Hills.

Comm. Bahar-Cook asked what the new office space will look like. Mr. Terrill indicated that they are tentatively planning on having 8-10 offices, a conference room, a carpentry shop, and a garage with a secured parking area for the vans that are on-site. Ms. Deprez stated that they already have a certified carpentry teacher to teach the class.

Board Chairperson De Leon asked if GAV Associates has worked with the County in the past. Mr. Terrill indicated that they have not worked with the County; however, he checked with three of their references. He stated that they have worked on several buildings similar to the educational building. He also spoke with the superintendent of a school that GAV Associates renovated. He had all good things to say about GAV Associates.

MOTION CARRIED UNANIMOUSLY.

5. Board Referrals

- a. Letter from Michigan Department of Human Services Regarding Amended 2009-2010 Annual Plan and Budget for Child Care Fund Expenditures
- b. Resolution from Saginaw County Opposing Public Per Diem for Private Agencies Contracted by DHS for Foster Care
- c. Resolution from Midland County Opposing a Public Per Diem Rate for Foster Care

The Board Referrals were received and placed on file.

- d. Letter from Michigan Department of Human Services Regarding Enhancing the Services Provided to Children Residing in Residential Foster Care Programs

Mr. Neilsen indicated that there have been some discussions with DHS in terms of the increase in costs, etc. He stated that DHS has not completed their summary yet. Chairperson Nolan directed Mr. Neilsen to provide the Committee with an update at the next meeting.

Presentation - Ingham County Family Center

A few youth from PRIDE commented on their experiences working in the garden, preparing the pesto sauce, and time spent at the Family Center.

6. Update Regarding Ms. Panetta's Claim

Mr. Neilsen informed the Committee that the District Court and County attorney reviewed the timeline information provided by Ms. Panetta and her attorney. He indicated that the County attorney still recommends denying the claim, because the funds are not in the County's possession.

Announcements

None

Public Comment

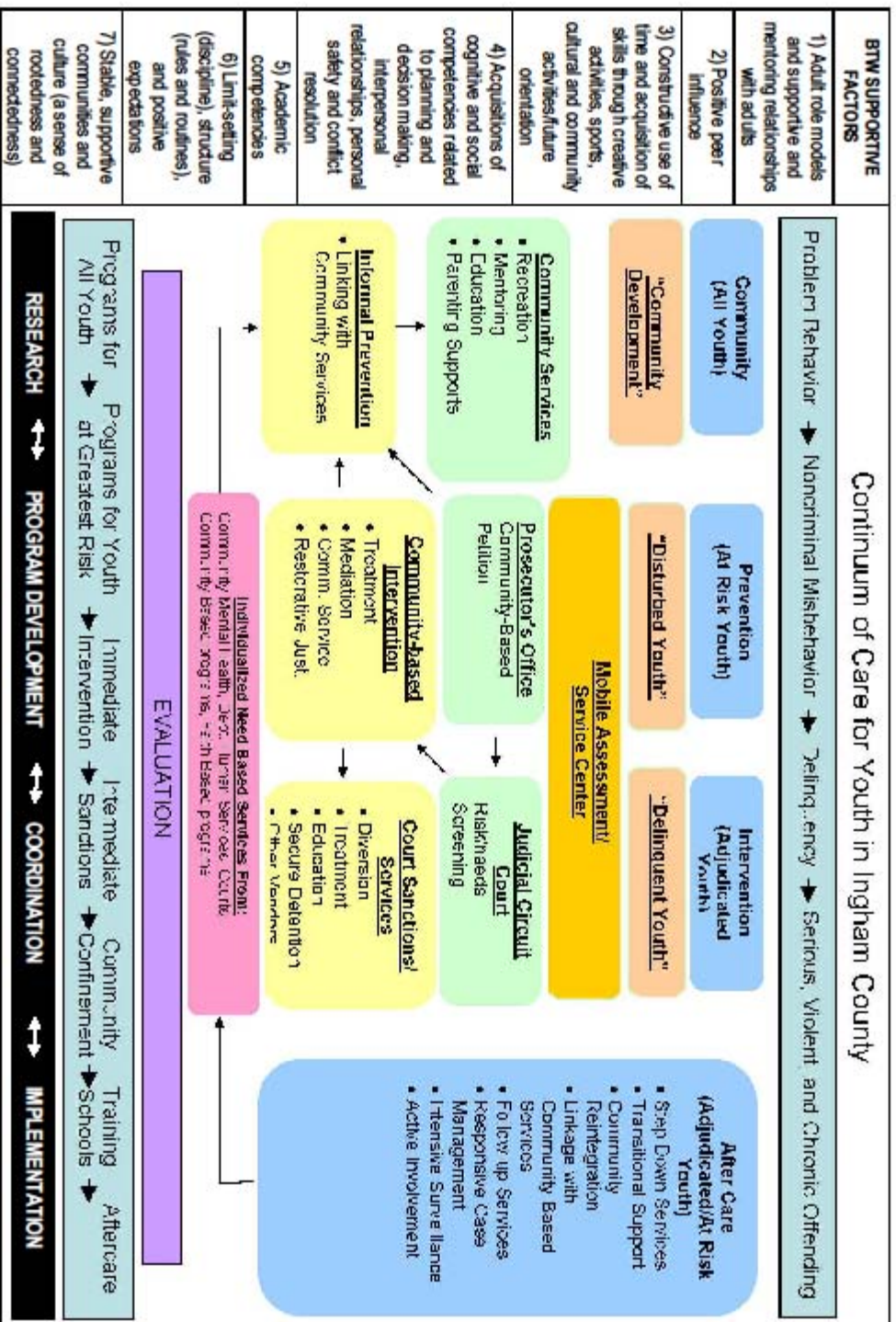
None

The meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

Karsha Sathianathan

## COMMUNITY COALITION FOR YOUTH GOALS – BIRTH TO WORK ALIGNMENT



PROTECTIVE FACTORS & INDICATORS BY SPHERE OF INFLUENCE		
Sphere of Influence	Protective Factor	Suggested Indicators
COMMUNITY	Presence of Caring, Supportive Adults	Availability of caring supportive adults in community, availability of supportive neighbors in the community, positive relationships with adults outside of family, neighborhood associations
	Opportunities for Participation	Community services opportunities and volunteerism, meaningful ways for youth to participate in community activities, availability of pro-social activities
	High Expectations of Youth	Scholarships, incentive programs for graduating high school, high school graduation rates, public education campaigns
	Safe Environment	Community safety
SCHOOL	Caring and Supportive Adults	Low teacher turnover rate, high teacher morale, active PTA in school district, parental support for school, safe and caring school environment
	High Expectations	School achievement, youth who go to college, scholarships available
	Clear Standards & Rules for Appropriate behavior	Adherence to school policies and rules, drug free schools policy, no violence or guns policy, safe and drug free school zones
	Youth Participation, Involvement, & Responsibility in School Tasks & Decisions	Student involvement in class activities and policies, youth involvement in extra-curricular activities, school clubs and organizations
FAMILY	Caring and Supportive Adults, Effective Parenting	Parental care and delivery, youth reports of family love and support, parents' clear rules and consequences, necessary immunizations received
	Positive Bonding	Attachment and commitment to parents and family
PEER	Involvement with Positive Peer Group Activities & Norms	Participation in pro-social activities
INDIVIDUAL	Social Competencies	Self efficacy, incident rates, youth employment, conflict resolution skills, life skills
	Positive Temperament	Pro-social orientation
	Commitment to Community & School	Religious involvement, planning to go to college
	Self-Esteem	Feelings of self-worth

Introduced by the Judiciary Committee of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION OF SUPPORT FOR THE YOUTH VIOLENCE PREVENTION COALITION'S  
"CONTINUUM OF CARE" COMMUNITY WIDE MODEL FOR PREVENTING AND TREATING  
DELINQUENCY**

**RESOLUTION #06-002**

WHEREAS, the voters of Ingham County approved the juvenile justice millage in 2002 for the purpose of increasing Ingham County's capacity to detain and house juveniles who are delinquent or disturbed, and to operate new and existing programs for the treatment of such juveniles, and

WHEREAS, with the passage of the millage, the Judiciary Committee of the Ingham County Board, proceeded to evaluate and choose juvenile justice system enhancements and allocate juvenile justice millage funds as was appropriate with regard to the millage language, and

WHEREAS, the Judiciary Committee, the Ingham County Circuit Court, the Ingham County Power of We Consortium and the Youth Violence Prevention Coalition have worked as partners in the planning process for juvenile justice system improvements, and

WHEREAS, numerous program enhancements have been implemented as a consensus was achieved on approach and priorities, and

WHEREAS, more enhancements are yet to be planned and implemented, and it is recognized that there must be an ongoing effort to improve and redesign the system to meet the changing needs of Ingham County youths, and

WHEREAS, all of the partners are now in agreement that our juvenile justice system should be designed such that it offers a continuum of care for juveniles, providing a full scope of graduated sanctions, treatment and services to address the causes of problem behavior and it is recognized that there is an efficiency achieved in working in a community-wide framework to implement a range of services that include community based, prevention, intervention, and aftercare strategies for our youths, and

WHEREAS, at this time in the planning process, it is important to our partners, that the Ingham County Board of Commissioners formally expresses a commitment to a juvenile justice system based on the continuum of care approach.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby adopts this resolution to support the Youth Violence Prevention Coalitions "Continuum Of Care" Community Wide Model For Preventing And Treating Delinquency and affirms its acceptance of working within the community-wide framework, offering a continuum of care for Ingham County youths.

**ADOPTED - JANUARY 3, 2006**

**Agenda Item No. 6**

**RESOLUTION #06-002**

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners also affirms that as enhancements to the juvenile justice system are designed and implemented with the use of juvenile justice millage funding, they will be compatible to the overall design for a continuum of care in Ingham County.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners remains committed to partnering with the Ingham County Circuit Court, the Ingham County Power of We Consortium and the Youth Violence Prevention Coalition in developing a progressive juvenile justice system that will result in improving the lives of juveniles in our county.

**JUDICIARY: Yeas:** Holman, Nolan, Swope, Schafer, Dougan

**Nays:** None

**Absent:** Weatherwax-Grant

**Approved 12/1/05**



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING

September 16, 2010



ISMAEL AHMED  
DIRECTOR

Dear County and Court Administrators:

The Department of Human Services (DHS) is committed to enhancing the services provided to children residing in residential foster care programs. Toward that end, DHS is modifying the residential service provisions for both abuse/neglect and juvenile justice programs to require services specifically focused on addressing the educational and permanency needs of children. The enhanced services provided in the residential programs include requirements that each Contractor:

1. Provide a minimum .5 Permanency/Educational Specialist for every 8 youth.
2. Maintain the youth in the school where the youth was enrolled immediately prior to their placement into the program, if continuing in that school placement is in the best interest of the child. Best interest factors to consider regarding school placement include the parent's or guardian's preference and the child's:
  - Social and emotional state.
  - Academic achievement/strengths.
  - Continuity of relationships.
  - Special education programming.
  - Extra-curricular activity participation.
  - Distance/travel time to and from current school/new placement and impact on the child.
  - Supportive relationships and/or services.
  - Length of anticipated stay in placement.
3. Request prior education assessments within 30 days of placement to assist in assessing the current educational needs. Documentation of diligence in requesting records must be included in the youth's file.
4. Coordinate with the youth's last school of record and the new school to ensure the youth does not lose any academic credits.
5. For youth suspended from or expelled from school, or who have obtained their GED, provide or arrange for structured educational and/or vocational activities (i.e., structured homework time, additional reading or writing activities, independent study assignments and independent living skills).
6. Take an active role in monitoring and maintaining school progress for youth who miss school. Interventions may include, but are not limited to, obtaining school assignments, monitoring completion of homework and additional tutoring.
7. Provide advocacy and service planning for youth that are expelled.
8. Provide assistance with homework or arrange for the provision of additional assistance as needed.
9. Maintain regular contact with the school to monitor the youth's progress.
10. Operate an on-grounds school (if applicable) in compliance with Michigan's Department of Education rules and requirements.

11. Assure that tutorial staff must have appropriate educational credentials to provide tutorial services.
12. Describe the Contractor's plan to reduce the barrier to ensure ongoing family contact if the distance of a family from the agency is identified as a barrier.
13. The Permanency/Educational Specialist shall use family finding techniques to mine past records to locate possible connections for the youth if there is not an identified family. Contractors are required to coordinate with local DHS or referring worker to identify, recruit and prepare family for eventual placement or involvement with youth.


Based on the enhanced services being provided by residential providers, DHS has issued an increase in the daily per diem rate of \$7.00 effective July 1, 2010. Only those residential programs that had rates established prior to January 1, 2010 will be issued an increase because the daily per diem established for residential providers after January 1, 2010 are adequate to allow the provision of additional services. DHS has identified the following providers as ineligible for the rate increase:

- Lutheran Home – License CI090201262
- Child and Family Services, Capital Mother/Baby program – License CI330263425
- Spectrum Human Services, Alois Mother/Baby program – License CI820294882
- Holy Cross, Joy Mother/Baby program – License CI730201432

Although the new rates became effective July 1, 2010, they were not modified in the state payment system until August 29, 2010. Retroactive payments for the period 7/1/10-8/28/10 will be adjusted by the DHS central office for state paid cases only. **Local office workers should not authorize separate payments for the \$7.00 rate difference for this retroactive period.** Local DHS office payment authorizations must be current to cover the retroactive period and all impacted institutions must ensure their invoices for this period are submitted timely for payment. **All county funded payments to the involved institutions must be retroactively adjusted in the counties,** pursuant to their respective payment processes.

Local DHS offices may contact Wendy Campau at 517-241-4423 or [CampauW@michigan.gov](mailto:CampauW@michigan.gov) with any questions regarding this matter.

Sincerely,



Ismael Ahmed

c: Susan Kangas  
Kathryne A. O'Grady  
Terri Gilbert  
Mary Mehren  
Helen Weber  
Terrence Beurer  
Steve Yager  
Mary Mehren  
Debora Buchanan

TO: Judiciary Committee  
FROM: John L. Neilsen, Deputy Controller  
DATE: October 21, 2010  
SUBJECT: Financial Claim to the County

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Commissioners:

In the matter of the request of the County to pay Ms. Penny Panetta the sum of \$6,685.00, our attorney advises that the Judiciary Committee should take formal action on this claim.

Our attorney further advises that our options are as follows:

- 1) grant the claim;
- 2) grant the claim in part; or
- 3) deny the claim.

In light of the attorney's legal opinion advising denial of the claim, a possible motion would be:

“Move to deny the claim on the grounds that the County is not liable per advice of counsel.”

A vote on the motion should be entered into the Minutes.

Below is some background on the claim:

Our Financial Services Director Jill Rhode received a communication dated July 17, 2010, from Attorney William Metros representing Penny Panetta. This communication requested the County to pay Ms. Panetta \$6,685.00, due to alleged misdelivery of the restitution in the case of *People v Maroney*, 55<sup>th</sup> District Court Case No. 07-15592-SM.

The communication was originally referred to the Board of Commissioners, and then forwarded on to the Judiciary Committee for the September 16, 2010 Committee meeting.

At the request of the Committee, both Ms. Panetta and the 55<sup>TH</sup> District Court were asked to assemble all the information about the sequence of events in this matter, and then to forward them to my attention. The Court and Attorney William Metros representing Ms. Panetta did so. That compiled information was sent to our attorney Tim Perrone for his review. Mr. Perrone reviewed the information and still advises that the County should not approve this claim.

Finally, the Court is not aware of any similar incidents where there was this type of issue over who the proper party was to receive victim restitution.

WILLIAM METROS  
Attorney at Law  
4355 Clise Road  
Bath, Michigan 48808  
(517) 641-4000  
Fax (517) 641-4781

AGENDA ITEM # 5b

Website - metroslaw.com

Email- beemetros@hughes.net

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July 17, 2010

Jill E. Rhode  
121 E. Maple  
PO Box 319  
Mason, MI 48854

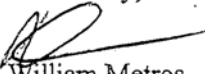
RE: People v Maroney  
Docket No. 07-15592-SM  
Judge Allen

Dear Ms. Rhode:

Please find enclosed an order following remand from 55<sup>th</sup> district court. As the order states, the actual victim in the above captioned case was Penny Panetta. The court erroneously paid this amount to the wrong person. Therefore, we are asking that the board of commissioners pay to Penny Panetta the amount ordered by the court - \$6685.00.

If you have any questions, please call.

Yours truly,

  
William Metros  
Attorney at Law

cc: Penny Panetta  
Prosecutor

STATE OF MICHIGAN  
IN THE 55<sup>TH</sup> DISTRICT COURT

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PEOPLE OF THE STATE OF MICHIGAN,

File No 07-15592-SM

Plaintiff,

Hon. Donald L. Allen

V

BRYANT ANDREW MARONEY,

Defendant

And

PENNY J. PANETTA,

Intervener

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ORDER FOLLOWING REMAND

At a session of the 55<sup>th</sup> District Court held at 700 Buhl Drive,  
Mason, Ingham County, Michigan on July 12, 2010

Present: Honorable Donald L. Allen, District Judge

The Defendant having pleaded guilty to embezzlement; the parties having agreed that the embezzled property, a tennis bracelet, was worth \$6,685.00; this Court having entered an Order of Probation on March 4, 2009 which included a requirement that the Defendant pay "\$6,685 restitution to victim;" the Defendant having paid \$6,685.00 to this Court; this Court having remitted \$6,685.00 to the Defendant's former employer, Randal Plaunt, based on the belief that he was the victim in this case; the Intervener having subsequently filed a Motion to Correct Record and having argued that she was entitled to the restitution; a hearing on this

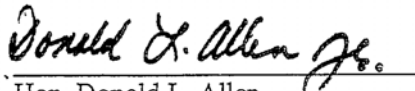
motion having been held on November 9, 2009; this Court having determined that the restitution belonged to Randal Plaunt; an order to that effect having been entered on November 9, 2009; the Intervener having filed an appeal known as Ingham County Circuit Court File No 09-1597-AR; the Circuit Court having determined that this Court erred in its finding that the restitution belonged to Randal Plaunt; the Circuit Court having remanded this matter to this Court for further proceedings; the Intervener having filed a Motion for Entry of Order ~~and a Motion for Attorney Fees; both motions~~ having been heard on July 12, 2010,

IT IS HEREBY ORDERED that the Motion to Enter Order is granted.

The March 4, 2009 Order of Probation in this case shall be modified to state:


“6,685 restitution to victim, Penny J. Panetta.”

~~IT IS FURTHER ORDERED that the Motion for Attorney Fees is denied for the reasons stated on the record.~~


  
Hon. Donald L. Allen  
District Judge


TRUE COPY  
65TH DISTRICT COURT

Countersigned:

  
Deputy Clerk

Approved as to form for entry:

  
Guy L. Sweet (P34298)  
Attorney for the Plaintiff

  
William Metros (P42246)  
Attorney for the Intervener

Drafted By:  
Guy L. Sweet (P34298)