

**SUBSTITUTE FOR  
SENATE BILL NO. 97**

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending sections 14, 15, 16, 18, and 18i of chapter XIIIA (MCL  
712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as  
amended by 2012 PA 163, section 15 as amended by 1998 PA 474,  
section 16 as amended by 1998 PA 478, section 18 as amended by 2018  
PA 58, and section 18i as added by 1996 PA 244.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER XIIIA

Sec. 14. (1) Any local police officer, sheriff or deputy  
sheriff, state police officer, county agent or probation officer of  
any court of record may, without the order of the court,  
immediately take into custody any child who is found violating any

1 law or ordinance, or for whom there is reasonable cause to believe  
2 is violating or has violated a personal protection order issued  
3 under section 2(h) of this chapter by the court under section 2950  
4 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL  
5 600.2950 and 600.2950a, or for whom there is reasonable cause to  
6 believe is violating or has violated a valid foreign protection  
7 order. If the officer or county agent takes a child coming within  
8 the provisions of this chapter into custody, he or she shall  
9 immediately attempt to notify the parent or parents, guardian, or  
10 custodian. While awaiting the arrival of the parent or parents,  
11 guardian, or custodian, a child under the age of ~~17~~**18** years taken  
12 into custody under the provisions of this chapter shall not be held  
13 in **A JAIL OR** any **OTHER** detention facility unless the child is  
14 completely isolated ~~so as to prevent any~~ verbal, visual, or  
15 physical contact with ~~any~~**AN** adult prisoner. Unless the child  
16 requires immediate detention as provided for in this act, the  
17 officer shall accept the written promise of the parent or parents,  
18 guardian, or custodian, to bring the child to the court at a fixed  
19 time. The child shall then be released to the custody of the parent  
20 or parents, guardian, or custodian.

21 (2) If a child is not released under subsection (1), the child  
22 and his or her **PARENT OR** parents, guardian, or custodian, if they  
23 can be located, shall immediately be brought before the court for a  
24 preliminary hearing on the status of the child, and an order signed  
25 by a judge or a referee authorizing the filing of a complaint shall  
26 be entered or the child shall be released to his or her parent or  
27 parents, guardian, or custodian.

1 (3) If a complaint is authorized under subsection (2), the  
2 order shall state where the child is to be placed, pending  
3 investigation and hearing, which placement may be in any of the  
4 following:

5 (a) In the home of the child's parent **OR PARENTS**, guardian, or  
6 custodian.

7 (b) If a child is within the court's jurisdiction under  
8 section 2(a) of this chapter, in a suitable foster care home  
9 subject to the court's supervision. ~~Except as otherwise provided in~~  
10 ~~subsections (4) and (5), if~~ **IF** a child is within the court's  
11 jurisdiction under section 2(b) of this chapter, the court shall  
12 not place a child in a foster care home subject to the court's  
13 supervision.

14 (c) In a child care institution or child placing agency  
15 licensed by the department ~~of human services~~ to receive for care  
16 children within the jurisdiction of the court.

17 (d) In a suitable place of detention.

18 ~~— (4) Except as otherwise provided in subsection (5), if a court~~  
19 ~~is providing at the time of the enactment of this subsection foster~~  
20 ~~care home services subject to the court's supervision to children~~  
21 ~~within section 2(b) of this chapter, the court may continue to~~  
22 ~~provide those services through December 31, 1989. Beginning January~~  
23 ~~1, 1990, the court shall discontinue providing those services.~~

24 ~~— (5) If a court located in a county with a population in excess~~  
25 ~~of 650,000 is providing at the time of the enactment of this~~  
26 ~~subsection foster care home services subject to the court's~~  
27 ~~supervision to children within section 2(b) of this chapter, the~~

1 ~~court may continue to provide those services through December 31,~~  
2 ~~1991. Beginning January 1, 1992, the court shall discontinue those~~  
3 ~~services.~~

4       Sec. 15. (1) In the case of a child concerning whom a  
5 complaint has been made or a petition has been filed ~~pursuant to~~  
6 **UNDER** this chapter, the court may order the child, pending the  
7 hearing, detained in a facility as the court ~~shall designate.~~  
8 **DESIGNATES**. The court may release the child, pending the hearing,  
9 in the custody of a parent **OR PARENTS**, guardian, or custodian, to  
10 be brought before the court at the time designated. As used in this  
11 subsection, "petition" includes all of the following:

12       (a) Petition.

13       (b) Supplemental petition.

14       (c) Petition for revocation of probation.

15       (d) Supplemental petition alleging a violation of a personal  
16 protection order.

17       (2) Custody, pending hearing, is limited to the following  
18 children:

19       (a) Those whose home conditions make immediate removal  
20 necessary.

21       (b) Those who have a record of unexcused failures to appear at  
22 juvenile court proceedings.

23       (c) Those who have run away from home.

24       (d) Those who have failed to remain in a detention or  
25 nonsecure facility or placement in violation of a court order.

26       (e) Those whose offenses are so serious that release would  
27 endanger public safety.

1 (f) Those who have allegedly violated a personal protection  
2 order and for whom it appears there is a substantial likelihood of  
3 retaliation or continued violation.

4 (3) A child taken into custody ~~pursuant~~ **ACCORDING** to section  
5 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be  
6 detained in ~~any~~ **A** secure facility designed to physically restrict  
7 the movements and activities of alleged or adjudicated juvenile  
8 offenders unless the court finds that the child willfully violated  
9 a court order and the court finds, after a hearing and on the  
10 record, that there is not a less restrictive alternative more  
11 appropriate to the needs of the child. ~~This subsection does not~~  
12 ~~apply to a child who is under the jurisdiction of the court~~  
13 ~~pursuant to section 2(a)(1) of this chapter or a child who is not~~  
14 ~~less than 17 years of age and who is under the jurisdiction of the~~  
15 ~~court pursuant to a supplemental petition under section 2(h) of~~  
16 ~~this chapter.~~

17 (4) A child taken into custody ~~pursuant to~~ **UNDER** section 2(b)  
18 of this chapter or subsection (2)(a) shall not be detained in ~~any~~ **A**  
19 secure facility designed to physically restrict the movements and  
20 activities of alleged or adjudicated juvenile offenders or in a  
21 cell or other secure area of ~~any~~ **A** secure facility designed to  
22 incarcerate adults.

23 (5) A child taken into custody ~~pursuant to~~ **UNDER** section  
24 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be  
25 detained in a cell or other secure area of ~~any~~ **A** secure facility  
26 designed to incarcerate adults unless ~~either of the following~~  
27 ~~applies:~~

1 ~~—— (a) A child is under the jurisdiction of the court pursuant to~~  
2 ~~section 2(a)(1) of this chapter for an offense which, if committed~~  
3 ~~by an adult, would be a felony.~~

4 ~~—— (b) A **THE** child is not less than 17-18 years of age and is~~  
5 ~~under the jurisdiction of the court pursuant to **UNDER** a~~  
6 ~~supplemental petition under section 2(h) of this chapter.~~

7       Sec. 16. (1) If a juvenile under the age of 17-18 years is  
8 taken into custody or detained, the juvenile shall not be confined  
9 in ~~any~~ **A** police station, prison, jail, lock-up, or reformatory or  
10 transported with, or compelled or permitted to associate or mingle  
11 with, criminal or dissolute persons. ~~However, except~~ **EXCEPT** as  
12 otherwise provided in section 15(3), (4), and (5) of this chapter,  
13 the court may order a juvenile 15 years of age or older whose  
14 habits or conduct are considered a menace to other juveniles, or  
15 who may not otherwise be safely detained, placed in a jail or other  
16 place of detention for adults, but in a room or ward separate from  
17 adults and for not more than 30 days, unless longer detention is  
18 necessary for the service of process.

19       (2) The county board of commissioners in each county or of  
20 counties contracting together may provide for the diagnosis,  
21 treatment, care, training, and detention of juveniles in a child  
22 care home or facility conducted as an agency of the county if the  
23 home or facility meets licensing standards established under 1973  
24 PA 116, MCL 722.111 to 722.128. The court or a court-approved  
25 agency may arrange for the boarding of juveniles in ~~any~~ **EITHER** of  
26 the following:

27       (a) If a juvenile is within the court's jurisdiction under

1 section 2(a) of this chapter, a suitable foster care home subject  
2 to the court's supervision. If a juvenile is within the court's  
3 jurisdiction under section 2(b) of this chapter, the court shall  
4 not place a juvenile in a foster care home subject to the court's  
5 supervision.

6 (b) A child caring institution or child placing agency  
7 licensed by the department ~~of consumer and industry services~~ to  
8 receive for care juveniles within the court's jurisdiction.

9 ~~— (c) If in a room or ward separate and apart from adult~~  
10 ~~eriminals, the county jail for juveniles over 17 years of age~~  
11 ~~within the court's jurisdiction.~~

12 (3) If a detention home or facility is established as an  
13 agency of the county, the judge may appoint a superintendent and  
14 other necessary employees for the home or facility who shall  
15 receive compensation as provided by the county board of  
16 commissioners of the county. This section does not alter or  
17 diminish the legal responsibility of the ~~family independence agency~~  
18 **DEPARTMENT** or a county juvenile agency to receive juveniles  
19 committed by the court.

20 (4) If the court under subsection (2) arranges for the board  
21 of juveniles temporarily detained in private homes or in a child  
22 caring institution or child placing agency, a reasonable sum fixed  
23 by the court for their board shall be paid by the county treasurer  
24 as provided in section 25 of this chapter.

25 (5) A court shall not provide foster care home services  
26 subject to the court's supervision to juveniles within section 2(b)  
27 of this chapter.

1           (6) A juvenile detention home described in subsection (3)  
2 shall be operated under the direction of the county board of  
3 commissioners or, in a county that has an elected county executive,  
4 under the county executive's direction. ~~However, a~~ A different  
5 method for directing the operation of a detention home may be  
6 agreed to in any county by the chief judge of the circuit court in  
7 that county and the county board of commissioners or, in a county  
8 that has an elected county executive, the county executive.

9           Sec. 18. (1) If the court finds that a juvenile concerning  
10 whom a petition is filed is not within this chapter, the court  
11 shall enter an order dismissing the petition. Except as otherwise  
12 provided in subsection (10), if the court finds that a juvenile is  
13 within this chapter, the court shall order the juvenile returned to  
14 his or her parent if the return of the juvenile to his or her  
15 parent would not cause a substantial risk of harm to the juvenile  
16 or society. The court may also enter any of the following orders of  
17 disposition that are appropriate for the welfare of the juvenile  
18 and society in view of the facts proven and ascertained:

19           (a) Warn the juvenile or the juvenile's parents, guardian, or  
20 custodian and, except as provided in subsection (7), dismiss the  
21 petition.

22           (b) Place the juvenile on probation, or under supervision in  
23 the juvenile's own home or in the home of an adult who is related  
24 to the juvenile. As used in this subdivision, "related" means an  
25 individual who is not less than 18 years of age and related to the  
26 child by blood, marriage, or adoption, as grandparent, great-  
27 grandparent, great-great-grandparent, aunt or uncle, great-aunt or



1 great-uncle, great-great-aunt or great-great-uncle, sibling,  
2 stepsibling, nephew or niece, first cousin or first cousin once  
3 removed, and the spouse of any of the above, even after the  
4 marriage has ended by death or divorce. A child may be placed with  
5 the parent of a man whom the court has found probable cause to  
6 believe is the putative father if there is no man with legally  
7 established rights to the child. This placement of the child with  
8 the parent of a man whom the court has found probable cause to  
9 believe is the putative father is for the ~~purposes~~**PURPOSE** of  
10 placement only, ~~and is not to be construed as a finding of~~  
11 ~~paternity, or to~~**AND DOES NOT** confer legal standing. The court  
12 shall order the terms and conditions of probation or supervision,  
13 including reasonable rules for the conduct of the parents,  
14 guardian, or custodian, if any, as the court determines necessary  
15 for the physical, mental, or moral well-being and behavior of the  
16 juvenile. The court may order that the juvenile participate in a  
17 juvenile drug treatment court under chapter 10A of the revised  
18 judiciary act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The  
19 court also shall order, as a condition of probation or supervision,  
20 that the juvenile shall pay the minimum state cost prescribed by  
21 section 18m of this chapter.

22 (c) If a juvenile is within the court's jurisdiction under  
23 section 2(a) of this chapter, or under section 2(h) of this chapter  
24 for a supplemental petition, place the juvenile in a suitable  
25 foster care home subject to the court's supervision. If a juvenile  
26 is within the court's jurisdiction under section 2(b) of this  
27 chapter, the court shall not place a juvenile in a foster care home

1 subject to the court's supervision.

2 (d) Except as otherwise provided in this subdivision, place  
3 the juvenile in or commit the juvenile to a private institution or  
4 agency approved or licensed by the department's division of child  
5 welfare licensing for the care of juveniles of similar age, sex,  
6 and characteristics. If the juvenile is not a ward of the court,  
7 the court shall commit the juvenile to the department or, if the  
8 county is a county juvenile agency, to that county juvenile agency  
9 for placement in or commitment to an institution or agency as the  
10 department or county juvenile agency determines is most  
11 appropriate, subject to any initial level of placement the court  
12 designates.

13 (e) Except as otherwise provided in this subdivision, commit  
14 the juvenile to a public institution, county facility, institution  
15 operated as an agency of the court or county, or agency authorized  
16 by law to receive juveniles of similar age, sex, and  
17 characteristics. If the juvenile is not a ward of the court, the  
18 court shall commit the juvenile to the department or, if the county  
19 is a county juvenile agency, to that county juvenile agency for  
20 placement in or commitment to an institution or facility as the  
21 department or county juvenile agency determines is most  
22 appropriate, subject to any initial level of placement the court  
23 designates. ~~If a child is not less than 17 years of age and is in~~  
24 ~~violation of a personal protection order, the court may commit the~~  
25 ~~child to a county jail within the adult prisoner population. In a~~  
26 placement under subdivision (d) or a commitment under this  
27 subdivision, except to a state institution or a county juvenile

1 agency institution, the juvenile's religious affiliation shall be  
2 protected by placement or commitment to a private ~~child-placing~~  
3 **CHILD PLACING** or ~~child-caring~~ **CHILD CARING** agency or institution,  
4 if available. Except for commitment to the department or a county  
5 juvenile agency, an order of commitment under this subdivision to a  
6 state institution or agency described in the youth rehabilitation  
7 services act, 1974 PA 150, MCL 803.301 to 803.309, or in 1935 PA  
8 220, MCL 400.201 to 400.214, the court shall name the  
9 superintendent of the institution to which the juvenile is  
10 committed as a special guardian to receive benefits due the  
11 juvenile from the ~~government of the~~ United States **GOVERNMENT**. An  
12 order of commitment under this subdivision to the department or a  
13 county juvenile agency shall name that agency as a special guardian  
14 to receive those benefits. The benefits received by the special  
15 guardian ~~shall~~ **MUST** be used to the extent necessary to pay for the  
16 portions of the cost of care in the institution or facility that  
17 the parent or parents are found unable to pay.

18 (f) Provide the juvenile with medical, dental, surgical, or  
19 other health care, in a local hospital if available, or elsewhere,  
20 maintaining as much as possible a local physician-patient  
21 relationship, and with clothing and other incidental items the  
22 court determines are necessary.

23 (g) Order the **PARENT OR** parents, guardian, custodian, or any  
24 other person to refrain from continuing conduct that the court  
25 determines has caused or tended to cause the juvenile to come  
26 within or to remain under this chapter or that obstructs placement  
27 or commitment of the juvenile by an order under this section.

1 (h) Appoint a guardian under section 5204 of the estates and  
2 protected individuals code, 1998 PA 386, MCL 700.5204, in response  
3 to a petition filed with the court by a person interested in the  
4 juvenile's welfare. If the court appoints a guardian as authorized  
5 by this subdivision, it may dismiss the petition under this  
6 chapter.

7 (i) Order the juvenile to engage in community service.

8 (j) If the court finds that a juvenile has violated a  
9 municipal ordinance or a state or federal law, order the juvenile  
10 to pay a civil fine in the amount of the civil or penal fine  
11 provided by the ordinance or law. Money collected from fines levied  
12 under this subsection shall be distributed as provided in section  
13 29 of this chapter.

14 (k) If a juvenile is within the court's jurisdiction under  
15 section 2(a)(1) of this chapter, order the juvenile's parent or  
16 guardian to personally participate in treatment reasonably  
17 available in the parent's or guardian's location.

18 (l) If a juvenile is within the court's jurisdiction under  
19 section 2(a)(1) of this chapter, place the juvenile in and order  
20 the juvenile to complete satisfactorily a program of training in a  
21 juvenile boot camp established by the department under the juvenile  
22 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided  
23 in that act. If the county is a county juvenile agency, the court  
24 shall commit the juvenile to that county juvenile agency for  
25 placement in the program under that act. Upon receiving a report of  
26 satisfactory completion of the program from the department, the  
27 court shall authorize the juvenile's release from placement in the

1 juvenile boot camp. Following satisfactory completion of the  
2 juvenile boot camp program, the juvenile shall complete an  
3 additional period of not less than 120 days or more than 180 days  
4 of intensive supervised community reintegration in the juvenile's  
5 local community. To place or commit a juvenile under this  
6 subdivision, the court shall determine all of the following:

7 (i) Placement in a juvenile boot camp will benefit the  
8 juvenile.

9 (ii) The juvenile is physically able to participate in the  
10 program.

11 (iii) The juvenile does not appear to have any mental handicap  
12 that would prevent participation in the program.

13 (iv) The juvenile will not be a danger to other juveniles in  
14 the boot camp.

15 (v) There is an opening in a juvenile boot camp program.

16 (vi) If the court must commit the juvenile to a county  
17 juvenile agency, the county juvenile agency is able to place the  
18 juvenile in a juvenile boot camp program.

19 (m) If the court entered a judgment of conviction under  
20 section 2d of this chapter, enter any disposition under this  
21 section or, if the court determines that the best interests of the  
22 public would be served, impose any sentence upon the juvenile that  
23 could be imposed upon an adult convicted of the offense for which  
24 the juvenile was convicted, **EXCEPT THAT A JUVENILE SHALL NOT BE**  
25 **CONFINED IN A JAIL OR PRISON UNTIL THE JUVENILE IS 18 YEARS OF AGE.**  
26 If the juvenile is convicted of a violation or conspiracy to commit  
27 a violation of section 7403(2)(a)(i) of the public health code,

1 1978 PA 368, MCL 333.7403, the court may impose the alternative  
2 sentence permitted under that section if the court determines that  
3 the best interests of the public would be served. The court may  
4 delay imposing a sentence of imprisonment under this subdivision  
5 for a period not longer than the period during which the court has  
6 jurisdiction over the juvenile under this chapter by entering an  
7 order of disposition delaying imposition of sentence and placing  
8 the juvenile on probation upon the terms and conditions it  
9 considers appropriate, including ~~any~~**A** disposition under this  
10 section. If the court delays imposing sentence under this section,  
11 section 18i of this chapter applies. If the court imposes sentence,  
12 it shall enter a judgment of sentence. If the court imposes a  
13 sentence of imprisonment, the juvenile shall receive credit against  
14 the sentence for time served before sentencing. In determining  
15 whether to enter an order of disposition or impose a sentence under  
16 this subdivision, the court ~~shall~~**MUST** consider all of the  
17 following factors, giving greater weight to the seriousness of the  
18 offense and the juvenile's prior record:

19 (i) The seriousness of the offense in terms of community  
20 protection, including, but not limited to, the existence of any  
21 aggravating factors recognized by the sentencing guidelines, the  
22 use of a firearm or other dangerous weapon, and the impact on any  
23 victim.

24 (ii) The juvenile's culpability in committing the offense,  
25 including, but not limited to, the level of the juvenile's  
26 participation in planning and carrying out the offense and the  
27 existence of any aggravating or mitigating factors recognized by

1 the sentencing guidelines.

2 (iii) The juvenile's prior record of delinquency including,  
3 but not limited to, any record of detention, any police record, any  
4 school record, or any other evidence indicating prior delinquent  
5 behavior.

6 (iv) The juvenile's programming history, including, but not  
7 limited to, the juvenile's past willingness to participate  
8 meaningfully in available programming.

9 (v) The adequacy of the punishment or programming available in  
10 the juvenile justice system.

11 (vi) The dispositional options available for the juvenile.

12 (n) In a proceeding under section 2(b) or (c) of this chapter,  
13 if a juvenile is removed from the parent's custody at any time, the  
14 court shall permit the juvenile's parent to have regular and  
15 frequent parenting time with the juvenile. Parenting time between  
16 the juvenile and his or her parent shall not be less than 1 time  
17 every 7 days unless the court determines either that exigent  
18 circumstances require less frequent parenting time or that  
19 parenting time, even if supervised, may be harmful to the  
20 juvenile's life, physical health, or mental well-being. If the  
21 court determines that parenting time, even if supervised, may be  
22 harmful to the juvenile's life, physical health, or mental well-  
23 being, the court may suspend parenting time until the risk of harm  
24 no longer exists. The court may order the juvenile to have a  
25 psychological evaluation or counseling, or both, to determine the  
26 appropriateness and the conditions of parenting time.

27 (2) An order of disposition placing a juvenile in or

1 committing a juvenile to care outside of the juvenile's own home  
2 and under state, county juvenile agency, or court supervision ~~shall~~  
3 **MUST** contain a provision for reimbursement by the juvenile, parent,  
4 guardian, or custodian to the court for the cost of care or  
5 service. The order ~~shall~~**MUST** be reasonable, taking into account  
6 both the income and resources of the juvenile, parent, guardian, or  
7 custodian. The amount may be based upon the guidelines and model  
8 schedule created under subsection (6). If the juvenile is receiving  
9 an adoption assistance under sections 115f to 115m or 115t of the  
10 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m and  
11 400.115t, the amount shall not exceed the amount of the support  
12 subsidy. The reimbursement provision applies during the entire  
13 period the juvenile remains in care outside of the juvenile's own  
14 home and under state, county juvenile agency, or court supervision,  
15 unless the juvenile is in the permanent custody of the court. The  
16 court shall provide for the collection of all amounts ordered to be  
17 reimbursed and the money collected shall be accounted for and  
18 reported to the county board of commissioners. Collections to cover  
19 delinquent accounts or to pay the balance due on reimbursement  
20 orders may be made after a juvenile is released or discharged from  
21 care outside the juvenile's own home and under state, county  
22 juvenile agency, or court supervision. Twenty-five percent of all  
23 amounts collected under an order entered under this subsection  
24 shall be credited to the appropriate fund of the county to offset  
25 the administrative cost of collections. The balance of all amounts  
26 collected under an order entered under this subsection shall be  
27 divided in the same ratio in which the county, state, and federal



1 government participate in the cost of care outside the juvenile's  
2 own home and under state, county juvenile agency, or court  
3 supervision. The court may also collect from the ~~government of the~~  
4 United States **GOVERNMENT** benefits paid for the cost of care of a  
5 court ward. Money collected for juveniles placed by the court with  
6 or committed to the department or a county juvenile agency shall  
7 **MUST** be accounted for and reported on an individual juvenile basis.  
8 In cases of delinquent accounts, the court may also enter an order  
9 to intercept state or federal tax refunds of a juvenile, parent,  
10 guardian, or custodian and initiate the necessary offset  
11 proceedings in order to recover the cost of care or service. The  
12 court shall send to the person who is the subject of the intercept  
13 order advance written notice of the proposed offset. The notice  
14 shall include notice of the opportunity to contest the offset on  
15 the grounds that the intercept is not proper because of a mistake  
16 of fact concerning the amount of the delinquency or the identity of  
17 the person subject to the order. The court shall provide for the  
18 prompt reimbursement of an amount withheld in error or an amount  
19 found to exceed the delinquent amount.

20 (3) An order of disposition placing a juvenile in the  
21 juvenile's own home under subsection (1)(b) may contain a provision  
22 for reimbursement by the juvenile, parent, guardian, or custodian  
23 to the court for the cost of service. If an order is entered under  
24 this subsection, an amount due shall be determined and treated in  
25 the same manner provided for an order entered under subsection (2).

26 (4) An order directed to a parent or a person other than the  
27 juvenile is not effective and binding on the parent or other person

1 unless opportunity for hearing is given by issuance of summons or  
2 notice as provided in sections 12 and 13 of this chapter and until  
3 a copy of the order, bearing the seal of the court, is served on  
4 the parent or other person as provided in section 13 of this  
5 chapter.

6 (5) If the court appoints an attorney to represent a juvenile,  
7 parent, guardian, or custodian, the court may require in an order  
8 entered under this section that the juvenile, parent, guardian, or  
9 custodian reimburse the court for attorney fees.

10 (6) The office of the state court administrator, under the  
11 supervision and direction of the supreme court, shall create  
12 guidelines that the court may use in determining the ability of the  
13 juvenile, parent, guardian, or custodian to pay for care and any  
14 costs of service ordered under subsection (2) or (3). The  
15 guidelines shall take into account both the income and resources of  
16 the juvenile, parent, guardian, or custodian.

17 (7) If the court finds that a juvenile comes under section 30  
18 of this chapter, the court shall order the juvenile or the  
19 juvenile's parent to pay restitution as provided in sections 30 and  
20 31 of this chapter and in sections 44 and 45 of the William Van  
21 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and  
22 780.795.

23 (8) If the court imposes restitution as a condition of  
24 probation, the court shall require the juvenile to do either of the  
25 following as an additional condition of probation:

26 (a) Engage in community service or, with the victim's consent,  
27 perform services for the victim.

1 (b) Seek and maintain paid employment and pay restitution to  
2 the victim from the earnings of that employment.

3 (9) If the court finds that the juvenile is in intentional  
4 default of the payment of restitution, a court may, as provided in  
5 section 31 of this chapter, revoke or alter the terms and  
6 conditions of probation for nonpayment of restitution. If a  
7 juvenile who is ordered to engage in community service  
8 intentionally refuses to perform the required community service,  
9 the court may revoke or alter the terms and conditions of  
10 probation.

11 (10) The court shall not enter an order of disposition for a  
12 juvenile offense as defined in section 1a of 1925 PA 289, MCL  
13 28.241a, or a judgment of sentence for a conviction until the court  
14 has examined the court file and has determined that the juvenile's  
15 biometric data have been collected and forwarded as required by  
16 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's  
17 fingerprints have been taken and forwarded as required by the sex  
18 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736. If a  
19 juvenile's biometric data have not been collected or a juvenile has  
20 not had his or her fingerprints taken, the court shall do either of  
21 the following:

22 (a) Order the juvenile to submit himself or herself to the  
23 police agency that arrested or obtained the warrant for the  
24 juvenile's arrest so the juvenile's biometric data can be collected  
25 and forwarded and his or her fingerprints can be taken and  
26 forwarded.

27 (b) Order the juvenile committed to the sheriff's custody for

1 collecting and forwarding the juvenile's biometric data and taking  
2 and forwarding the juvenile's fingerprints.

3 (11) Upon final disposition, conviction, acquittal, or  
4 dismissal of an offense within the court's jurisdiction under  
5 section 2(a)(1) of this chapter, using forms approved by the state  
6 court administrator, the clerk of the court entering the final  
7 disposition, conviction, acquittal, or dismissal shall immediately  
8 advise the department of state police of that final disposition,  
9 conviction, acquittal, or dismissal as required by section 3 of  
10 1925 PA 289, MCL 28.243. The report to the department of state  
11 police shall include information as to the finding of the judge or  
12 jury and a summary of the disposition or sentence imposed.

13 (12) If the court enters an order of disposition based on an  
14 act that is a juvenile offense as defined in section 1 of 1989 PA  
15 196, MCL 780.901, the court shall order the juvenile to pay the  
16 assessment as provided in that act. If the court enters a judgment  
17 of conviction under section 2d of this chapter for an offense that  
18 is a felony, misdemeanor, or ordinance violation, the court shall  
19 order the juvenile to pay the assessment as provided in that act.

20 (13) If the court has entered an order of disposition or a  
21 judgment of conviction for a listed offense as defined in section 2  
22 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the  
23 court, the department, or the county juvenile agency shall register  
24 the juvenile or accept the juvenile's registration as provided in  
25 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
26 28.736.

27 (14) If the court enters an order of disposition placing a

1 juvenile in a juvenile boot camp program, or committing a juvenile  
2 to a county juvenile agency for placement in a juvenile boot camp  
3 program, and the court receives from the department a report that  
4 the juvenile has failed to perform satisfactorily in the program,  
5 that the juvenile does not meet the program's requirements or is  
6 medically unable to participate in the program for more than 25  
7 days, that there is no opening in a juvenile boot camp program, or  
8 that the county juvenile agency is unable to place the juvenile in  
9 a juvenile boot camp program, the court shall release the juvenile  
10 from placement or commitment and enter an alternative order of  
11 disposition. A juvenile shall not be placed in a juvenile boot camp  
12 under an order of disposition more than once, except that a  
13 juvenile returned to the court for a medical condition, because  
14 there was no opening in a juvenile boot camp program, or because  
15 the county juvenile agency was unable to place the juvenile in a  
16 juvenile boot camp program may be placed again in the juvenile boot  
17 camp program after the medical condition is corrected, an opening  
18 becomes available, or the county juvenile agency is able to place  
19 the juvenile.

20 (15) If the juvenile is within the court's jurisdiction under  
21 section 2(a)(1) of this chapter for an offense other than a listed  
22 offense as defined in section 2 of the sex offenders registration  
23 act, 1994 PA 295, MCL 28.722, the court shall determine if the  
24 offense is a violation of a law of this state or a local ordinance  
25 of a municipality of this state that by its nature constitutes a  
26 sexual offense against an individual who is less than 18 years of  
27 age. If so, the order of disposition is for a listed offense as

1 defined in section 2 of the sex offenders registration act, 1994 PA  
2 295, MCL 28.722, and the court shall include the basis for that  
3 determination on the record and include the determination in the  
4 order of disposition.

5 (16) The court shall not impose a sentence of imprisonment in  
6 the county jail under subsection (1)(m) unless the present county  
7 jail facility for the juvenile's imprisonment ~~would meet~~ **MEETS** all  
8 requirements under federal law and regulations for housing  
9 juveniles. The court shall not impose the sentence until it  
10 consults with the sheriff to determine when the sentence will begin  
11 to ensure that space will be available for the juvenile.

12 (17) In a proceeding under section 2(h) of this chapter, this  
13 section only applies to a disposition for a violation of a personal  
14 protection order and subsequent proceedings.

15 (18) If a juvenile is within the court's jurisdiction under  
16 section 2(a)(1) of this chapter, the court shall order the juvenile  
17 to pay costs as provided in section 18m of this chapter.

18 (19) A juvenile who has been ordered to pay the minimum state  
19 cost as provided in section 18m of this chapter as a condition of  
20 probation or supervision and who is not in willful default of the  
21 payment of the minimum state cost may petition the court at any  
22 time for a remission of the payment of any unpaid portion of the  
23 minimum state cost. If the court determines that payment of the  
24 amount due will impose a manifest hardship on the juvenile or his  
25 or her immediate family, the court may remit all or part of the  
26 amount of the minimum state cost due or modify the method of  
27 payment.

1           Sec. 18i. (1) A delay in sentencing does not deprive the court  
2 of jurisdiction to sentence the juvenile under section 18(1)(n) of  
3 this chapter any time during the delay.

4           (2) If the court has entered an order of disposition under  
5 section 18(1)(n) of this chapter delaying imposition of sentence,  
6 the court shall conduct an annual review of the probation,  
7 including but not limited to the services being provided to the  
8 juvenile, the juvenile's placement, and the juvenile's progress in  
9 that placement. In conducting this review, the court shall examine  
10 any annual report prepared under section 3 of the juvenile  
11 facilities act, ~~Act No. 73 of the Public Acts of 1988, being~~  
12 ~~section 803.223 of the Michigan Compiled Laws, 1988 PA 73, MCL~~  
13 **803.223**, and any report prepared upon the court's order by the  
14 officer or agency supervising probation. The court may order  
15 changes in the juvenile's probation based on the review including  
16 but not limited to imposition of sentence.

17           (3) If the court entered an order of disposition under section  
18 18(1)(n) of this chapter delaying imposition of sentence, the court  
19 shall conduct a review hearing to determine whether the juvenile  
20 has been rehabilitated and whether the juvenile presents a serious  
21 risk to public safety. If the court determines that the juvenile  
22 has not been rehabilitated or that the juvenile presents a serious  
23 risk to public safety, jurisdiction over the juvenile shall be  
24 continued or the court may impose sentence. In making this  
25 determination, the court shall consider the following:

26           (a) The extent and nature of the juvenile's participation in  
27 education, counseling, or work programs.

1 (b) The juvenile's willingness to accept responsibility for  
2 prior behavior.

3 (c) The juvenile's behavior in his or her current placement.

4 (d) The prior record and character of the juvenile and his or  
5 her physical and mental maturity.

6 (e) The juvenile's potential for violent conduct as  
7 demonstrated by prior behavior.

8 (f) The recommendations of ~~any~~**AN** institution or agency  
9 charged with the juvenile's care for the juvenile's release or  
10 continued custody.

11 (g) Other information the prosecuting attorney or juvenile may  
12 submit.

13 (4) A review hearing ~~shall~~**MUST** be scheduled and held unless  
14 adjourned for good cause as near as possible to, but before, the  
15 juvenile's nineteenth birthday. If an institution or agency to  
16 which the juvenile was committed believes that the juvenile has  
17 been rehabilitated and that the juvenile does not present a serious  
18 risk to public safety, the institution or agency may petition the  
19 court to conduct a review hearing any time before the juvenile  
20 becomes 19 years of age or, if the court has continued  
21 jurisdiction, any time before the juvenile becomes 21 years of age.

22 (5) Not less than 14 days before a review hearing is to be  
23 conducted, the prosecuting attorney, juvenile, and, if addresses  
24 are known, the juvenile's parent or guardian shall be notified. The  
25 notice shall state that the court may extend jurisdiction over the  
26 juvenile or impose sentence and shall advise the juvenile and the  
27 juvenile's parent or guardian of the right to legal counsel. If



1 legal counsel has not been retained or appointed to represent the  
2 juvenile, the court shall appoint legal counsel and may assess the  
3 cost of providing counsel as costs against the juvenile or those  
4 responsible for the juvenile's support, or both, if the persons to  
5 be assessed are financially able to comply.

6 (6) A commitment report prepared as provided in section 5 of  
7 the juvenile facilities act, ~~Act No. 73 of the Public Acts of 1988,~~  
8 ~~being section 803.225 of the Michigan Compiled Laws, 1988 PA 73,~~  
9 **MCL 803.225**, and any report prepared upon the court's order by the  
10 officer or agency supervising probation may be used by the court at  
11 a review hearing held under this section.

12 (7) The court shall conduct a final review of the juvenile's  
13 probation not less than 3 months before the end of the probation  
14 period. If the court determines at this review that the best  
15 interests of the public would be served by imposing any other  
16 sentence provided by law for an adult offender, the court may  
17 impose the sentence. In making its determination, the court shall  
18 consider the criteria specified in subsection (3) and all of the  
19 following criteria:

20 (a) The effect of treatment on the juvenile's rehabilitation.

21 (b) Whether the juvenile is likely to be dangerous to the  
22 public if released.

23 (c) The best interests of the public welfare and the  
24 protection of public security.

25 (8) Not less than 14 days before a final review hearing under  
26 subsection (7) is to be conducted, the prosecuting attorney,  
27 juvenile, and, if addresses are known, the juvenile's parent or

1 guardian shall be notified. The notice shall state that the court  
2 may impose a sentence upon the juvenile and shall advise the  
3 juvenile and the juvenile's parent or guardian of the right to  
4 legal counsel. If legal counsel has not been retained or appointed  
5 to represent the juvenile, the court shall appoint legal counsel  
6 and may assess the cost of providing counsel as costs against the  
7 juvenile or those responsible for the juvenile's support, or both,  
8 if the persons to be assessed are financially able to comply.

9 (9) If a juvenile placed on probation under an order of  
10 disposition delaying imposition of sentence is found by the court  
11 to have violated probation by being convicted of a felony or a  
12 misdemeanor punishable by imprisonment for more than 1 year, or  
13 adjudicated as responsible for an offense that if committed by an  
14 adult would be a felony or a misdemeanor punishable by imprisonment  
15 for more than 1 year, the court shall revoke probation and sentence  
16 the juvenile to imprisonment for a term that does not exceed the  
17 penalty that could have been imposed for the offense for which the  
18 juvenile was originally convicted and placed on probation.

19 (10) If a juvenile placed on probation under an order of  
20 disposition delaying imposition of sentence is found by the court  
21 to have violated probation other than as provided in subsection  
22 (9), the court may impose sentence or may order any of the  
23 following for the juvenile:

- 24 (a) A change of placement.  
25 (b) Community service.  
26 (c) Substance ~~abuse~~ **USE DISORDER** counseling.  
27 (d) Mental health counseling.

1 (e) Participation in a vocational-technical education program.

2 ~~—— (f) Incarceration in a county jail for not more than 30 days~~  
3 ~~as provided in this chapter. If a juvenile is under 17 years of~~  
4 ~~age, the juvenile shall be placed in a room or ward out of sight~~  
5 ~~and sound from adult prisoners.~~

6 (F) ~~(g)~~ Other participation or performance as the court  
7 considers necessary.

8 (11) If a sentence of imprisonment is imposed under this  
9 section, the juvenile shall receive credit for the period of time  
10 served on probation.

11 Enacting section 1. This amendatory act takes effect October  
12 1, 2021.

13 Enacting section 2. This amendatory act does not take effect  
14 unless all of the following bills of the 100th Legislature are  
15 enacted into law:

16 (a) Senate Bill No. 91.

17 (b) Senate Bill No. 96.