

# Judge rules Children's Village takeover legal

By Kathy Parrish  
staff writer

While upholding the right of probate judges to run Children's Village, an Oakland County judge ruled it could be turned over to the county's chief.

So Oakland County Executive Daniel Murphy will again ask the board of commissioners to transfer control of the child care facility to him.

"I would think the logical thing to say to the board is 'You have a right to manage Children's Village — Why don't you do it?'" said Murphy.

"If the board wants to do what needs to be done over there, it needs to have control."

ACTING ON a lawsuit by Murphy to take over control of Children's Village, Oakland County Circuit Court Judge Hilda Gage Friday ruled the legal authority to supervise, direct and control Camp Oakland and Children's Village remains with the probate judges.

"The operation of child care institutions by probate judges pursuant to legislation does not violate the separation of powers doctrine," her opinion read. But Gage also stated she does not recognize "any inherent power in the Probate Court to operate and control child care facilities."

"The board of commissioners has the power to transfer the control and administration of child care facilities from the court to the county."

CHILDREN'S VILLAGE is run by Oakland County Probate Court's juvenile Division, which places neglected or delinquent youth there. More than 200 youth are presently in the nine building facility with a capacity of 220.

Custodial and treatment services are provided to children the court feels need out-of-home care.

But while the Probate Court runs the operation, its funding is mainly county money which is approved and administered by the board of commissioners. Under the State Foster Care Act, the county is reimbursed 50 percent of everything spent.

Two years ago, Murphy told the four probate judges he was taking over Children's Village under Public Act 139. He contends the law allowing counties to set up executive style government also authorizes him to run the facility through his Department of Institutional and Human Services.

INSTEAD OF yielding control, the judges told Murphy to sue them. Because they see juvenile offenders and their families in court, they argue they are best able to work out their treatment.

"We think he's an outstanding county executive and very capable, but he has many responsibilities from hospitals to garages," explained Probate Judge Eugene Arthur Moore.

"We think we can deal more rapidly and are better able to rehabilitate kids."

IN DECEMBER, 1982, commissioners voted 16-7 against a proposal to give Murphy control of Children's Village. Several fellow Republicans joined Democrats in defeating the measure.

At the time, some of the lawmakers said they preferred to get a court opinion on the proposal.

Moore is not sure what the judges will do if Murphy again asks commissioners to give him control. "They turned him down, and I would be surprised if he asks them again," said Moore.

"But we would continue to resist that. I think the real issue is that we need to work together — commission-

ers, executive and judges — to benefit the kids."

WHILE STILL mulling over a course of action, Murphy said he does not intend to appeal the court decision.

Instead he expects to ask commissioners to transfer authority to him. Murphy argues that the village is not used to capacity and is not cost-efficient.

"I'd like to see goals set — the kinds of things other departments do," said Murphy. "Under the law that is a county department."

THROUGH THE lawsuit, Murphy contended allowing Probate Court to run child care facilities violates separation of powers between the executive and judicial branches of government.

"I believe the judicial branch should interpret the laws and the executive branch should carry them out," he said firmly.

"They ought to be separate. This is a bad way to handle it."

The executive also disagreed that judges are best able to oversee rehabilitation.

"Psychologists, social works and



Children's Village officials have asked the county closed a year ago when numbers were down at commission to reopen Building B, which was the child care facility.

DAVID FRANK/staff photographer

good welfare workers rehabilitate, not judges," he said. "I don't think because you're a judge you have a better handle on rehabilitation than anyone else."

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