

HOUSE BILL No. 4567

April 10, 1989, Introduced by Reps. Terrell, DeMars, Wallace, Watkins, Saunders, Kilpatrick, Varga, Harrison, Joe Young, Sr., Joe Young, Jr., Gire, Leland, Perry Bullard, Profit, Stallworth, Honigman, Webb, Scott, Hunter, Bennane, Power, Sikkema, Martin, Bandstra, Bennett, Clack and Jondahl and referred to the Committee on Judiciary.

A bill to amend sections 601, 666, 667, 834, 841, 848, 852, 857, 859, 861, 867, 874, and 876 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 859 as amended by Act No. 308 of the Public Acts of 1986 and section 861 as amended by Act No. 318 of the Public Acts of 1982, being sections 600.601, 600.666, 600.667, 600.834, 600.841, 600.848, 600.852, 600.857, 600.859, 600.861, 600.867, 600.874, and 600.876 of the Michigan Compiled Laws; to add chapters 92, 93, 94, 95, and 96; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 601, 666, 667, 834, 841, 848, 852, 857,
2 859, 861, 867, 874, and 876 of Act No. 236 of the Public Acts of
3 1961, section 859 as amended by Act No. 308 of the Public Acts of

1 1986 and section 861 as amended by Act No. 318 of the Public Acts
2 of 1982, being sections 600.601, 600.666, 600.667, 600.834,
3 600.841, 600.848, 600.852, 600.857, 600.859, 600.861, 600.867,
4 600.874, and 600.876 of the Michigan Compiled Laws; are amended
5 and chapters 92, 93, 94, 95, and 96 are added to read as
6 follows:

7 Sec. 601. ~~Circuit courts have~~ EXCEPT AS PROVIDED IN
8 SECTION 9231, THE CIRCUIT COURT HAS the power and jurisdiction:

9 (A) ~~(1) possessed~~ POSSESSED by courts of record at the
10 common law, as altered by the STATE constitution ~~and~~ OF 1963,
11 THE laws of this state, and the rules of the supreme court. ~~→~~
12 ~~and~~

13 (B) ~~(2) possessed~~ POSSESSED by courts and judges in chan-
14 cery in England on March 1, 1847, as altered by the STATE consti-
15 tution ~~and~~ OF 1963, THE laws of this state, and the rules of
16 the supreme court. ~~→ and~~

17 (C) ~~(3) prescribed~~ PRESCRIBED by ~~rule~~ THE RULES of the
18 supreme court.

19 Sec. 666. The clerk of each ~~circuit and probate~~ DOMESTIC
20 RELATIONS court shall maintain a registry in which ALL OF THE
21 FOLLOWING shall be entered: ~~the following:~~

22 (a) Certified copies of custody decrees or judgments of
23 other states received for filing.

24 (b) Communications as to the pendency of custody proceedings
25 in other states.

26 (c) Communications concerning a finding of inconvenient
27 forum by a court of another state.

1 (d) Other communications or documents concerning custody
2 proceedings in another state which may affect the jurisdiction of
3 a court of this state or the disposition to be made by it in a
4 custody proceeding.

5 Sec. 667. The clerk of ~~the circuit or probate~~ EACH DOMES-
6 TIC RELATIONS court of this state, at the request of the court of
7 another state or at the request of a person who is affected by,
8 or has a legitimate interest in, a custody decree or judgment,
9 shall certify and forward a copy of the decree or judgment to
10 that court or person.

11 Sec. 834. (1) Except as provided in subsection (2), a pro-
12 bate register or deputy probate register is competent to exercise
13 any of the following powers in an uncontested matter or hearing
14 when authorized by general order of the probate judge or chief
15 probate judge of the county in which the probate register or
16 deputy probate register was appointed:

17 (a) Determine whether the petitioner or the petitioner's
18 attorney has complied with the requirements of law and supreme
19 court rules.

20 (b) Take acknowledgments.

21 (c) Administer oaths.

22 (d) Set hearings.

23 (e) Sign notices, citations, and subpoenas.

24 (f) Take testimony required by law or supreme court rules in
25 ALL OF the following:

26 (i) Appointment of a fiduciary of an estate of a deceased or
27 minor.

1 (ii) Admission to probate of a will, codicil, or other
2 testamentary instrument.

3 ~~(iii) Change of name of persons.~~

4 (iii) ~~(iv)~~ Determination of heirs.

5 (iv) ~~(v)~~ Sale, mortgage, or lease of property.

6 (v) ~~(vi)~~ Assignment of residue of an estate or any part
7 ~~thereof~~ OF THE RESIDUE OF AN ESTATE.

8 (vi) ~~(vii)~~ Setting and approval of bonds.

9 (vii) ~~(viii)~~ Removal of fiduciaries.

10 ~~(ix) Issuing of a license to marry, if the issuance of the~~
11 ~~license is authorized under section 1 of Act No. 180 of the~~
12 ~~Public Acts of 1897, as amended, being section 551.201 of the~~
13 ~~Michigan Compiled Laws.~~

14 (2) A probate register or deputy probate register may not
15 enter a judgment. ~~A probate register or deputy probate register~~
16 ~~may not exercise any power provided in subsection (1) if the~~
17 ~~matter or hearing is:~~

18 ~~(a) For a commitment to, or incarceration in, an institution~~
19 ~~or facility.~~

20 ~~(b) For appointment of a guardian of a legally incapacitated~~
21 ~~person or the appointment of a conservator for a reason other~~
22 ~~than minority.~~

23 ~~(c) For or involves a developmentally disabled person.~~

24 (3) An order made by a probate register or deputy probate
25 register shall be made over the name of the probate judge for
26 whom the order is made, and the probate register or deputy
27 probate register shall place his or her signature under the name

1 of the judge. An act done or order made by the probate register
2 or deputy probate register authorized under this section shall
3 have the same validity, force, and effect as though done or made
4 by the PROBATE judge.

5 (4) Upon the oral or written request of an interested party
6 made before commencement or during the hearing of the proceeding,
7 the proceeding shall be taken immediately before the judge for
8 trial or hearing of the issues.

9 Sec. 841. The probate court has jurisdiction and power as
10 follows:

11 (a) As conferred upon it under the revised probate code, ACT
12 NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
13 700.1 TO 700.993 OF THE MICHIGAN COMPILED LAWS.

14 ~~(b) As conferred upon it under chapters 10, 11 and 12a of~~
15 ~~Act No. 288 of the Public Acts of 1939, as amended, being sec-~~
16 ~~tions 710.21 to 712a.28 of the Michigan Compiled Laws.~~

17 ~~(c) as conferred upon it under Act No. 258 of the Public~~
18 ~~Acts of 1974, as amended, being sections 330.1001 to 330.2106 of~~
19 ~~the Michigan Compiled Laws.~~

20 (B) ~~(d)~~ As conferred upon it under this act.

21 (C) ~~(e)~~ As conferred upon it pursuant to any other law or
22 compact.

23 Sec. 848. (1) Upon petition, where justice requires, and
24 after due notice is given to all parties in interest, the probate
25 court may grant rehearings and modify and set aside orders, sen-
26 tences, or judgments rendered in the court.

1 (2) The probate court shall make and enter an order with
2 respect to the original hearing or rehearing of a contested
3 matter within 30 days after the termination of the hearing or
4 rehearing.

5 ~~(3) This section shall not apply to a proceeding under~~
6 ~~chapter 10 of Act No. 288 of the Public Acts of 1939, as~~
7 ~~amended.~~

8 Sec. 852. (1) A petition, inventory, accounting, proof of
9 claim, or proof of service filed with the probate court need not
10 be verified, acknowledged, or made on oath if the person signing
11 the instrument states immediately above the date and ~~his~~ THE
12 PERSON'S signature: "I declare under the penalties of perjury
13 that this _____ was examined by me and that the contents
14 thereof are true to the best of my information, knowledge, and
15 belief." ~~This provision shall not apply to nominations of~~
16 ~~guardians by minors.~~

17 (2) A person who falsely executes and files with the probate
18 court as provided in this section an instrument containing a dec-
19 laration under the penalty of perjury may be found guilty of con-
20 tempt of court and punished ~~therefor~~ FOR PERJURY and, ~~shall~~
21 in addition, SHALL be subject to the same responsibilities,
22 liabilities, and penalties as ~~he~~ THE PERSON would have been if
23 ~~he~~ THE PERSON had executed the instrument under oath.

24 Sec. 857. (1) If a party to a proceeding in the probate
25 court would have had a right before January 1, 1971, to demand a
26 jury to determine a particular issue of fact in the circuit court
27 upon a de novo appeal from that proceeding to the circuit court,

1 that party, ~~shall on and after January 1, 1971~~ AFTER
 2 DECEMBER 31, 1970, SHALL have the right to demand a jury to
 3 determine that issue of fact in the probate court proceeding.

4 (2) When a jury is demanded pursuant to law in a proceeding
 5 in the probate court, the jury shall be summoned and selected in
 6 accordance with ~~sections 1301 to 1354~~ CHAPTER 13. With respect
 7 to jurors, ~~any~~ AN examination, challenge, replacement, oath, or
 8 other practice which is not governed by the provisions of
 9 ~~sections 1301 to 1354~~ CHAPTER 13 shall be governed by rules
 10 adopted by the supreme court.

11 (3) If a jury trial is demanded in ~~any~~ A proceeding by a
 12 party having a right to have a jury determine an issue, the
 13 demanding party shall pay into court a jury fee in an amount
 14 equal to the jury fee required in the circuit court in the same
 15 county but not to exceed \$30.00, which fee shall be paid to the
 16 county treasurer for deposit in the general fund of the county.
 17 ~~A jury fee shall not be required from a party demanding a jury~~
 18 ~~trial in the juvenile division of the probate court or under Act~~
 19 ~~No. 258 of the Public Acts of 1974, as amended, being~~
 20 ~~sections 330.1001 to 330.2106 of the Michigan Compiled Laws.~~

21 Sec. 859. (1) The following testimony before a probate
 22 judge shall be taken by an official court reporter or by an offi-
 23 cial court recorder on a recording device approved by the state
 24 court administrator:

25 (a) Testimony in contested ~~matters~~ MATTER.

1 ~~(b) Testimony in matters pertaining to the admission to a~~
2 ~~hospital or other facility for mentally ill or developmentally~~
3 ~~disabled persons.~~

4 (B) ~~(c)~~ Testimony in ~~matters~~ A MATTER pertaining to
5 ~~persons~~ A PERSON having a contagious disease.

6 (C) ~~(d)~~ Testimony in other matters if requested by an
7 interested party.

8 (D) ~~(e)~~ Testimony and other proceedings required by
9 supreme court rule.

10 (2) In matters not governed by subsection (1), testimony
11 before a probate judge, probate register, or deputy probate reg-
12 ister may be given orally without a record being made of the
13 testimony.

14 (3) The reporter or recorder shall keep sufficient index of
15 the testimony and the court shall keep the index and the original
16 notes for ~~at least~~ NOT LESS THAN 10 years. The reporter or
17 recorder need not transcribe the testimony, except when a tran-
18 script is ordered by the court or a party. ~~Except in those~~
19 ~~cases in which the testimony is transcribed and filed with the~~
20 ~~record of the case, notes pertaining to a hearing for the admis-~~
21 ~~sion of any person to a hospital or other place of detention as a~~
22 ~~mentally ill or developmentally disabled person or as a person~~
23 ~~with a contagious disease, shall be destroyed only after the dis-~~
24 ~~charge of the person from the hospital or facility.~~

25 ~~(4) Notes may not be destroyed until after 10 years after~~
26 ~~the date of the hearing or as provided in subsection (3),~~
27 ~~whichever is longer.~~

1 Sec. 861. A party to a proceeding in the probate court may
2 appeal the following orders as a matter of right to the court of
3 appeals:

4 (a) A final order affecting the rights or interests of any
5 interested person in an estate or trust.

6 ~~(b) An order entered in an adoption proceeding under chap-~~
7 ~~ter X of Act No. 288 of the Public Acts of 1939, as amended,~~
8 ~~being sections 710.21 to 710.70 of the Michigan Compiled Laws,~~
9 ~~and appealed in accordance with section 65 of chapter X of Act~~
10 ~~No. 288 of the Public Acts of 1939, as amended, being section~~
11 ~~710.65 of the Michigan Compiled Laws.~~

12 ~~(c) The following final orders entered by the juvenile divi-~~
13 ~~sion of the probate court:~~

14 ~~(i) An order of disposition placing a child under the super-~~
15 ~~vision of the court or removing the child from his or her home.~~

16 ~~(ii) An order terminating parental rights.~~

17 ~~(d)~~ (B) A final order in a condemnation case entered under
18 the drain code of 1956, Act No. 40 of the Public Acts of 1956, as
19 amended, being sections 280.1 to 280.630 of the Michigan Compiled
20 Laws.

21 Sec. 867. ~~(+)~~ After an appeal is claimed and notice of
22 the appeal is given at the probate court, all further proceedings
23 in pursuance of the order, sentence, or judgment appealed from
24 shall cease until the appeal is determined. ~~except as otherwise~~
25 ~~provided in subsection (2) and in section 65(2) of chapter 10 of~~
26 ~~Act No. 288 of the Public Acts of 1939, being section 710.65 of~~
27 ~~the Michigan Compiled Laws.~~

1 ~~(2) The pendency of an appeal from the juvenile division of~~
 2 ~~the probate court or from an order of the probate court entered~~
 3 ~~pursuant to Act No. 258 of the Public Acts of 1974, as amended,~~
 4 ~~being sections 330.1001 to 330.2106 of the Michigan Compiled Laws~~
 5 ~~shall not suspend the order unless the court to which the appeal~~
 6 ~~is taken specifically orders the suspension. An application for~~
 7 ~~a delayed appeal from an order of the juvenile division shall be~~
 8 ~~filed within 6 months after entry of the order.~~

9 Sec. 874. ~~(+)~~ The probate court shall charge and collect
 10 the following fees:

11 ~~(a) For performing a marriage ceremony, \$10.00.~~

12 (A) ~~(b)~~ For issuance of a commission to take testimony,
 13 \$7.00.

14 (B) ~~(c)~~ For taking, certifying, sealing, and forwarding
 15 depositions, \$5.00, and 10 cents per folio, which fees shall be
 16 considered as costs in the case; and for each copy of the deposi-
 17 tion furnished, 3 cents per folio.

18 ~~(2) A probate judge may waive the fee for performing a mar-~~
 19 ~~riage ceremony if the parties thereto are indigent.~~

20 Sec. 876. A charge shall not be made nor shall ~~any~~ A fee
 21 be collected on account of, or by reason of, the furnishing of A
 22 certified ~~copies~~ COPY in connection with proceedings ~~for the~~
 23 ~~admission and commitment of persons to mental hospitals or any~~
 24 ~~facility or institution maintained or operated by the state or~~
 25 ~~the federal government for the care of mentally ill or retarded~~
 26 ~~persons, or~~ for determining inheritance tax.

CHAPTER 92

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SEC. 9201. THE DOMESTIC RELATIONS COURT IS CREATED AS A COURT OF RECORD AND IS ORGANIZED PURSUANT TO THIS CHAPTER.

SEC. 9203. (1) EACH COUNTY SHALL HAVE A DOMESTIC RELATIONS COURT.

(2) EACH COUNTY SHALL HAVE AT LEAST 1 JUDGE OF THE DOMESTIC RELATIONS COURT. A COUNTY BOARD OF COMMISSIONERS MAY PROVIDE FOR ADDITIONAL JUDGES OF THE DOMESTIC RELATIONS COURT AS THE COUNTY BOARD OF COMMISSIONERS CONSIDERS NECESSARY.

(3) JUDGES OF THE DOMESTIC RELATIONS COURT SHALL BE NOMINATED AND ELECTED AT NONPARTISAN ELECTIONS IN THE COUNTY IN WHICH THE JUDGES RESIDE, AND SHALL HOLD OFFICE FOR A TERM OF 6 YEARS AND UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED. IN A COUNTY HAVING MORE THAN 1 JUDGE OF THE DOMESTIC RELATIONS COURT, THE COUNTY BOARD OF COMMISSIONERS SHALL ARRANGE THE JUDGES' TERMS OF OFFICE SO THAT NOT ALL TERMS WILL EXPIRE AT THE SAME TIME. IF THE COUNTY BOARD OF COMMISSIONERS AUTHORIZES 1 OR MORE NEW JUDGES OF THE DOMESTIC RELATIONS COURT FOR THE COUNTY, THE NEW JUDGESHIP OR JUDGESHIPS SHALL APPEAR ON THE BALLOT SEPARATE AND APART FROM OTHER JUDGESHIPS OF THE SAME COURT IN THE PRIMARY AND GENERAL ELECTIONS.

SEC. 9205. IN EACH COUNTY HAVING MORE THAN 1 JUDGE OF THE DOMESTIC RELATIONS COURT, THE JUDGES ANNUALLY SHALL ELECT 1 OF THEMSELVES TO SERVE AS PRESIDING JUDGE OF THE DOMESTIC RELATIONS COURT FOR THAT COUNTY.

SEC. 9207. (1) JUDGES OF THE DOMESTIC RELATIONS COURT SHALL BE ELECTED IN THE MANNER PROVIDED IN THE MICHIGAN ELECTION LAW,

1 ACT NO. 116 OF THE PUBLIC ACTS OF 1954, BEING
2 SECTIONS 168.1 TO 168.992 OF THE MICHIGAN COMPILED LAWS.

3 (2) THE TERM OF A JUDGE OF THE DOMESTIC RELATIONS COURT
4 SHALL COMMENCE ON THE JANUARY 1 IMMEDIATELY FOLLOWING THE DATE OF
5 ELECTION.

6 (3) A JUDGE OF THE DOMESTIC RELATIONS COURT SHALL QUALIFY BY
7 TAKING THE CONSTITUTIONAL OATH OF OFFICE. THE JUDGE SHALL SUB-
8 SCRIBE THE OATH AND FILE THE OATH IN THE OFFICE OF THE COUNTY
9 CLERK.

10 SEC. 9211. THE DOMESTIC RELATIONS COURT SHALL NOT HAVE
11 TERMS OF COURT. THE DOMESTIC RELATIONS COURT SHALL BE OPEN AT
12 REASONABLE TIMES AS FIXED BY THE JUDGE OF THE DOMESTIC RELATIONS
13 COURT OR, IN A COUNTY HAVING MORE THAN 1 JUDGE OF THE DOMESTIC
14 RELATIONS COURT, BY THE PRESIDING JUDGE OF THE DOMESTIC RELATIONS
15 COURT.

16 SEC. 9212. (1) A JUDGE OF THE DOMESTIC RELATIONS COURT
17 SHALL MAINTAIN AN OFFICE AT THE COUNTY SEAT AND MAY ALSO MAINTAIN
18 AN OFFICE IN ANY CITY OF THE COUNTY WHERE SESSIONS OF THE DOMES-
19 TIC RELATIONS COURT ARE AUTHORIZED BY LAW.

20 (2) A JUDGE OF THE DOMESTIC RELATIONS COURT MAY HOLD SES-
21 SIONS OF THE COURT AT THE REGIONAL DIAGNOSTIC AND TREATMENT
22 CENTER ASSIGNED TO THE COURT IF SESSIONS ARE APPROVED BY THE
23 STATE COURT ADMINISTRATOR. THE CENTER SHALL PROVIDE AN AREA FOR
24 COURT SESSIONS TO WHICH THE PUBLIC HAS ACCESS.

25 SEC. 9213. EACH COUNTY SHALL PROVIDE THE BOOKS, PRINTED
26 BLANK FORMS, AND OTHER STATIONERY NECESSARY FOR KEEPING THE
27 RECORDS IN THE OFFICE OF THE JUDGE OF THE DOMESTIC RELATIONS

1 COURT, AND ALL FURNITURE, EQUIPMENT, AND SUPPLIES NECESSARY FOR
2 EQUIPPING AND MAINTAINING THE OFFICE.

3 SEC. 9215. (1) THE MINIMUM ANNUAL SALARY FOR A JUDGE OF THE
4 DOMESTIC RELATIONS COURT SHALL BE EQUAL TO 90% OF THE ANNUAL
5 SALARY PAYABLE BY THE STATE TO A CIRCUIT JUDGE. THE COUNTY SHALL
6 PAY \$6,000.00 OF THE MINIMUM ANNUAL SALARY ESTABLISHED BY THIS
7 SUBSECTION, AND THE STATE SHALL PAY THE BALANCE OF THE MINIMUM
8 ANNUAL SALARY AS A GRANT TO THE COUNTY, WHICH IN TURN SHALL PAY
9 THAT AMOUNT TO THE JUDGE OF THE DOMESTIC RELATIONS COURT. THE
10 SALARY PROVIDED IN THIS SUBSECTION SHALL BE IN FULL COMPENSATION
11 FOR ALL SERVICES PERFORMED BY THE JUDGE AS A JUDGE OF THE DOMES-
12 TIC RELATIONS COURT.

13 (2) IN ADDITION TO THE MINIMUM ANNUAL SALARY ESTABLISHED BY
14 SUBSECTION (1), A JUDGE OF THE DOMESTIC RELATIONS COURT MAY
15 RECEIVE FROM A COUNTY IN WHICH THE JUDGE REGULARLY HOLDS COURT AN
16 ADDITIONAL SALARY DETERMINED BY THE COUNTY BOARD OF
17 COMMISSIONERS. THE ADDITIONAL SALARY MAY BE INCREASED DURING A
18 TERM OF OFFICE, BUT SHALL NOT BE DECREASED, EXCEPT TO THE EXTENT
19 OF A GENERAL SALARY REDUCTION IN ALL OTHER BRANCHES OF GOVERNMENT
20 IN THE COUNTY. IN A COUNTY IN WHICH AN ADDITIONAL SALARY IS
21 GRANTED, THE ADDITIONAL SALARY SHALL BE PAID AT THE SAME RATE TO
22 ALL JUDGES OF THE DOMESTIC RELATIONS COURT REGULARLY HOLDING
23 COURT IN THAT COUNTY. THE TOTAL ADDITIONAL SALARY GRANTED TO A
24 JUDGE OF THE DOMESTIC RELATIONS COURT SHALL NOT EXCEED 88% OF THE
25 ANNUAL SALARY PAYABLE TO A JUSTICE OF THE SUPREME COURT.

26 SEC. 9217. (1) THE SUPREME COURT, THROUGH ITS DIRECT ORDER
27 OR THROUGH THE STATE COURT ADMINISTRATOR, MAY COMPEL A JUDGE OF

1 THE DOMESTIC RELATIONS COURT TO SERVE AS A JUDGE OF THE DOMESTIC
2 RELATIONS COURT IN ANY OTHER COUNTY. PARTICULAR CONSIDERATION
3 SHALL BE GIVEN THOSE CASES IN WHICH THE INCUMBENT JUDGE OF THE
4 DOMESTIC RELATIONS COURT, OR THE PRESIDING JUDGE OF THE DOMESTIC
5 RELATIONS COURT REQUESTS THAT ANOTHER JUDGE BE SENT TO THAT
6 COUNTY AND PROPERLY SHOWS 1 OR MORE OF THE FOLLOWING:

7 (A) THAT THE BUSINESS OF THE DOMESTIC RELATIONS COURT HAS
8 INCREASED BEYOND THE CAPACITY OF THE JUDGE OR JUDGES OF THE
9 DOMESTIC RELATIONS COURT FOR THAT COUNTY TO PROPERLY DISPOSE OF.

10 (B) THAT A VACANCY EXISTS IN THE OFFICE OF JUDGE OF THE
11 DOMESTIC RELATIONS COURT FOR THAT COUNTY.

12 (C) THAT A JUDGE OF THE DOMESTIC RELATIONS COURT FOR THAT
13 COUNTY IS UNABLE TO DISCHARGE THE DUTIES OF HIS OR HER OFFICE.

14 (D) ANY OTHER SUFFICIENT REASON.

15 (2) A JUDGE ASSIGNED UNDER THIS SECTION SHALL HOLD COURT AND
16 FULFILL THE DUTIES OF THE OFFICE AS THOUGH THE JUDGE HAD BEEN
17 ELECTED IN THE RESPECTIVE COUNTY FOR THE TIME THE JUDGE IS
18 ASSIGNED TO SERVE.

19 (3) IF THE OFFICE OF JUDGE OF THE DOMESTIC RELATIONS COURT
20 IS VACANT OR THE JUDGE IS TEMPORARILY ABSENT FROM THE COUNTY, IS
21 PERFORMING OTHER DUTIES REQUIRED BY LAW, OR IS INCAPACITATED FROM
22 EXECUTING THE DUTIES OF OFFICE, A JUDGE OF THE CIRCUIT COURT
23 SERVING IN THAT COUNTY SHALL SERVE AS A JUDGE OF THE DOMESTIC
24 RELATIONS COURT UNLESS THAT CIRCUIT JUDGE IS INCAPACITATED FROM
25 EXECUTING THE DUTIES. IF A CIRCUIT JUDGE WITHIN THAT COUNTY IS
26 NOT AVAILABLE BECAUSE OF INCAPACITY, THEN A CIRCUIT JUDGE OF ANY
27 CIRCUIT OR A JUDGE OF THE DOMESTIC RELATIONS COURT OF ANY COUNTY

1 WHO IS NOT INCAPACITATED FROM EXECUTING THE DUTIES OF JUDGE OF
2 THE DOMESTIC RELATIONS COURT MAY SERVE AS A JUDGE OF THE DOMESTIC
3 RELATIONS COURT FOR THE COUNTY, IF A WRITTEN REQUEST IS MADE BY
4 THE JUDGE OF THE DOMESTIC RELATIONS COURT FOR THAT COUNTY, OR IF
5 A WRITTEN REQUEST IS MADE BY A CIRCUIT JUDGE OF THAT COUNTY WHEN
6 THE JUDGE OF THE DOMESTIC RELATIONS COURT IS TEMPORARILY ABSENT
7 OR IS LEGALLY DISABLED FROM MAKING THE REQUEST.

8 (4) A JUDGE SERVING TEMPORARILY UNDER SUBSECTION (3) SHALL
9 HAVE ALL THE POWERS AND PERFORM ALL THE DUTIES OF THE JUDGE OF
10 THE DOMESTIC RELATIONS COURT FOR THE COUNTY UNTIL THE JUDGE OF
11 THE DOMESTIC RELATIONS COURT FOR THE COUNTY RETURNS, THE INCAPAC-
12 ITY IS REMOVED, OR ANOTHER JUDGE IS ELECTED AND QUALIFIED.

13 (5) A JUDGE, WHO, WHILE SERVING TEMPORARILY AS A JUDGE OF
14 THE DOMESTIC RELATIONS COURT UNDER THIS SECTION, BEGINS A HEARING
15 WHICH IS NOT CONCLUDED WHEN THE ACTING JUDGE'S TEMPORARY SERVICE
16 TERMINATES UNDER SUBSECTION (4), MAY HEAR THE MATTER TO ITS CON-
17 CLUSION AND GIVE JUDGMENT ON THE MATTER.

18 SEC. 9219. THE JUDGES OF THE DOMESTIC RELATIONS COURT FOR A
19 COUNTY HAVING 2 OR MORE JUDGES SHALL HAVE EQUAL POWERS, DUTIES,
20 AND COMPENSATION, EXCEPT THE POWER OF NOMINATION, APPOINTMENT,
21 AND REMOVAL OF THE EMPLOYEES OF THE DOMESTIC RELATIONS COURT.
22 THE GENERAL DIRECTION AND CONTROL OF THE BUSINESS OF THE DOMESTIC
23 RELATIONS COURT, INCLUDING THE DIVISION OF WORK BETWEEN OR AMONG
24 THE JUDGES, SHALL BE VESTED IN THE PRESIDING JUDGE OF THE DOMES-
25 TIC RELATIONS COURT.

26 SEC. 9220. (1) IN EACH COUNTY THE JUDGE OF THE DOMESTIC
27 RELATIONS COURT, OR THE PRESIDING JUDGE IN A COUNTY HAVING 2 OR

1 MORE JUDGES OF THE DOMESTIC RELATIONS COURT, SHALL HAVE
2 POSSESSION OF THE SEAL, RECORDS, BOOKS, FILES, AND PAPERS BELONG-
3 ING TO THE DOMESTIC RELATIONS COURT. EACH JUDGE SHALL KEEP A
4 TRUE AND CORRECT RECORD OF EACH ORDER, SENTENCE, AND DECREE OF
5 THE DOMESTIC RELATIONS COURT, AND OF ALL OTHER OFFICIAL ACTS MADE
6 OR DONE BY THE JUDGE AND OF ALL OTHER THINGS PROPER TO BE
7 RECORDED IN THE DOMESTIC RELATIONS COURT.

8 (2) THE RECORDS, EXCEPT AS OTHERWISE PROVIDED BY LAW, MAY BE
9 INSPECTED WITHOUT CHARGE BY AN INTERESTED PERSON.

10 (3) THE DOMESTIC RELATIONS COURT SHALL MAINTAIN AN ALPHABET-
11 ICAL INDEX TO THE RECORDS OF THE DOMESTIC RELATIONS COURT PRO-
12 CEEDINGS IN EACH COUNTY.

13 SEC. 9221. (1) SUBJECT TO SECTION 9219, THE JUDGE OF THE
14 DOMESTIC RELATIONS COURT MAY APPOINT COURT STENOGRAPHERS, CLERKS,
15 PROBATION OFFICERS, COUNSELORS, BAILIFFS, REGISTRARS, COUNTY
16 AGENTS, REFEREES, FRIENDS OF THE COURT, AND OTHER EMPLOYEES NEC-
17 ESSARY TO SERVICE THE DOMESTIC RELATIONS COURT. EMPLOYEES OF THE
18 DOMESTIC RELATIONS COURT SHALL BE COMPENSATED AS PROVIDED BY THE
19 COUNTY BOARD OF COMMISSIONERS.

20 (2) THE OFFICE AND FACILITIES OF THE FRIEND OF THE COURT,
21 THE MARRIAGE COUNSELOR OF THE CIRCUIT COURT, AND THE STAFF OF THE
22 JUVENILE DIVISION OF THE PROBATE COURT IS TRANSFERRED TO, AND
23 SHALL OPERATE AS A PART OF, THE DOMESTIC RELATIONS COURT. THE
24 FRIEND OF THE COURT, THE CIRCUIT COURT MARRIAGE COUNSELOR, AND
25 THE STAFF OF THE JUVENILE DIVISION OF THE PROBATE COURT SHALL
26 CONTINUE TO PROVIDE SERVICES TO THE CIRCUIT AND PROBATE COURTS
27 FOR CASES PENDING ON THE EFFECTIVE DATE OF THIS CHAPTER.

1 (3) STATE AND OTHER PUBLIC AGENCIES WHICH, BEFORE THE
2 EFFECTIVE DATE OF THIS CHAPTER, PROVIDED ASSISTANCE TO FAMILIES
3 OR JUVENILES, OR BOTH, SHALL PROVIDE ASSISTANCE TO THE DOMESTIC
4 RELATIONS COURT.

5 SEC. 9231. (1) THE DOMESTIC RELATIONS COURT SHALL HAVE AND
6 EXERCISE SOLE AND EXCLUSIVE JURISDICTION OVER THE FOLLOWING CASES
7 COMMENCED AFTER THE EFFECTIVE DATE OF THIS CHAPTER:

8 (A) CASES OF DIVORCE AND ANCILLARY MATTERS AS SET FORTH IN
9 THE FOLLOWING STATUTES:

10 (i) CHAPTER 84 OF THE REVISED STATUTES OF 1846, BEING SEC-
11 TIONS 552.1 TO 552.45 OF THE MICHIGAN COMPILED LAWS.

12 (ii) ACT NO. 259 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS
13 552.101 TO 552.104 OF THE MICHIGAN COMPILED LAWS.

14 (iii) ACT NO. 52 OF THE PUBLIC ACTS OF 1911, BEING SECTIONS
15 552.121 TO 552.123 OF THE MICHIGAN COMPILED LAWS.

16 (iv) ACT NO. 379 OF THE PUBLIC ACTS OF 1913, BEING SECTIONS
17 552.151 TO 552.155 OF THE MICHIGAN COMPILED LAWS.

18 (v) THE FRIEND OF THE COURT ACT, ACT NO. 294 OF THE PUBLIC
19 ACTS OF 1982, BEING SECTIONS 552.501 TO 552.535 OF THE MICHIGAN
20 COMPILED LAWS.

21 (vi) ACT NO. 299 OF THE PUBLIC ACTS OF 1905, BEING SECTION
22 552.391 OF THE MICHIGAN COMPILED LAWS.

23 (vii) ACT NO. 42 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS
24 552.401 TO 552.402 OF THE MICHIGAN COMPILED LAWS.

25 (viii) ACT NO. 138 OF THE PUBLIC ACTS OF 1966, BEING SEC-
26 TIONS 552.451 TO 552.459 OF THE MICHIGAN COMPILED LAWS.

1 (vix) THE INTERSTATE INCOME WITHHOLDING ACT, ACT NO. 216 OF
2 THE PUBLIC ACTS OF 1985, BEING SECTIONS 552.671 TO 552.685 OF THE
3 MICHIGAN COMPILED LAWS.

4 (B) CASES INVOLVING GUARDIANS AND WARDS AS PROVIDED IN CHAP-
5 TER 93.

6 (C) CASES OF ADOPTION AS PROVIDED IN CHAPTER 94.

7 (D) CASES INVOLVING CERTAIN CHILDREN INCAPABLE OF ADOPTION
8 UNDER ACT NO. 271 OF THE PUBLIC ACTS OF 1925, BEING SECTIONS
9 722.531 TO 722.534 OF THE MICHIGAN COMPILED LAWS.

10 (E) CASES INVOLVING A CHANGE OF NAME AS PROVIDED IN CHAPTER
11 95.

12 (F) CASES INVOLVING JUVENILES AS PROVIDED IN CHAPTER 96.

13 (G) CASES INVOLVING THE STATUS OF MINORS AND THE EMANCIPA-
14 TION OF MINORS UNDER ACT NO. 293 OF THE PUBLIC ACTS OF 1968,
15 BEING SECTIONS 722.1 TO 722.6 OF THE MICHIGAN COMPILED LAWS.

16 (H) CASES OF CHILD CUSTODY UNDER THE CHILD CUSTODY ACT OF
17 1970, ACT NO. 91 OF THE PUBLIC ACTS OF 1970, BEING SECTIONS
18 722.21 TO 722.29 OF THE MICHIGAN COMPILED LAWS, AND CHILD CUSTODY
19 JURISDICTION AS PROVIDED IN SECTIONS 651 TO 673.

20 (I) CASES INVOLVING PATERNITY AND CHILD SUPPORT UNDER THE
21 PATERNITY ACT, ACT NO. 205 OF THE PUBLIC ACTS OF 1956, BEING
22 SECTIONS 722.711 TO 722.730 OF THE MICHIGAN COMPILED LAWS.

23 (J) CASES INVOLVING CHILD SUPPORT UNDER THE REVISED UNIFORM
24 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, ACT NO. 8 OF THE PUBLIC
25 ACTS OF 1952, BEING SECTIONS 780.151 TO 780.183 OF THE MICHIGAN
26 COMPILED LAWS.

1 (K) JUDICIAL PROCEEDINGS UNDER CHAPTERS 4, 4A, 5, AND 6 OF
2 THE MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974,
3 BEING SECTIONS 330.1400 TO 330.1642 OF THE MICHIGAN COMPILED
4 LAWS.

5 (2) THE DOMESTIC RELATIONS COURT SHALL HAVE SOLE AND EXCLU-
6 SIVE JURISDICTION OVER THE FOLLOWING CRIMINAL CASES COMMENCED
7 AFTER THE EFFECTIVE DATE OF THIS CHAPTER:

8 (A) AN ALLEGED VIOLATION OF SECTIONS 520A TO 520L OF THE
9 MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
10 BEING SECTIONS 750.520A TO 750.520L OF THE MICHIGAN COMPILED
11 LAWS.

12 (B) AN ALLEGED VIOLATION OF ANY OTHER SECTION OF THE
13 MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
14 BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN COMPILED LAWS, IF
15 THE VIOLATION IS CLASSIFIED AS DOMESTIC VIOLENCE. A VIOLATION IS
16 CLASSIFIED AS DOMESTIC VIOLENCE IF ALL OF THE FOLLOWING FACTORS
17 APPLY:

18 (i) THERE HAS BEEN A VIOLENT PHYSICAL ATTACK OR THERE IS
19 FEAR OF A VIOLENT PHYSICAL ATTACK PERPETRATED AGAINST A VICTIM.

20 (ii) THE PERPETRATOR OF THE ATTACK OR FEARED ATTACK IS THE
21 SPOUSE OR FORMER SPOUSE OF THE VICTIM OR IS AN ADULT PERSON OF
22 THE OPPOSITE SEX WITH WHOM THE ASSAULTED PERSON COHABITS OR
23 FORMERLY COHABITED.

24 (iii) THE VICTIM AND ASSAILANT ARE OR WERE INVOLVED IN A
25 CONSENTING, SEXUAL RELATIONSHIP.

26 (3) THE DOMESTIC RELATIONS COURT SHALL HAVE CONCURRENT
27 JURISDICTION WITH THE DEPARTMENT OF CIVIL RIGHTS OVER AN ALLEGED

1 VIOLATION OF ARTICLE 2 OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT,
2 ACT NO. 453 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 37.2201 TO
3 37.2211, IF THE ALLEGED VIOLATION CONSISTS OF DISCRIMINATION
4 BASED ON SEX.

5 SEC. 9232. (1) THE DOMESTIC RELATIONS COURT HAS JURISDIC-
6 TION AND POWER TO MAKE A PROPER ORDER TO FULLY EFFECTUATE THE
7 COURT'S JURISDICTION AND JUDGMENTS.

8 (2) THE DOMESTIC RELATIONS COURT, SUBJECT TO THE APPROVAL OF
9 THE SUPREME COURT, MAY MAKE RULES REGULATING THE PRACTICE OF THE
10 COURT IN MATTERS NOT COVERED BY THIS ACT OR SUPREME COURT RULE.

11 SEC. 9235. (1) NOTICE FOR AN ACTION OR PROCEEDING CONDUCTED
12 UNDER THIS CHAPTER SHALL BE GOVERNED BY SUPREME COURT RULE.

13 (2) ONLY FORMS APPROVED BY THE SUPREME COURT OR SUPREME
14 COURT ADMINISTRATOR SHALL BE USED IN AN ACTION OR PROCEEDING CON-
15 DUCTED UNDER THIS CHAPTER.

16 SEC. 9237. (1) EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS 93
17 TO 96, JURISDICTION ASSUMED IN A CASE BY THE DOMESTIC RELATIONS
18 COURT, SO FAR AS IT DEPENDS ON THE PLACE OF RESIDENCE OF A
19 PERSON, SHALL NOT BE CONTESTED IN ANY OTHER ACTION OR
20 PROCEEDING. THIS LIMITATION SHALL NOT APPLY TO AN APPEAL FROM
21 THE DOMESTIC RELATIONS COURT IN THE ORIGINAL CASE OR IF THE LACK
22 OF JURISDICTION APPEARS ON THE FACE OF A COMPLAINT OR PETITION OR
23 FROM THE RECORD.

24 (2) THE VENUE OF A PROCEEDING OR A PORTION OF A PROCEEDING
25 MAY BE CHANGED FOR THE CONVENIENCE OF THE PARTIES AND WITNESSES
26 OR WHEN AN IMPARTIAL TRIAL CANNOT BE HAD, TO THE DOMESTIC
27 RELATIONS COURT FOR ANOTHER COUNTY UPON PETITION OF AN INTERESTED

1 PARTY OR UPON THE MOTION OF THE JUDGE WHO HAS OR WOULD HAVE
2 JURISDICTION. COPIES OF DOCUMENTS, AS SPECIFIED BY THE COMPLAIN-
3 ANT OR PETITIONER, WHICH ARE ON FILE IN THE DOMESTIC RELATIONS
4 COURT WHERE THE PROCEEDINGS ARE PENDING, TOGETHER WITH AN ORIGI-
5 NAL INSTRUMENT AS SPECIFIED, WITHOUT PAYMENT, SHALL BE TRANSMIT-
6 TED BY THE DOMESTIC RELATIONS COURT TO THE DOMESTIC RELATIONS
7 COURT FOR THE COUNTY GRANTED VENUE. AFTER VENUE IS CHANGED, A
8 NOTICE OF HEARING WHICH IS REQUIRED TO BE PUBLISHED SHALL BE PUB-
9 LISHED IN THE COUNTY FROM WHICH VENUE WAS CHANGED.

10 (3) IN A CASE OF CONTESTED VENUE, THE PROCEEDING SHALL BE
11 STAYED EXCEPT IN THE DOMESTIC RELATIONS COURT FOR THE COUNTY
12 WHERE FIRST FILED UNTIL FINAL DETERMINATION OF VENUE IS MADE
13 THERE.

14 SEC. 9239. (1) IF A PARTY TO AN ACTION IN THE DOMESTIC
15 RELATIONS COURT DEMANDS A JURY, THE JURY SHALL BE SUMMONED AND
16 SELECTED PURSUANT TO CHAPTER 13. WITH RESPECT TO JURORS AN EXAM-
17 INATION, CHALLENGE, REPLACEMENT, OATH, OR OTHER PRACTICE WHICH IS
18 NOT GOVERNED BY CHAPTER 13 SHALL BE GOVERNED BY RULES ADOPTED BY
19 THE SUPREME COURT.

20 (2) IF A JURY TRIAL IS DEMANDED IN AN ACTION BY A PARTY
21 HAVING A RIGHT TO HAVE A JURY DETERMINE AN ISSUE, THE DEMANDING
22 PARTY SHALL PAY INTO COURT A JURY FEE IN AN AMOUNT EQUAL TO THE
23 JURY FEE REQUIRED IN THE CIRCUIT COURT IN THE SAME COUNTY, BUT
24 NOT TO EXCEED \$30.00, WHICH FEE SHALL BE PAID TO THE COUNTY TREA-
25 SURER FOR DEPOSIT IN THE GENERAL FUND OF THE COUNTY. A JURY FEE
26 SHALL NOT BE REQUIRED FROM A PARTY DEMANDING A JURY TRIAL UNDER
27 CHAPTER 96 OR UNDER THE MENTAL HEALTH CODE, ACT NO. 258 OF THE

1 PUBLIC ACTS OF 1974, BEING SECTIONS 330.1001 TO 330.2106 OF THE
2 MICHIGAN COMPILED LAWS.

3 SEC. 9241. (1) IF IT APPEARS REASONABLE AND PROPER, THE
4 DOMESTIC RELATIONS COURT MAY REQUIRE A PARTY TO A PROCEEDING,
5 BEFORE A HEARING, TO GIVE SUFFICIENT SECURITY FOR ALL COSTS AS
6 MAY BE AWARDED AGAINST THAT PARTY.

7 (2) IN A CONTESTED CASE, THE DOMESTIC RELATIONS COURT MAY
8 AWARD COSTS TO EITHER PARTY TO BE PAID BY THE OTHER PARTY AS JUS-
9 TICE AND EQUITY REQUIRE.

10 SEC. 9245. (1) TESTIMONY REQUIRED TO BE TAKEN IN A MATTER
11 IN THE DOMESTIC RELATIONS COURT SHALL BE TAKEN BY AN OFFICIAL
12 COURT STENOGRAPHER OR A MECHANICAL RECORDING DEVICE APPROVED BY
13 THE SUPREME COURT. TESTIMONY MAY BE TAKEN BEFORE A JUDGE OF THE
14 DOMESTIC RELATIONS COURT.

15 (2) THE STENOGRAPHER SHALL KEEP A SUFFICIENT INDEX OF THE
16 TESTIMONY AND THE COURT SHALL KEEP THE INDEX AND THE ORIGINAL
17 NOTES FOR NOT LESS THAN 15 YEARS. THE STENOGRAPHER NEED NOT
18 TRANSCRIBE THE TESTIMONY, EXCEPT WHEN A TRANSCRIPT IS ORDERED BY
19 THE COURT OR A PARTY. EXCEPT IN THOSE CASES IN WHICH THE TESTI-
20 MONY IS TRANSCRIBED AND FILED WITH THE RECORD OF THE CASE, NOTES
21 PERTAINING TO A HEARING FOR THE ADMISSION OF A PERSON TO A HOSPI-
22 TAL OR OTHER PLACE OF DETENTION AS A MENTALLY ILL OR MENTALLY
23 RETARDED PERSON OR AS A PERSON WITH A CONTAGIOUS DISEASE, SHALL
24 BE DESTROYED ONLY AFTER THE DISCHARGE OF THE PERSON FROM THE HOS-
25 PITAL OR FACILITY.

1 (3) NOTES MAY NOT BE DESTROYED UNTIL AFTER 15 YEARS AFTER
2 THE DATE OF THE HEARING OR AS PROVIDED IN SUBSECTION (2),
3 WHICHEVER IS LONGER.

4 SEC. 9251. (1) A PARTY TO A PROCEEDING IN THE DOMESTIC
5 RELATIONS COURT MAY APPEAL AS A MATTER OF RIGHT A FINAL ORDER OF
6 THE DOMESTIC RELATIONS COURT TO THE COURT OF APPEALS.

7 (2) AN APPEAL FROM THE DOMESTIC RELATIONS COURT SHALL BE ON
8 A WRITTEN TRANSCRIPT OF THE RECORD MADE IN THE COURT OR ON A
9 RECORD SETTLED AND AGREED TO BY THE PARTIES AND APPROVED BY THE
10 COURT. AN APPEAL SHALL NOT BE TRIED DE NOVO.

11 (3) NOTICE OF APPEAL SHALL BE GIVEN TO EACH INTERESTED PARTY
12 AS PROVIDED BY SUPREME COURT RULE.

13 (4) AN APPEAL FROM THE DOMESTIC RELATIONS COURT SHALL BE
14 GOVERNED BY SUPREME COURT RULE.

15 CHAPTER 93

16 SEC. 9301. AS USED IN THIS CHAPTER:

17 (A) "CONSERVATOR" MEANS A PERSON APPOINTED BY THE COURT TO
18 EXERCISE POWERS OVER THE ESTATE OF A PROTECTED PERSON.

19 (B) "COURT" MEANS THE DOMESTIC RELATIONS COURT CREATED IN
20 CHAPTER 92.

21 (C) "GUARDIAN" MEANS A PERSON APPOINTED BY THE COURT OR DES-
22 IGNATED AS A GUARDIAN IN A WILL TO EXERCISE POWERS OVER THE
23 PERSON OF A MINOR OR A LEGALLY INCAPACITATED PERSON.

24 (D) "LEGALLY INCAPACITATED PERSON" MEANS A PERSON, OTHER
25 THAN A MINOR, WHO IS UNABLE TO MANAGE OR PROTECT HIS OR HER PROP-
26 erty OR PERSON BY REASON OF MENTAL INCOMPETENCY, MENTAL
27 RETARDATION, CHRONIC USE OF DRUGS, CHRONIC USE OF ALCOHOL, OR

1 CHRONIC GAMBLING, OR BY REASON OF DETENTION BY A FOREIGN POWER,
2 ABSENCE OR DISAPPEARANCE, OR BEING UNBORN OR UNASCERTAINED.

3 (E) "WARD" MEANS A PERSON FOR WHOM A FIDUCIARY IS
4 APPOINTED. A MINOR WARD IS A MINOR FOR WHOM A FIDUCIARY IS
5 APPOINTED SOLELY BECAUSE OF MINORITY.

6 (F) THE FOLLOWING WORDS HAVE THE SAME MEANING AS PRESCRIBED
7 TO THEM IN THE REVISED PROBATE CODE, ACT NO. 642 OF THE PUBLIC
8 ACTS OF 1978, BEING SECTIONS 700.1 TO 700.993 OF THE MICHIGAN
9 COMPILED LAWS:

10 (i) ESTATE.

11 (ii) FIDUCIARY.

12 (iii) MINOR.

13 (iv) PERSON.

14 (v) PROPERTY.

15 (vi) PROTECTED PERSON.

16 (vii) WILL.

17 SEC. 9302. (1) THE COURT HAS JURISDICTION OVER PROTECTIVE
18 PROCEEDINGS AND GUARDIANSHIP PROCEEDINGS.

19 (2) WHEN BOTH GUARDIANSHIP AND PROTECTIVE PROCEEDINGS AS TO
20 THE SAME PERSON ARE COMMENCED OR PENDING IN THE SAME COURT, THE
21 PROCEEDINGS MAY BE CONSOLIDATED.

22 (3) IN PROCEEDINGS UNDER THIS ARTICLE, A SPOUSE MAY TESTIFY
23 FOR OR AGAINST THE OTHER SPOUSE.

24 SEC. 9303. A PERSON UNDER A DUTY TO PAY OR DELIVER MONEY OR
25 PERSONAL PROPERTY TO A MINOR MAY PERFORM THIS DUTY, IN AMOUNTS
26 NOT EXCEEDING \$5,000.00 PER YEAR, BY PAYING OR DELIVERING THE
27 MONEY OR PROPERTY TO 1 OF THE FOLLOWING: THE MINOR, IF THE MINOR

1 IS MARRIED; A PERSON HAVING THE CARE AND CUSTODY OF THE MINOR
2 WITH WHOM THE MINOR RESIDES; A GUARDIAN OF THE MINOR; OR A FINAN-
3 CIAL INSTITUTION INCIDENT TO A DEPOSIT IN A FEDERALLY INSURED
4 SAVINGS ACCOUNT IN THE SOLE NAME OF THE MINOR AND GIVING NOTICE
5 OF THE DEPOSIT TO THE MINOR. THIS SECTION DOES NOT APPLY IF THE
6 PERSON MAKING PAYMENT OR DELIVERY HAS ACTUAL KNOWLEDGE THAT A
7 CONSERVATOR IS APPOINTED OR PROCEEDINGS FOR APPOINTMENT OF A CON-
8 SERVATOR OF THE ESTATE OF THE MINOR ARE PENDING. THE PERSON,
9 OTHER THAN THE MINOR OR A FINANCIAL INSTITUTION, WHO IS RECEIVING
10 MONEY OR PROPERTY FOR A MINOR, IS OBLIGATED TO APPLY THE MONEY TO
11 THE SUPPORT AND EDUCATION OF THE MINOR, BUT MAY NOT PAY HIMSELF
12 OR HERSELF EXCEPT BY WAY OF REIMBURSEMENT FOR OUT-OF-POCKET
13 EXPENSES FOR GOODS AND SERVICES NECESSARY FOR THE MINOR'S
14 SUPPORT. AN EXCESS SUM SHALL BE PRESERVED FOR FUTURE SUPPORT OF
15 THE MINOR. A BALANCE NOT USED FOR THE SUPPORT AND EDUCATION OF
16 THE MINOR OR PROPERTY RECEIVED FOR THE MINOR SHALL BE TURNED OVER
17 TO THE MINOR WHEN THE MINOR ATTAINS MAJORITY. A PERSON WHO PAYS
18 OR DELIVERS MONEY OR PERSONAL PROPERTY TO A MINOR PURSUANT TO
19 THIS SECTION IS NOT RESPONSIBLE FOR THE PROPER APPLICATION OF THE
20 SUMS.

21 SEC. 9305. A PARENT OR A GUARDIAN OF A MINOR OR LEGALLY
22 INCAPACITATED PERSON, BY A PROPERLY EXECUTED POWER OF ATTORNEY,
23 MAY DELEGATE TO ANOTHER PERSON, FOR A PERIOD NOT EXCEEDING
24 6 MONTHS, ANY OF THE PARENT'S OR GUARDIAN'S POWERS REGARDING
25 CARE, CUSTODY, OR PROPERTY OF THE MINOR CHILD OR WARD, EXCEPT THE
26 POWER TO CONSENT TO MARRIAGE OR ADOPTION OF A MINOR WARD.

1 SEC. 9307. THE COURT SHALL HAVE JURISDICTION OF THE MATTERS
2 DESCRIBED IN THIS SECTION. A PERSON 14 YEARS OF AGE OR MORE MAY
3 GIVE 1 OF THE PERSON'S 2 KIDNEYS TO A FATHER, MOTHER, SON, DAUGH-
4 TER, BROTHER, OR SISTER FOR A TRANSPLANTATION NEEDED BY THE
5 DONEE, WHEN AUTHORIZED BY ORDER OF THE COURT WHICH HAS JURISDIC-
6 TION OF THE PERSON. THE PETITION FOR AN ORDER MAY BE MADE BY THE
7 GUARDIAN, PARENT, SPOUSE, CHILD, OR OTHER NEXT OF KIN OF THE
8 PERSON OTHER THAN THE INTENDED DONEE. IF THE PERSON DOES NOT
9 HAVE A GUARDIAN, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO
10 PROTECT THE PERSON'S INTERESTS. THE COURT SHALL HOLD A HEARING
11 ON THE PETITION AND CAUSE NOTICE OF THE HEARING TO BE GIVEN. THE
12 PROSPECTIVE DONOR SHALL BE PRESENT AT THE HEARING AND SHALL BE
13 EXAMINED BY THE PETITIONER OR THE COURT, OR BOTH. IF THE COURT
14 DETERMINES THAT THE PROSPECTIVE DONOR IS SUFFICIENTLY SOUND OF
15 MIND TO UNDERSTAND THE NEEDS AND PROBABLE CONSEQUENCES OF THE
16 GIFT TO BOTH THE DONOR AND DONEE, AND AGREES TO THE GIFT, THE
17 COURT MAY ENTER AN ORDER AUTHORIZING THE MAKING OF THE GIFT.

18 SEC. 9321. A PERSON BECOMES A GUARDIAN OF A MINOR BY ACCEP-
19 TANCE OF A TESTAMENTARY APPOINTMENT OR UPON APPOINTMENT BY THE
20 COURT. THE GUARDIANSHIP STATUS CONTINUES UNTIL TERMINATED, WITH-
21 OUT REGARD TO THE LOCATION OF THE GUARDIAN AND MINOR WARD.

22 SEC. 9322. THE PARENT OF A MINOR MAY APPOINT BY WILL A
23 GUARDIAN OF AN UNMARRIED MINOR. SUBJECT TO THE RIGHT OF THE
24 MINOR UNDER SECTION 9323, A TESTAMENTARY APPOINTMENT BECOMES
25 EFFECTIVE UPON THE FILING OF THE GUARDIAN'S ACCEPTANCE IN THE
26 PROBATE COURT IN WHICH THE WILL IS PROBATED, IF BEFORE ACCEPTANCE
27 BOTH PARENTS ARE DEAD OR THE SURVIVING PARENT IS ADJUDGED LEGALLY

1 INCAPACITATED. IF BOTH PARENTS ARE DEAD, AN EFFECTIVE
2 APPOINTMENT BY THE PARENT WHO DIED LATER HAS PRIORITY. THIS
3 STATE RECOGNIZES A TESTAMENTARY APPOINTMENT EFFECTED BY FILING
4 THE GUARDIAN'S ACCEPTANCE UNDER A WILL PROBATED IN ANOTHER STATE
5 WHICH IS THE TESTATOR'S DOMICILE.

6 SEC. 9323. A MINOR 14 YEARS OF AGE OR OLDER MAY PREVENT AN
7 APPOINTMENT OF A TESTAMENTARY GUARDIAN FROM BECOMING EFFECTIVE,
8 OR MAY CAUSE A PREVIOUSLY ACCEPTED APPOINTMENT TO TERMINATE, BY
9 FILING WITH THE PROBATE COURT IN WHICH THE WILL IS PROBATED A
10 WRITTEN OBJECTION TO THE APPOINTMENT BEFORE IT IS ACCEPTED OR
11 WITHIN 28 DAYS AFTER ITS ACCEPTANCE. AN OBJECTION MAY BE
12 WITHDRAWN. AN OBJECTION DOES NOT PRECLUDE APPOINTMENT BY THE
13 COURT OF THE TESTAMENTARY NOMINEE, OR ANY OTHER SUITABLE PERSON
14 IN A PROPER PROCEEDING.

15 SEC. 9324. (1) A PERSON INTERESTED IN THE WELFARE OF A
16 MINOR, OR A MINOR IF 14 YEARS OF AGE OR OLDER, MAY PETITION FOR
17 THE APPOINTMENT OF A GUARDIAN OF THE MINOR.

18 (2) THE COURT MAY APPOINT A GUARDIAN FOR AN UNMARRIED MINOR
19 IF EITHER OF THE FOLLOWING CIRCUMSTANCES EXIST:

20 (A) THE PARENTAL RIGHTS OF BOTH PARENTS OR OF THE SURVIVING
21 PARENT HAVE BEEN TERMINATED OR SUSPENDED BY PRIOR COURT ORDER, BY
22 JUDGMENT OF DIVORCE OR SEPARATE MAINTENANCE, BY DEATH, BY JUDI-
23 CIAL DETERMINATION OF MENTAL INCOMPETENCY, BY DISAPPEARANCE, OR
24 BY CONFINEMENT IN A PLACE OF DETENTION.

25 (B) THE APPOINTMENT IS NECESSARY FOR THE IMMEDIATE PHYSICAL
26 WELL-BEING OF THE MINOR.

1 (3) A GUARDIAN APPOINTED BY WILL AS PROVIDED IN SECTION 9322
2 WHOSE APPOINTMENT IS NOT PREVENTED OR NULLIFIED UNDER SECTION
3 9323 HAS PRIORITY OVER A GUARDIAN WHO MAY BE APPOINTED BY THE
4 COURT. THE COURT MAY PROCEED WITH AN APPOINTMENT UPON A FINDING
5 THAT THE TESTAMENTARY GUARDIAN HAS FAILED TO ACCEPT THE TESTAMEN-
6 TARY APPOINTMENT WITHIN 28 DAYS AFTER NOTICE OF THE GUARDIANSHIP
7 PROCEEDING.

8 SEC. 9324A. (1) THE COURT MAY APPOINT A LIMITED GUARDIAN
9 FOR AN UNMARRIED MINOR UNDER THIS SECTION UPON THE PETITION OF
10 THE PARENT OR PARENTS IF BOTH OF THE FOLLOWING OCCUR:

11 (A) THE PARENTS WITH CUSTODY OF THE MINOR CONSENT OR, IN THE
12 CASE OF ONLY 1 PARENT HAVING CUSTODY OF THE MINOR, THE SOLE
13 PARENT CONSENTS TO THE APPOINTMENT OF A LIMITED GUARDIAN.

14 (B) THE PARENT OR PARENTS VOLUNTARILY CONSENT TO THE SUSPEN-
15 SION OF THEIR PARENTAL RIGHTS.

16 (2) THE SUSPENSION OF PARENTAL RIGHTS UNDER THIS SECTION
17 DOES NOT PREVENT THE PARENT OR PARENTS FROM FILING A PETITION TO
18 TERMINATE THE GUARDIANSHIP AT ANY TIME. APPOINTMENT OF A LIMITED
19 GUARDIAN UNDER THIS SECTION SHALL BE A CONTINUING APPOINTMENT AND
20 MAY BE TERMINATED BY THE COURT UPON PETITION OF THE PARENTS OR
21 SOLE PARENT HAVING CUSTODY.

22 (3) A LIMITED GUARDIAN APPOINTED UNDER THIS SECTION SHALL
23 HAVE ALL OF THE POWERS AND DUTIES ENUMERATED IN SECTION 9329,
24 EXCEPT THAT A LIMITED GUARDIAN MAY NOT CONSENT TO THE ADOPTION OF
25 THE MINOR OR RELEASE OF THE MINOR FOR ADOPTION NOR MAY A LIMITED
26 GUARDIAN CONSENT TO THE MARRIAGE OF A MINOR WARD.

1 SEC. 9325.. THE VENUE FOR GUARDIANSHIP PROCEEDINGS FOR A
2 MINOR IS IN THE PLACE WHERE THE MINOR RESIDES OR IS PRESENT.

3 SEC. 9326. THE COURT MAY APPOINT AS GUARDIAN A PERSON WHOSE
4 APPOINTMENT WOULD BE IN THE BEST INTERESTS OF THE MINOR. THE
5 COURT SHALL APPOINT A PERSON NOMINATED BY THE MINOR, IF THE MINOR
6 IS 14 YEARS OF AGE OR OLDER, UNLESS THE COURT FINDS THE APPOINT-
7 MENT CONTRARY TO THE BEST INTERESTS OF THE MINOR.

8 SEC. 9327. (1) NOTICE OF THE TIME AND PLACE OF HEARING OF A
9 PETITION FOR THE APPOINTMENT OF A GUARDIAN OF A MINOR SHALL BE
10 GIVEN BY THE PETITIONER TO EACH OF THE FOLLOWING:

11 (A) THE MINOR, IF 14 YEARS OF AGE OR OLDER.

12 (B) THE PERSON WHO HAD THE PRINCIPAL CARE AND CUSTODY OF THE
13 MINOR DURING THE 60 DAYS PRECEDING THE DATE OF THE PETITION.

14 (C) EACH LIVING PARENT OF THE MINOR OR, IF NEITHER OF THEM
15 IS LIVING, THE ADULT NEAREST OF KIN TO THE MINOR.

16 (2) UPON HEARING, IF THE COURT FINDS THAT A QUALIFIED PERSON
17 SEEKS APPOINTMENT, VENUE IS PROPER, THE REQUIRED NOTICES HAVE
18 BEEN GIVEN, THE REQUIREMENTS OF SECTION 9324 OR 9324A ARE SATIS-
19 FIED, AND THE WELFARE AND BEST INTERESTS OF THE MINOR WILL BE
20 SERVED BY THE REQUESTED APPOINTMENT, IT SHALL MAKE THE
21 APPOINTMENT. IN OTHER CASES THE COURT MAY DISMISS THE PROCEED-
22 INGS OR MAKE ANY OTHER DISPOSITION OF THE MATTER THAT WILL BEST
23 SERVE THE INTERESTS OF THE MINOR.

24 (3) IF NECESSARY, THE COURT MAY APPOINT A TEMPORARY GUARDIAN
25 WITH THE STATUS OF AN ORDINARY GUARDIAN OF A MINOR, BUT THE
26 AUTHORITY OF A TEMPORARY GUARDIAN SHALL NOT EXCEED 6 MONTHS.

1 (4) IF, AT ANY TIME IN THE PROCEEDING, THE COURT DETERMINES
2 THAT THE INTERESTS OF THE MINOR ARE OR MAY BE INADEQUATELY
3 REPRESENTED, THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE
4 MINOR, GIVING CONSIDERATION TO THE PREFERENCE OF THE MINOR IF THE
5 MINOR IS 14 YEARS OF AGE OR OLDER.

6 SEC. 9328. BY ACCEPTING A TESTAMENTARY OR COURT APPOINTMENT
7 AS GUARDIAN, A GUARDIAN SUBMITS PERSONALLY TO THE JURISDICTION OF
8 THE COURT IN ANY PROCEEDING RELATING TO THE GUARDIANSHIP THAT MAY
9 BE INSTITUTED BY AN INTERESTED PERSON. NOTICE OF A PROCEEDING
10 SHALL BE DELIVERED TO THE GUARDIAN, OR MAILED TO THE GUARDIAN BY
11 FIRST CLASS MAIL AT THE GUARDIAN'S ADDRESS AS LISTED IN THE COURT
12 RECORDS AND TO THE GUARDIAN'S ADDRESS AS THEN KNOWN TO THE
13 PETITIONER. A LETTER OF GUARDIANSHIP SHALL INDICATE WHETHER THE
14 GUARDIAN WAS APPOINTED BY WILL OR BY COURT ORDER.

15 SEC. 9329. (1) A GUARDIAN OF A MINOR HAS THE POWERS AND
16 RESPONSIBILITIES OF A PARENT WHO IS NOT DEPRIVED OF CUSTODY OF
17 THE PARENT'S MINOR AND UNEMANCIPATED CHILD, EXCEPT THAT A GUARD-
18 IAN IS NOT LEGALLY OBLIGATED TO PROVIDE FROM THE GUARDIAN'S OWN
19 FUNDS FOR THE WARD AND IS NOT LIABLE TO THIRD PERSONS BY REASON
20 OF THE PARENTAL RELATIONSHIP FOR ACTS OF THE WARD. A GUARDIAN
21 HAS THE FOLLOWING POWERS AND DUTIES:

22 (A) THE GUARDIAN SHALL TAKE REASONABLE CARE OF A WARD'S PER-
23 SONAL EFFECTS AND COMMENCE PROTECTIVE PROCEEDINGS IF NECESSARY TO
24 PROTECT OTHER PROPERTY OF THE WARD.

25 (B) THE GUARDIAN MAY RECEIVE MONEY PAYABLE FOR THE SUPPORT
26 OF THE WARD TO THE WARD'S PARENT, GUARDIAN, OR CUSTODIAN UNDER
27 THE TERMS OF ANY STATUTORY BENEFIT OR INSURANCE SYSTEM, OR ANY

1 PRIVATE CONTRACT, DEVISE, TRUST, CONSERVATORSHIP, OR
2 CUSTODIANSHIP. THE GUARDIAN MAY RECEIVE MONEY OR PROPERTY OF THE
3 WARD PAID OR DELIVERED PURSUANT TO SECTION 9303. A SUM SO
4 RECEIVED SHALL BE APPLIED TO THE WARD'S CURRENT NEEDS FOR SUP-
5 PORT, CARE, AND EDUCATION. THE GUARDIAN SHALL EXERCISE DUE CARE
6 TO CONSERVE ANY EXCESS FOR THE WARD'S FUTURE NEEDS UNLESS A CON-
7 SERVATOR IS APPOINTED FOR THE ESTATE OF THE WARD, IN WHICH CASE
8 EXCESS SHALL BE PAID OVER AT LEAST ANNUALLY TO THE CONSERVATOR.
9 A SUM SO RECEIVED BY THE GUARDIAN IS NOT TO BE USED FOR COMPENSA-
10 TION FOR THE GUARDIAN'S SERVICES EXCEPT AS APPROVED BY ORDER OF
11 THE COURT OR AS DETERMINED BY A DULY APPOINTED CONSERVATOR OTHER
12 THAN THE GUARDIAN. A GUARDIAN MAY INSTITUTE PROCEEDINGS TO
13 COMPEL THE PERFORMANCE BY A PERSON OF A DUTY TO SUPPORT THE WARD
14 OR TO PAY SUMS FOR THE WELFARE OF THE WARD.

15 (C) THE GUARDIAN SHALL FACILITATE THE WARD'S EDUCATION AND
16 SOCIAL OR OTHER ACTIVITIES, AND SHALL AUTHORIZE MEDICAL OR OTHER
17 PROFESSIONAL CARE, TREATMENT, OR ADVICE. A GUARDIAN IS NOT
18 LIABLE BY REASON OF THIS CONSENT FOR INJURY TO THE WARD RESULTING
19 FROM THE NEGLIGENCE OR ACTS OF THIRD PERSONS UNLESS IT WOULD BE
20 ILLEGAL FOR A PARENT TO HAVE CONSENTED. A GUARDIAN MAY CONSENT
21 TO THE MARRIAGE OF A MINOR WARD. SUBJECT TO THE CONDITIONS AND
22 RESTRICTIONS OF CHAPTER 94, A GUARDIAN MAY CONSENT TO THE ADOP-
23 TION OF A MINOR WARD OR RELEASE A MINOR WARD FOR ADOPTION.

24 (D) A GUARDIAN SHALL REPORT THE CONDITION OF THE WARD AND OF
25 THE WARD'S ESTATE WHICH IS SUBJECT TO THE GUARDIAN'S POSSESSION
26 OR CONTROL, AS ORDERED BY COURT ON PETITION OF ANY PERSON
27 INTERESTED IN THE MINOR'S WELFARE OR AS REQUIRED BY COURT RULE.

1 THE REPORT SHALL DETAIL THE CONDITION OF THE WARD, ANY MEDICAL OR
2 SANITARY TREATMENT OR CARE TO WHICH THE WARD WAS SUBJECTED, AND
3 WHAT REASON, IF ANY, EXISTS FOR THE CONTINUATION OF THE
4 GUARDIANSHIP.

5 (2) IF A MINOR DIES WHILE UNDER GUARDIANSHIP, AND A CONSER-
6 VATOR HAS NOT BEEN APPOINTED FOR THE ESTATE OF THE MINOR, AND IF
7 THE GUARDIAN HAS POSSESSION OF ANY MONEY OF THE DECEASED MINOR,
8 THE COURT MAY, UPON PETITION OF THE GUARDIAN AND WITH OR WITHOUT
9 NOTICE, HEAR A CLAIM FOR BURIAL EXPENSES OR ANY OTHER CLAIM AS
10 THE COURT CONSIDERS ADVISABLE. UPON HEARING THE CLAIM, THE COURT
11 MAY ENTER AN ORDER ALLOWING OR DISALLOWING THE CLAIM OR ANY PART
12 OF IT AND PROVIDE IN THE ORDER OF ALLOWANCE THAT THE CLAIM OR ANY
13 PART OF IT BE PAID IMMEDIATELY IF THE PAYMENT CAN BE MADE WITHOUT
14 INJURY OR SERIOUS INCONVENIENCE TO THE MINOR'S ESTATE.

15 SEC. 9333. A GUARDIAN'S AUTHORITY AND RESPONSIBILITY TERMI-
16 NATES UPON THE DEATH, RESIGNATION, OR REMOVAL OF THE GUARDIAN OR
17 UPON THE MINOR'S DEATH, ADOPTION, MARRIAGE, OR ATTAINMENT OF
18 MAJORITY. TERMINATION DOES NOT AFFECT THE GUARDIAN'S LIABILITY
19 FOR PRIOR ACTS NOR THE GUARDIAN'S OBLIGATION TO ACCOUNT FOR FUNDS
20 AND ASSETS OF A WARD. RESIGNATION OF A GUARDIAN DOES NOT TERMI-
21 NATE THE GUARDIANSHIP UNTIL IT IS APPROVED BY THE COURT. A TES-
22 TAMENTARY APPOINTMENT OF A GUARDIAN UNDER AN INFORMALLY PROBATED
23 WILL TERMINATES IF THE WILL IS LATER DENIED PROBATE IN A FORMAL
24 PROCEEDING.

25 SEC. 9335. (1) THE COURT IN THE COUNTY WHERE THE WARD
26 RESIDES HAS CONCURRENT JURISDICTION WITH THE COURT WHICH
27 APPOINTED THE GUARDIAN OR IN WHICH ACCEPTANCE OF A TESTAMENTARY

1 APPOINTMENT WAS FILED OVER RESIGNATION, REMOVAL, ACCOUNTING, AND
2 OTHER PROCEEDINGS RELATING TO THE GUARDIANSHIP.

3 (2) IF THE COURT IN THE COUNTY WHERE THE WARD RESIDES IS NOT
4 THE COURT IN WHICH ACCEPTANCE OF APPOINTMENT IS FILED, THE COURT
5 IN WHICH PROCEEDINGS SUBSEQUENT TO APPOINTMENT ARE COMMENCED, IN
6 ALL APPROPRIATE CASES, SHALL NOTIFY THE COURT, IN THIS OR ANOTHER
7 STATE, AND AFTER CONSULTATION WITH THAT COURT, SHALL DETERMINE
8 WHETHER TO RETAIN JURISDICTION OR TRANSFER THE PROCEEDINGS TO THE
9 OTHER COURT, WHICHEVER IS IN THE BEST INTERESTS OF THE WARD.
10 AFTER THIS DETERMINATION HAS BEEN MADE, THE COURT ACCEPTING A
11 RESIGNATION OR REMOVING A GUARDIAN SHALL DIRECT THIS FIDUCIARY TO
12 PREPARE AND SUBMIT A FINAL REPORT TO BOTH COURTS. A COPY OF AN
13 ORDER ACCEPTING A RESIGNATION OR REMOVING A GUARDIAN AND A COPY
14 OF THE FINAL REPORT SHALL BE SENT TO THE COURT IN WHICH ACCEP-
15 TANCE OF APPOINTMENT IS FILED. THE COURT ENTERING THIS ORDER MAY
16 PERMIT CLOSING OF THE GUARDIANSHIP IN THE COURT IN WHICH ACCEP-
17 TANCE OF APPOINTMENT IS FILED, WITHOUT NOTICE TO INTERESTED
18 PERSONS.

19 SEC. 9337. (1) A PERSON INTERESTED IN THE WELFARE OF A WARD
20 OR THE WARD, IF 14 YEARS OF AGE OR OLDER, MAY PETITION FOR
21 REMOVAL OF A GUARDIAN ON THE GROUND THAT REMOVAL WOULD BE IN THE
22 BEST INTEREST OF THE WARD. A GUARDIAN MAY PETITION FOR PERMIS-
23 SION TO RESIGN. A PETITION FOR REMOVAL OR FOR PERMISSION TO
24 RESIGN MAY INCLUDE A REQUEST FOR APPOINTMENT OF A SUCCESSOR
25 GUARDIAN.

1 (2) AFTER NOTICE AND HEARING ON A PETITION FOR REMOVAL OR
2 FOR PERMISSION TO RESIGN, THE COURT MAY TERMINATE THE
3 GUARDIANSHIP AND MAKE ANY FURTHER ORDER THAT IS APPROPRIATE.

4 (3) IF, AT ANY TIME IN THE PROCEEDING, THE COURT DETERMINES
5 THAT THE INTERESTS OF THE WARD ARE, OR MAY BE, INADEQUATELY REP-
6 RESENTED, THE COURT MAY APPOINT AN ATTORNEY TO REPRESENT THE
7 MINOR, GIVING CONSIDERATION TO THE PREFERENCE OF THE MINOR IF THE
8 MINOR IS 14 YEARS OF AGE OR OLDER.

9 SEC. 9341. (1) IF SERVING AS GUARDIAN, THE PARENT OF A
10 LEGALLY INCAPACITATED PERSON MAY APPOINT A SUCCESSOR GUARDIAN OF
11 THE LEGALLY INCAPACITATED PERSON BY WILL. A TESTAMENTARY
12 APPOINTMENT BY A PARENT BECOMES EFFECTIVE WHEN, AFTER HAVING
13 GIVEN 5 DAYS' PRIOR WRITTEN NOTICE OF THE INTENTION TO DO SO TO
14 THE LEGALLY INCAPACITATED PERSON AND TO THE PERSON HAVING THE
15 LEGALLY INCAPACITATED PERSON'S CARE OR TO HIS OR HER NEAREST
16 ADULT RELATIVE, THE SUCCESSOR GUARDIAN FILES ACCEPTANCE OF
17 APPOINTMENT IN THE COURT IN WHICH THE WILL IS PROBATED.

18 (2) IF SERVING AS GUARDIAN, THE SPOUSE OF A MARRIED LEGALLY
19 INCAPACITATED PERSON MAY APPOINT A SUCCESSOR GUARDIAN OF THE
20 INCAPACITATED PERSON BY WILL. THE APPOINTMENT BECOMES EFFECTIVE
21 WHEN, AFTER HAVING GIVEN 5 DAYS' PRIOR WRITTEN NOTICE OF THE
22 INTENTION TO DO SO TO THE LEGALLY INCAPACITATED PERSON AND TO THE
23 PERSON HAVING THE PERSON'S CARE OR TO THE PERSON'S NEAREST ADULT
24 RELATIVE, THE SUCCESSOR GUARDIAN FILES ACCEPTANCE OF APPOINTMENT
25 IN THE COURT IN WHICH THE WILL IS PROBATED.

1 (3) THIS STATE SHALL RECOGNIZE A TESTAMENTARY APPOINTMENT
2 EFFECTED BY FILING ACCEPTANCE UNDER A WILL PROBATED AT THE
3 TESTATOR'S DOMICILE IN ANOTHER STATE.

4 (4) ON THE FILING WITH THE COURT IN WHICH THE WILL WAS PRO-
5 BATED OF WRITTEN OBJECTION TO THE APPOINTMENT BY THE PERSON FOR
6 WHOM A TESTAMENTARY APPOINTMENT OF GUARDIAN IS MADE, THE APPOINT-
7 MENT IS TERMINATED. AN OBJECTION SHALL NOT PREVENT APPOINTMENT
8 BY THE COURT OF THE TESTAMENTARY NOMINEE OR ANY OTHER SUITABLE
9 PERSON IN PROCEEDINGS UNDER THIS SECTION AND SECTIONS 9342 TO
10 9357.

11 SEC. 9342. THE VENUE FOR GUARDIANSHIP PROCEEDINGS FOR A
12 LEGALLY INCAPACITATED PERSON IS IN THE PLACE WHERE THE LEGALLY
13 INCAPACITATED PERSON RESIDES OR IS PRESENT. IF THE LEGALLY INCA-
14 PACITATED PERSON IS ADMITTED TO AN INSTITUTION PURSUANT TO THE
15 ORDER OF A COURT OF COMPETENT JURISDICTION, VENUE IS ALSO IN THE
16 COUNTY IN WHICH THAT COURT IS LOCATED.

17 SEC. 9343. (1) A PERSON IN HIS OR HER OWN BEHALF, OR ANY
18 PERSON INTERESTED IN THE PERSON'S WELFARE, MAY PETITION FOR A
19 FINDING OF INCAPACITY AND APPOINTMENT OF A GUARDIAN. THE PETI-
20 TION SHALL CONTAIN SPECIFIC FACTS ABOUT THE PERSON'S CONDITION
21 AND SPECIFIC EXAMPLES OF THE PERSON'S RECENT CONDUCT THAT DEMON-
22 STRATE THE NEED FOR THE APPOINTMENT OF A GUARDIAN.

23 (2) UPON THE FILING OF A PETITION, THE COURT SHALL SET A
24 DATE FOR HEARING ON THE ISSUES OF INCAPACITY AND UNLESS THE
25 ALLEGEDLY INCAPACITATED PERSON HAS LEGAL COUNSEL OF HIS OR HER
26 OWN CHOICE, THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO
27 REPRESENT THE PERSON IN THE PROCEEDING.

1 (3) IF NECESSARY, THE COURT MAY ORDER THAT A PERSON ALLEGED
2 TO BE LEGALLY INCAPACITATED BE EXAMINED BY A PHYSICIAN OR MENTAL
3 HEALTH PROFESSIONAL APPOINTED BY THE COURT WHO SHALL SUBMIT A
4 REPORT IN WRITING TO THE COURT AT LEAST 5 DAYS BEFORE THE
5 HEARING. A REPORT PREPARED PURSUANT TO THIS SUBSECTION SHALL NOT
6 BE MADE A PART OF THE PUBLIC RECORD OF THE PROCEEDING, BUT SHALL
7 BE AVAILABLE TO THE COURT OR AN APPELLATE COURT TO WHICH THE PRO-
8 CEEDINGS ARE SUBJECT TO REVIEW, TO THE ALLEGED LEGALLY INCAPACI-
9 TATED PERSON, THE PETITIONER, THEIR LEGAL COUNSELS, AND TO OTHER
10 PERSONS AS THE COURT DIRECTS, AND MAY BE USED PURSUANT TO THE
11 MICHIGAN RULES OF EVIDENCE.

12 (4) THE ALLEGED LEGALLY INCAPACITATED PERSON HAS THE RIGHT,
13 AT HIS OR HER OWN EXPENSE, OR IF INDIGENT, AT THE EXPENSE OF THE
14 STATE, TO SECURE AN INDEPENDENT EVALUATION. COMPENSATION FOR AN
15 INDEPENDENT EVALUATION AT PUBLIC EXPENSE SHALL BE IN AN AMOUNT
16 THAT, BASED UPON TIME AND EXPENSE, THE COURT APPROVES AS
17 REASONABLE.

18 (5) A REPORT PREPARED PURSUANT TO THIS SECTION SHALL CONTAIN
19 ALL OF THE FOLLOWING:

20 (A) A DETAILED DESCRIPTION OF THE PHYSICAL OR PSYCHOLOGICAL
21 INFIRMITIES OF THE PERSON.

22 (B) AN EXPLANATION OF HOW AND TO WHAT EXTENT ANY INFIRMITIES
23 INTERFERE WITH THE ABILITY OF THE PERSON TO RECEIVE OR EVALUATE
24 INFORMATION IN MAKING DECISIONS.

25 (C) A LISTING OF ALL MEDICATIONS THE PERSON IS RECEIVING,
26 THE DOSAGE OF THE MEDICATIONS, AND A DESCRIPTION OF THE EFFECTS
27 EACH MEDICATION HAS UPON THE PERSON'S BEHAVIOR.

1 (D) A PROGNOSIS FOR IMPROVEMENT IN THE PERSON'S CONDITION
2 AND A RECOMMENDATION FOR THE MOST APPROPRIATE REHABILITATION
3 PLAN.

4 (E) THE SIGNATURES OF ALL PERSONS WHO PERFORMED THE EVALU-
5 ATIONS UPON WHICH THE REPORT IS BASED.

6 (6) THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED IS ENTI-
7 TLED TO BE PRESENT AT THE HEARING IN PERSON AND TO SEE OR HEAR
8 ALL EVIDENCE BEARING UPON THE PERSON'S CONDITION. IF THE PERSON
9 WISHES TO BE PRESENT AT THE HEARING, ALL PRACTICAL STEPS SHALL BE
10 TAKEN TO ENSURE HIS OR HER PRESENCE, INCLUDING, IF NECESSARY,
11 MOVING THE SITE OF THE HEARING.

12 (7) THE PERSON IS ENTITLED TO BE REPRESENTED BY LEGAL COUN-
13 SEL, TO PRESENT EVIDENCE, TO CROSS-EXAMINE WITNESSES, INCLUDING
14 THE COURT-APPOINTED PHYSICIAN OR MENTAL HEALTH PROFESSIONAL AND
15 THE VISITOR, AND TO TRIAL BY JURY.

16 (8) THE ISSUE MAY BE DETERMINED AT A CLOSED HEARING WITHOUT
17 A JURY IF REQUESTED BY THE PERSON ALLEGED TO BE LEGALLY INCAPACI-
18 TATED OR THAT PERSON'S LEGAL COUNSEL.

19 SEC. 9343A. (1) THE DUTIES OF A GUARDIAN AD LITEM SHALL
20 INCLUDE ALL OF THE FOLLOWING:

21 (A) PERSONALLY VISITING THE PERSON ALLEGED TO BE LEGALLY
22 INCAPACITATED.

23 (B) EXPLAINING TO THE PERSON ALLEGED TO BE LEGALLY INCAPACI-
24 TATED THE NATURE, PURPOSE, AND LEGAL EFFECTS OF THE APPOINTMENT
25 OF A GUARDIAN.

26 (C) EXPLAINING TO THE PERSON ALLEGED TO BE LEGALLY
27 INCAPACITATED THE HEARING PROCEDURE AND THE PERSON'S RIGHTS IN

1 THE HEARING PROCEDURE, INCLUDING, BUT NOT LIMITED TO, THE RIGHT
2 TO CONTEST THE PETITION, TO REQUEST LIMITS ON THE GUARDIAN'S
3 POWERS, TO OBJECT TO A PARTICULAR PERSON BEING APPOINTED GUARDI-
4 AN, TO BE PRESENT AT THE HEARING, TO BE REPRESENTED BY LEGAL
5 COUNSEL, AND THAT LEGAL COUNSEL WILL BE APPOINTED FOR THE PERSON
6 IF HE OR SHE IS UNABLE TO AFFORD LEGAL COUNSEL.

7 (D) INFORMING THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
8 OF THE NAME OF ANY PERSON KNOWN TO BE SEEKING APPOINTMENT AS
9 GUARDIAN.

10 (E) MAKING DETERMINATIONS, AND INFORMING THE COURT OF THOSE
11 DETERMINATIONS, ON ALL OF THE FOLLOWING:

12 (i) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
13 WISHES TO BE PRESENT AT THE HEARING.

14 (ii) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
15 WISHES TO CONTEST THE PETITION.

16 (iii) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
17 WISHES LIMITS PLACED ON THE GUARDIAN'S POWERS.

18 (iv) WHETHER THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
19 OBJECTS TO A PARTICULAR PERSON BEING APPOINTED GUARDIAN.

20 (2) IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED WISHES
21 TO CONTEST THE PETITION, TO HAVE LIMITS PLACED ON THE GUARDIAN'S
22 POWERS, OR TO OBJECT TO A PARTICULAR PERSON BEING APPOINTED
23 GUARDIAN, THE COURT SHALL APPOINT LEGAL COUNSEL, IF LEGAL COUNSEL
24 HAS NOT BEEN SECURED, TO REPRESENT THE PERSON ALLEGED TO BE
25 LEGALLY INCAPACITATED. IF THE PERSON ALLEGED TO BE LEGALLY INCA-
26 PACITATED IS INDIGENT, THE STATE SHALL BEAR THE EXPENSE OF LEGAL
27 COUNSEL.

1 (3) IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
2 REQUESTS LEGAL COUNSEL, OR IF THE GUARDIAN AD LITEM DETERMINES IT
3 IS IN THE BEST INTEREST OF THE PERSON TO HAVE LEGAL COUNSEL, AND
4 IF LEGAL COUNSEL HAS NOT BEEN SECURED, THE COURT SHALL APPOINT
5 LEGAL COUNSEL. IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED
6 IS INDIGENT, THE STATE SHALL BEAR THE EXPENSE OF LEGAL COUNSEL.

7 (4) IF THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED HAS
8 LEGAL COUNSEL APPOINTED PURSUANT TO SUBSECTION (2) OR (3), THE
9 APPOINTMENT OF A GUARDIAN AD LITEM SHALL TERMINATE.

10 SEC. 9344. (1) THE COURT MAY APPOINT A GUARDIAN IF IT IS
11 SATISFIED BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSON FOR
12 WHOM A GUARDIAN IS SOUGHT IS A LEGALLY INCAPACITATED PERSON, AND
13 THAT THE APPOINTMENT IS NECESSARY AS A MEANS OF PROVIDING CON-
14 TINUING CARE AND SUPERVISION OF THE PERSON OF THE LEGALLY INCA-
15 PACITATED PERSON. ALTERNATELY, THE COURT MAY DISMISS THE PRO-
16 CEEDING, OR MAY ENTER ANY OTHER APPROPRIATE ORDER.

17 (2) A GUARDIAN SHALL BE GRANTED ONLY THOSE POWERS AND ONLY
18 FOR THAT PERIOD OF TIME AS IS NECESSARY TO PROVIDE FOR THE DEMON-
19 STRATED NEED OF THE LEGALLY INCAPACITATED PERSON, AND THE GUARD-
20 IANSHIP SHALL BE DESIGNED TO ENCOURAGE THE DEVELOPMENT OF MAXIMUM
21 SELF-RELIANCE AND INDEPENDENCE IN THE PERSON. A COURT ORDER
22 ESTABLISHING A GUARDIANSHIP SHALL SPECIFY ANY LIMITATIONS ON THE
23 GUARDIAN'S POWERS AND ANY TIME LIMITS ON THE GUARDIANSHIP.

24 (3) IF IT IS FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE
25 PERSON IS LEGALLY INCAPACITATED AND LACKS THE CAPACITY TO DO
26 SOME, BUT NOT ALL, OF THE TASKS NECESSARY TO CARE FOR HIMSELF OR
27 HERSELF, THE COURT MAY APPOINT A LIMITED GUARDIAN TO PROVIDE

1 GUARDIANSHIP SERVICES TO THE PERSON, BUT THE COURT SHALL NOT
2 APPOINT A FULL GUARDIAN.

3 (4) IF IT IS FOUND BY CLEAR AND CONVINCING EVIDENCE THAT THE
4 PERSON IS LEGALLY INCAPACITATED AND IS TOTALLY WITHOUT CAPACITY
5 TO CARE FOR HIMSELF OR HERSELF, THE COURT SHALL SPECIFY THAT
6 FINDING OF FACT IN ANY ORDER AND MAY APPOINT A FULL GUARDIAN.

7 SEC. 9345. BY ACCEPTING APPOINTMENT, A GUARDIAN PERSONALLY
8 SUBMITS TO THE JURISDICTION OF THE COURT IN A PROCEEDING RELATING
9 TO THE GUARDIANSHIP THAT MAY BE INSTITUTED BY AN INTERESTED
10 PERSON. NOTICE OF A PROCEEDING SHALL BE DELIVERED TO THE GUARD-
11 IAN OR MAILED TO THE GUARDIAN BY FIRST CLASS MAIL AT THE
12 GUARDIAN'S ADDRESS AS LISTED IN THE COURT RECORDS AND TO HIS OR
13 HER ADDRESS AS THEN KNOWN TO THE PETITIONER.

14 SEC. 9346. THE AUTHORITY AND RESPONSIBILITY OF A GUARDIAN
15 FOR A LEGALLY INCAPACITATED PERSON TERMINATES UPON THE DEATH OF
16 THE GUARDIAN OR WARD, THE DETERMINATION OF INCAPACITY OF THE
17 GUARDIAN, OR UPON REMOVAL OR RESIGNATION AS PROVIDED IN
18 SECTION 9347. TESTAMENTARY APPOINTMENT UNDER A WILL PROBATED
19 PURSUANT TO ARTICLE 3 OF THE REVISED PROBATE CODE, ACT NO. 642 OF
20 THE PUBLIC ACTS OF 1978, BEING SECTIONS 700.301 TO 700.362 OF THE
21 MICHIGAN COMPILED LAWS, TERMINATES IF THE WILL IS LATER DENIED
22 PROBATE UNDER A SUPERVISED PROBATE PROCEEDING.

23 SEC. 9346A. THE COURT SHALL REVIEW A GUARDIANSHIP NOT LATER
24 THAN 1 YEAR AFTER THE APPOINTMENT OF THE GUARDIAN AND NOT LATER
25 THAN EVERY 3 YEARS THEREAFTER.

26 SEC. 9347. (1) ON PETITION OF THE GUARDIAN AND SUBJECT TO
27 THE FILING AND APPROVAL OF A REPORT PREPARED PURSUANT TO

1 SECTION 9355(1)(E), THE COURT SHALL ACCEPT THE GUARDIAN'S
2 RESIGNATION AND MAKE ANY OTHER ORDER WHICH MAY BE APPROPRIATE.

3 (2) THE WARD OR A PERSON INTERESTED IN THE WARD'S WELFARE
4 MAY PETITION FOR AN ORDER REMOVING THE GUARDIAN, APPOINTING A
5 SUCCESSOR GUARDIAN, MODIFYING THE TERMS OF THE GUARDIANSHIP, OR
6 TERMINATING THE GUARDIANSHIP. A REQUEST FOR AN ORDER UNDER THIS
7 SUBSECTION MAY BE MADE BY INFORMAL LETTER TO THE COURT OR JUDGE.
8 A PERSON WHO KNOWINGLY INTERFERES WITH TRANSMISSION OF A REQUEST
9 TO THE COURT OR JUDGE FOR AN ORDER UNDER THIS SUBSECTION IS
10 SUBJECT TO A FINDING OF CONTEMPT OF COURT. EXCEPT AS OTHERWISE
11 PROVIDED IN THE ORDER FINDING LEGAL INCAPACITY, UPON RECEIVING A
12 PETITION OR REQUEST, THE COURT SHALL SET A DATE FOR A HEARING TO
13 BE HELD WITHIN 28 DAYS AFTER THE RECEIPT OF THE PETITION OR
14 REQUEST. AN ORDER FINDING LEGAL INCAPACITY MAY SPECIFY A MINIMUM
15 PERIOD, NOT EXCEEDING 180 DAYS, DURING WHICH A PETITION OR
16 REQUEST FOR A FINDING THAT A WARD IS NO LONGER LEGALLY INCAPACI-
17 TATED OR AN ORDER REMOVING THE GUARDIAN, MODIFYING THE TERMS OF
18 THE GUARDIANSHIP, OR TERMINATING THE GUARDIANSHIP, MAY NOT BE
19 FILED WITHOUT SPECIAL LEAVE OF THE COURT.

20 (3) BEFORE REMOVING A GUARDIAN, APPOINTING A SUCCESSOR
21 GUARDIAN, MODIFYING THE TERMS OF THE GUARDIANSHIP, OR TERMINATING
22 A GUARDIANSHIP, THE COURT, FOLLOWING THE SAME PROCEDURES TO SAFE-
23 GUARD THE RIGHTS OF THE WARD AS APPLY TO A PETITION FOR APPOINT-
24 MENT OF A GUARDIAN, MAY SEND A VISITOR TO THE RESIDENCE OF THE
25 PRESENT GUARDIAN AND TO THE PLACE WHERE THE WARD RESIDES OR IS
26 DETAINED, TO OBSERVE CONDITIONS AND REPORT IN WRITING TO THE
27 COURT.

1 SEC. 9349. A VISITOR IS, WITH RESPECT TO GUARDIANSHIP
2 PROCEEDINGS, A PERSON WHO IS TRAINED IN LAW, NURSING, OR SOCIAL
3 WORK; IS AN OFFICER, EMPLOYEE, OR SPECIAL APPOINTEE OF THE COURT;
4 AND HAS NO PERSONAL INTEREST IN THE PROCEEDINGS.

5 SEC. 9351. (1) IN A PROCEEDING FOR THE APPOINTMENT OR
6 REMOVAL OF A GUARDIAN OF A LEGALLY INCAPACITATED PERSON OTHER
7 THAN THE APPOINTMENT OF A TEMPORARY GUARDIAN OR TEMPORARY SUSPEN-
8 SION OF A GUARDIAN, NOTICE OF HEARING SHALL BE GIVEN TO EACH OF
9 THE FOLLOWING:

10 (A) THE WARD OR THE PERSON ALLEGED TO BE LEGALLY INCAPACI-
11 TATED AND THAT PERSON'S SPOUSE, PARENTS, AND ADULT CHILDREN.

12 (B) A PERSON WHO IS SERVING AS THE GUARDIAN, CONSERVATOR, OR
13 WHO HAS THE PERSON'S CARE AND CUSTODY.

14 (C) IF KNOWN, A PERSON NAMED AS ATTORNEY IN FACT UNDER A
15 DURABLE POWER OF ATTORNEY.

16 (D) IN CASE NO OTHER PERSON IS NOTIFIED UNDER SUBDIVISION
17 (A), AT LEAST 1 OF THE PERSON'S CLOSEST ADULT RELATIVES, IF ANY
18 CAN BE FOUND.

19 (2) NOTICE SHALL BE SERVED PERSONALLY ON THE ALLEGED LEGALLY
20 INCAPACITATED PERSON. NOTICE TO ALL OTHER PERSONS SHALL BE GIVEN
21 AS PRESCRIBED BY COURT RULE. WAIVER OF NOTICE BY THE PERSON
22 ALLEGED TO BE INCAPACITATED IS NOT EFFECTIVE UNLESS THE PERSON
23 ATTENDS THE HEARING OR A WAIVER OF NOTICE IS CONFIRMED IN AN
24 INTERVIEW WITH THE VISITOR.

25 (3) IN A PROCEEDING FOR THE APPOINTMENT OF A GUARDIAN UNDER
26 SECTION 9343, A COPY OF THE PETITION SHALL BE ATTACHED TO THE

1 NOTICE OF HEARING, AND THE NOTICE TO THE ALLEGED INCAPACITATED
2 PERSON SHALL CONTAIN THE FOLLOWING INFORMATION:

3 (A) THE NATURE, PURPOSE, AND LEGAL EFFECTS OF THE APPOINT-
4 MENT OF A GUARDIAN.

5 (B) THE RIGHTS OF THE ALLEGED INCAPACITATED PERSON IN THE
6 PROCEEDING, INCLUDING THE RIGHT TO APPOINTED LEGAL COUNSEL.

7 SEC. 9353. (1) IF A PERSON DOES NOT HAVE A GUARDIAN, AN
8 EMERGENCY EXISTS, AND NO OTHER PERSON APPEARS TO HAVE AUTHORITY
9 TO ACT IN THE CIRCUMSTANCES, THE COURT SHALL PROVIDE NOTICE TO
10 THE PERSON ALLEGED TO BE LEGALLY INCAPACITATED AND SHALL HOLD A
11 HEARING. UPON A SHOWING THAT THE PERSON IS LEGALLY INCAPACI-
12 TATED, THE COURT MAY EXERCISE THE POWER OF A GUARDIAN, OR APPOINT
13 A TEMPORARY GUARDIAN WITH ONLY SUCH POWERS AND FOR SUCH PERIOD OF
14 TIME AS MAY BE ORDERED BY THE COURT. A HEARING WITH NOTICE AS
15 PROVIDED IN SECTION 9351 SHALL BE HELD WITHIN 28 DAYS AFTER THE
16 COURT HAS ACTED PURSUANT TO THIS SUBSECTION.

17 (2) IF AN APPOINTED GUARDIAN IS NOT EFFECTIVELY PERFORMING
18 HIS OR HER DUTIES AND THE COURT FURTHER FINDS THAT THE WELFARE OF
19 THE LEGALLY INCAPACITATED PERSON REQUIRES IMMEDIATE ACTION, IT
20 MAY APPOINT, WITH OR WITHOUT NOTICE, A TEMPORARY GUARDIAN FOR THE
21 LEGALLY INCAPACITATED PERSON FOR A SPECIFIED PERIOD NOT TO EXCEED
22 6 MONTHS.

23 (3) A TEMPORARY GUARDIAN IS ENTITLED TO THE CARE AND CUSTODY
24 OF THE WARD AND THE AUTHORITY OF ANY PERMANENT GUARDIAN PREVI-
25 OUSLY APPOINTED BY THE COURT IS SUSPENDED AS LONG AS A TEMPORARY
26 GUARDIAN HAS AUTHORITY. A TEMPORARY GUARDIAN MAY BE REMOVED AT
27 ANY TIME. A TEMPORARY GUARDIAN SHALL MAKE REPORTS AS REQUIRED BY

1 THE COURT. IN OTHER RESPECTS THE PROVISIONS OF THIS ACT
2 CONCERNING GUARDIANS APPLY TO TEMPORARY GUARDIANS.

3 SEC. 9354. (1) ANY COMPETENT PERSON MAY BE APPOINTED GUARD-
4 IAN OF A LEGALLY INCAPACITATED PERSON. THE COURT SHALL NOT
5 APPOINT AS GUARDIAN ANY AGENCY, PUBLIC OR PRIVATE, WHICH FINAN-
6 CIALY BENEFITS FROM DIRECTLY PROVIDING HOUSING, MEDICAL, OR
7 SOCIAL SERVICES TO THE LEGALLY INCAPACITATED PERSON.

8 (2) IN APPOINTING A GUARDIAN UNDER THIS SECTION, THE COURT
9 SHALL APPOINT A PERSON, IF SUITABLE AND WILLING TO SERVE, DESIG-
10 NATED BY THE PERSON WHO IS THE SUBJECT OF THE PETITION. IF A
11 SPECIFIC DESIGNATION IS NOT MADE OR A PERSON DESIGNATED IS NOT
12 SUITABLE OR WILLING TO SERVE, THE COURT MAY APPOINT AS GUARDIAN A
13 PERSON NAMED AS ATTORNEY IN FACT THROUGH A DURABLE POWER OF
14 ATTORNEY.

15 (3) IF A PERSON IS NOT DESIGNATED UNDER SUBSECTION (2) OR A
16 PERSON DESIGNATED UNDER SUBSECTION (2) IS NOT SUITABLE OR WILLING
17 TO SERVE, THE COURT MAY APPOINT AS A GUARDIAN A PERSON WHO IS
18 RELATED TO THE SUBJECT OF THE PETITION, IN THE FOLLOWING ORDER OF
19 PREFERENCE:

20 (A) THE SPOUSE OF THE LEGALLY INCAPACITATED PERSON, INCLUD-
21 ING A PERSON NOMINATED BY WILL OR OTHER WRITING SIGNED BY A
22 DECEASED SPOUSE.

23 (B) AN ADULT CHILD OF THE LEGALLY INCAPACITATED PERSON.

24 (C) A PARENT OF THE LEGALLY INCAPACITATED PERSON, INCLUDING
25 A PERSON NOMINATED BY WILL OR OTHER WRITING SIGNED BY A DECEASED
26 PARENT.

1 (D) A RELATIVE OF THE LEGALLY INCAPACITATED PERSON WITH WHOM
2 THE PERSON HAS RESIDED FOR MORE THAN 6 MONTHS BEFORE THE FILING
3 OF THE PETITION.

4 (E) A PERSON NOMINATED BY THE PERSON WHO IS CARING FOR THE
5 PERSON OR PAYING BENEFITS TO THE PERSON.

6 (4) IF NONE OF THE PERSONS LISTED IN SUBSECTION (3) IS SUIT-
7 ABLE OR WILLING TO SERVE, THE COURT MAY APPOINT ANY COMPETENT
8 PERSON WHO IS SUITABLE AND WILLING TO SERVE.

9 SEC. 9355. (1) EXCEPT AS LIMITED UNDER SECTION 9344(3), A
10 GUARDIAN OF A LEGALLY INCAPACITATED PERSON IS RESPONSIBLE FOR THE
11 CARE, CUSTODY, AND CONTROL OF THE WARD, BUT IS NOT LIABLE TO
12 THIRD PERSONS BY REASON OF THAT RESPONSIBILITY FOR ACTS OF THE
13 WARD. IN PARTICULAR, AND WITHOUT QUALIFYING THE FOREGOING, A
14 GUARDIAN HAS THE FOLLOWING POWERS AND DUTIES, EXCEPT AS MODIFIED
15 BY ORDER OF THE COURT:

16 (A) TO THE EXTENT THAT IT IS CONSISTENT WITH THE TERMS OF AN
17 ORDER BY A COURT OF COMPETENT JURISDICTION RELATING TO DETENTION
18 OR COMMITMENT OF THE WARD, THE GUARDIAN IS ENTITLED TO CUSTODY OF
19 THE PERSON OF HIS OR HER WARD AND MAY ESTABLISH THE WARD'S PLACE
20 OF RESIDENCE WITHIN OR WITHOUT THIS STATE. THE GUARDIAN SHALL
21 NOTIFY THE COURT WITHIN 14 DAYS OF ANY CHANGE IN THE WARD'S PLACE
22 OF RESIDENCE.

23 (B) IF ENTITLED TO CUSTODY OF THE WARD THE GUARDIAN SHALL
24 MAKE PROVISION FOR THE CARE, COMFORT, AND MAINTENANCE OF THE WARD
25 AND, WHEN APPROPRIATE, ARRANGE FOR THE WARD'S TRAINING AND
26 EDUCATION. THE GUARDIAN SHALL HAVE THE RESPONSIBILITY OF
27 SECURING SERVICES TO RESTORE THE WARD TO THE BEST POSSIBLE STATE

1 OF MENTAL AND PHYSICAL WELL-BEING SO THAT THE WARD CAN RETURN TO
2 SELF-MANAGEMENT AT THE EARLIEST POSSIBLE TIME. WITHOUT REGARD TO
3 CUSTODIAL RIGHTS OF THE WARD'S PERSON, THE GUARDIAN SHALL TAKE
4 REASONABLE CARE OF THE WARD'S CLOTHING, FURNITURE, VEHICLES, AND
5 OTHER PERSONAL EFFECTS AND COMMENCE PROTECTIVE PROCEEDINGS IF
6 OTHER PROPERTY OF THE WARD IS IN NEED OF PROTECTION.

7 (C) A GUARDIAN MAY GIVE ANY CONSENT OR APPROVAL THAT MAY BE
8 NECESSARY TO ENABLE THE WARD TO RECEIVE MEDICAL OR OTHER PROFES-
9 SIONAL CARE, COUNSEL, TREATMENT, OR SERVICE.

10 (D) IF A CONSERVATOR FOR THE ESTATE OF THE WARD IS NOT
11 APPOINTED, A GUARDIAN MAY:

12 (i) INSTITUTE PROCEEDINGS TO COMPEL A PERSON UNDER A DUTY TO
13 SUPPORT THE WARD OR TO PAY SUMS FOR THE WELFARE OF THE WARD TO
14 PERFORM THAT DUTY.

15 (ii) RECEIVE MONEY AND TANGIBLE PROPERTY DELIVERABLE TO THE
16 WARD AND APPLY THE MONEY AND PROPERTY FOR SUPPORT, CARE, AND EDU-
17 CATION OF THE WARD. THE GUARDIAN MAY NOT USE FUNDS FROM THE
18 WARD'S ESTATE FOR ROOM AND BOARD WHICH THE GUARDIAN OR THE
19 GUARDIAN'S SPOUSE, PARENT, OR CHILD HAVE FURNISHED THE WARD
20 UNLESS A CHARGE FOR THE SERVICE IS APPROVED BY ORDER OF THE COURT
21 MADE UPON NOTICE TO AT LEAST 1 OF THE NEXT OF KIN OF THE INCOMPE-
22 TENT WARD, IF NOTICE IS POSSIBLE. THE GUARDIAN SHALL EXERCISE
23 CARE TO CONSERVE ANY EXCESS FOR THE WARD'S NEEDS.

24 (E) TO REPORT THE CONDITION OF THE WARD AND OF THE ESTATE
25 WHICH IS SUBJECT TO THE GUARDIAN'S POSSESSION OR CONTROL, AS
26 REQUIRED BY THE COURT, BUT NOT LESS OFTEN THAN ANNUALLY. A
27 REPORT SHALL CONTAIN ALL OF THE FOLLOWING:

1 (i) THE WARD'S CURRENT MENTAL, PHYSICAL, AND SOCIAL
2 CONDITION.

3 (ii) ANY IMPROVEMENT OR DETERIORATION IN THE WARD'S MENTAL,
4 PHYSICAL, AND SOCIAL CONDITION THAT HAS OCCURRED DURING THE PAST
5 YEAR.

6 (iii) THE WARD'S PRESENT LIVING ARRANGEMENT AND ANY CHANGES
7 IN HIS OR HER LIVING ARRANGEMENT THAT HAVE OCCURRED DURING THE
8 PAST YEAR.

9 (iv) WHETHER THE GUARDIAN RECOMMENDS A MORE SUITABLE LIVING
10 ARRANGEMENT FOR THE WARD.

11 (v) ANY MEDICAL TREATMENT RECEIVED BY THE WARD.

12 (vi) SERVICES RECEIVED BY THE WARD.

13 (vii) A LIST OF THE GUARDIAN'S VISITS WITH, AND ACTIVITIES
14 ON BEHALF OF, THE WARD.

15 (viii) A RECOMMENDATION AS TO THE NEED FOR CONTINUED
16 GUARDIANSHIP.

17 (F) IF A CONSERVATOR IS APPOINTED, THE WARD'S ESTATE
18 RECEIVED BY THE GUARDIAN IN EXCESS OF THOSE FUNDS EXPENDED TO
19 MEET CURRENT EXPENSES FOR SUPPORT, CARE, AND EDUCATION OF THE
20 WARD SHALL BE PAID TO THE CONSERVATOR FOR MANAGEMENT AS PROVIDED
21 IN THIS ACT, AND THE GUARDIAN SHALL ACCOUNT TO THE CONSERVATOR
22 FOR FUNDS EXPENDED.

23 (2) A GUARDIAN OF A PERSON FOR WHOM A CONSERVATOR ALSO IS
24 APPOINTED SHALL CONTROL THE CUSTODY AND CARE OF THE WARD AND IS
25 ENTITLED TO RECEIVE REASONABLE SUMS FOR HIS OR HER SERVICES AND
26 FOR ROOM AND BOARD FURNISHED TO THE WARD AS AGREED UPON BETWEEN
27 THE GUARDIAN AND THE CONSERVATOR IF THE AMOUNTS AGREED UPON ARE

1 REASONABLE UNDER THE CIRCUMSTANCES. THE GUARDIAN MAY REQUEST THE
2 CONSERVATOR TO EXPEND THE WARD'S ESTATE BY PAYMENT TO THIRD PER-
3 SONS OR INSTITUTIONS FOR THE WARD'S CARE AND MAINTENANCE.

4 (3) IF A WARD DIES WHILE UNDER GUARDIANSHIP, AND A CONSERVA-
5 TOR HAS NOT BEEN APPOINTED FOR THE ESTATE OF THE WARD, AND IF THE
6 GUARDIAN HAS POSSESSION OF ANY MONEY OF THE DECEASED WARD, THE
7 COURT MAY, UPON PETITION OF THE GUARDIAN AND WITH OR WITHOUT
8 NOTICE, HEAR A CLAIM FOR BURIAL EXPENSE OR ANY OTHER CLAIM AS THE
9 COURT CONSIDERS ADVISABLE. UPON HEARING THE CLAIM, THE COURT MAY
10 ENTER AN ORDER ALLOWING OR DISALLOWING THE CLAIM OR ANY PART OF
11 IT AND PROVIDE IN THE ORDER OF ALLOWANCE THAT THE CLAIM OR ANY
12 PART OF IT BE PAID IMMEDIATELY IF THE PAYMENT CAN BE MADE WITHOUT
13 INJURY OR SERIOUS INCONVENIENCE TO THE WARD'S ESTATE.

14 SEC. 9356. TO ENCOURAGE SELF-RELIANCE AND INDEPENDENCE IN A
15 LEGALLY INCAPACITATED PERSON, THE COURT MAY AUTHORIZE THE INDI-
16 VIDUAL TO FUNCTION WITHOUT THE CONSENT OR SUPERVISION OF THE
17 PERSON'S GUARDIAN OR CONSERVATOR IN THE HANDLING OF PART OF HIS
18 OR HER MONEY OR OTHER PROPERTY, INCLUDING THE MAINTENANCE OF A
19 SAVINGS OR CHECKING ACCOUNT IN A BANK OR OTHER INSTITUTION, AND
20 TO THE EXTENT AUTHORIZED ANY PERSON MAY DEAL WITH THAT INDIVIDUAL
21 AS THOUGH THE INDIVIDUAL WERE MENTALLY COMPETENT.

22 SEC. 9357. (1) THE COURT IN THE COUNTY WHERE THE WARD
23 RESIDES HAS CONCURRENT JURISDICTION WITH THE COURT WHICH
24 APPOINTED THE GUARDIAN OR THE COURT IN WHICH ACCEPTANCE OF A TES-
25 TAMENTARY APPOINTMENT WAS FILED, OVER RESIGNATION, REMOVAL,
26 ACCOUNTING, AND OTHER PROCEEDINGS RELATING TO THE GUARDIANSHIP.

1 (2) IF THE COURT IN THE COUNTY WHERE THE WARD RESIDES IS NOT
2 THE COURT IN WHICH THE ACCEPTANCE OF APPOINTMENT IS FILED, THE
3 COURT IN WHICH PROCEEDINGS SUBSEQUENT TO APPOINTMENT ARE COM-
4 MENCED IN APPROPRIATE CASES SHALL NOTIFY THE OTHER COURT, IN THIS
5 OR ANOTHER STATE, AND AFTER CONSULTATION WITH THAT COURT SHALL
6 DETERMINE WHETHER TO RETAIN JURISDICTION OR TRANSFER THE PROCEED-
7 INGS TO THE OTHER COURT, WHICHEVER IS IN THE BEST INTERESTS OF
8 THE WARD. AFTER THIS DETERMINATION HAS BEEN MADE, THE COURT
9 ACCEPTING A RESIGNATION OR REMOVING A GUARDIAN SHALL DIRECT THIS
10 FIDUCIARY TO PREPARE AND SUBMIT A FINAL REPORT TO BOTH COURTS. A
11 COPY OF AN ORDER ACCEPTING A RESIGNATION OR REMOVING A GUARDIAN
12 AND A COPY OF THE FINAL REPORT SHALL BE SENT TO THE COURT IN
13 WHICH ACCEPTANCE OF APPOINTMENT IS FILED. THE COURT ENTERING
14 THIS ORDER MAY PERMIT CLOSING OF THE GUARDIANSHIP IN THE COURT IN
15 WHICH ACCEPTANCE OF APPOINTMENT IS FILED, WITHOUT NOTICE TO
16 INTERESTED PERSONS.

17 SEC. 9361. UPON PETITION AND AFTER NOTICE AND HEARING PUR-
18 SUANT TO THIS SECTION AND SECTIONS 9362 TO 9391, THE COURT MAY
19 APPOINT A CONSERVATOR OR MAKE OTHER PROTECTIVE ORDER FOR CAUSE AS
20 FOLLOWS:

21 (A) APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER
22 MAY BE MADE IN RELATION TO THE ESTATE AND AFFAIRS OF A MINOR IF
23 THE COURT DETERMINES THAT THE MINOR OWNS MONEY OR PROPERTY THAT
24 REQUIRES MANAGEMENT OR PROTECTION WHICH CANNOT OTHERWISE BE PRO-
25 VIDED, HAS OR MAY HAVE BUSINESS AFFAIRS WHICH MAY BE JEOPARDIZED
26 OR PREVENTED BY THE PERSON'S MINORITY, OR THAT FUNDS ARE NEEDED

1 FOR THE PERSON'S SUPPORT AND EDUCATION AND THAT PROTECTION IS
2 NECESSARY OR DESIRABLE TO OBTAIN, RETAIN, OR PROVIDE FUNDS.

3 (B) APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER
4 MAY BE MADE IN RELATION TO THE ESTATE AND AFFAIRS OF A PERSON IF
5 THE COURT DETERMINES THAT THE PERSON IS UNABLE TO MANAGE HIS OR
6 HER PROPERTY AND AFFAIRS EFFECTIVELY FOR REASONS SUCH AS MENTAL
7 ILLNESS, MENTAL INCOMPETENCY, PHYSICAL ILLNESS OR DISABILITY,
8 CHRONIC USE OF DRUGS, CHRONIC INTOXICATION, CONFINEMENT, DETEN-
9 TION BY A FOREIGN POWER, OR DISAPPEARANCE; AND THE PERSON HAS
10 PROPERTY WHICH WILL BE WASTED OR DISSIPATED UNLESS PROPER MANAGE-
11 MENT IS PROVIDED, OR THAT FUNDS ARE NEEDED FOR THE SUPPORT, CARE,
12 AND WELFARE OF THE PERSON OR THOSE ENTITLED TO BE SUPPORTED BY
13 THE PERSON AND THAT PROTECTION IS NECESSARY OR DESIRABLE TO
14 OBTAIN OR PROVIDE FUNDS.

15 (C) APPOINTMENT OF A CONSERVATOR MAY BE MADE IN RELATION TO
16 THE ESTATE AND AFFAIRS OF A PERSON WHO IS MENTALLY COMPETENT, BUT
17 DUE TO AGE OR PHYSICAL INFIRMITY IS UNABLE TO MANAGE HIS OR HER
18 PROPERTY AND AFFAIRS EFFECTIVELY AND WHO, RECOGNIZING THIS DIS-
19 ABILITY, REQUESTS APPOINTMENT OF A CONSERVATOR.

20 SEC. 9362. AFTER THE SERVICE OF NOTICE IN A PROCEEDING
21 SEEKING THE APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE
22 ORDER AND UNTIL TERMINATION OF THE PROCEEDING, THE COURT IN WHICH
23 THE PETITION IS FILED HAS:

24 (A) EXCLUSIVE JURISDICTION TO DETERMINE THE NEED FOR A CON-
25 SERVATOR OR OTHER PROTECTIVE ORDER UNTIL THE PROCEEDINGS ARE
26 TERMINATED.

1 (B) EXCLUSIVE JURISDICTION TO DETERMINE HOW THE ESTATE OF
2 THE PROTECTED PERSON WHICH IS SUBJECT TO THE LAWS OF THIS STATE
3 SHALL BE MANAGED, EXPENDED, OR DISTRIBUTED TO OR FOR THE USE OF
4 THE PROTECTED PERSON OR ANY OF THE PROTECTED PERSON'S
5 DEPENDENTS.

6 (C) CONCURRENT JURISDICTION TO DETERMINE THE VALIDITY OF
7 CLAIMS AGAINST THE PERSON OR ESTATE OF THE PROTECTED PERSON AND
8 HIS OR HER TITLE TO ANY PROPERTY OR CLAIM.

9 SEC. 9363. VENUE FOR PROCEEDINGS UNDER SECTIONS 9361
10 TO 9391 IS:

11 (A) IN THE PLACE IN THIS STATE WHERE THE PERSON TO BE PRO-
12 TECTED RESIDES, WHETHER OR NOT A GUARDIAN IS APPOINTED IN ANOTHER
13 PLACE.

14 (B) IF THE PERSON TO BE PROTECTED DOES NOT RESIDE IN THIS
15 STATE, IN ANY PLACE WHERE THE PERSON HAS PROPERTY.

16 SEC. 9364. (1) THE PERSON TO BE PROTECTED, A PERSON WHO IS
17 INTERESTED IN THAT PERSON'S ESTATE, AFFAIRS, OR WELFARE INCLUDING
18 HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN, OR A PERSON WHO WOULD
19 BE ADVERSELY AFFECTED BY LACK OF EFFECTIVE MANAGEMENT OF THE
20 PROPERTY AND AFFAIRS OF THE PERSON TO BE PROTECTED MAY PETITION
21 FOR THE APPOINTMENT OF A CONSERVATOR OR FOR OTHER APPROPRIATE
22 PROTECTIVE ORDER. HOWEVER, IF THE PERSON TO BE PROTECTED IS MEN-
23 TALLY COMPETENT BUT DUE TO AGE OR PHYSICAL INFIRMITY DESIRES THE
24 APPOINTMENT OF A CONSERVATOR TO ASSIST IN THE MANAGEMENT OF HIS
25 OR HER PROPERTY AND AFFAIRS, ONLY THAT PERSON MAY PETITION FOR
26 THE APPOINTMENT OF A CONSERVATOR.

1 (2) THE PETITION SHALL SET FORTH TO THE EXTENT KNOWN, THE
2 INTEREST OF THE PETITIONER; THE NAME, AGE, RESIDENCE, AND ADDRESS
3 OF THE PERSON TO BE PROTECTED; THE NAME AND ADDRESS OF HIS OR HER
4 GUARDIAN; THE NAME AND ADDRESS OF HIS OR HER NEAREST RELATIVE
5 KNOWN TO THE PETITIONER; A GENERAL STATEMENT OF HIS OR HER PROP-
6 ERTY WITH AN ESTIMATE OF THE VALUE OF THE PROPERTY, INCLUDING ANY
7 COMPENSATION, INSURANCE, PENSION, OR ALLOWANCE TO WHICH THE
8 PERSON IS ENTITLED; AND THE REASON WHY APPOINTMENT OF A CONSERVA-
9 TOR OR OTHER PROTECTIVE ORDER IS NECESSARY. IF THE APPOINTMENT
10 OF A CONSERVATOR IS REQUESTED, THE PETITION SHALL SET FORTH THE
11 NAME AND ADDRESS OF THE PERSON WHOSE APPOINTMENT IS SOUGHT AND
12 THE BASIS OF THAT PERSON'S PRIORITY FOR APPOINTMENT.

13 SEC. 9365. ON A PETITION FOR APPOINTMENT OF A CONSERVATOR
14 OR OTHER PROTECTIVE ORDER, THE PERSON TO BE PROTECTED AND THE
15 PERSON'S SPOUSE OR, IF NONE, THE PERSON'S PARENTS, SHALL BE
16 SERVED PERSONALLY WITH NOTICE OF THE PROCEEDING AT LEAST 10 DAYS
17 BEFORE THE DATE OF HEARING IF THEY CAN BE FOUND WITHIN THE STATE,
18 OR, IF THEY CANNOT BE FOUND WITHIN THE STATE, THEY SHALL BE GIVEN
19 NOTICE AS REQUIRED BY COURT RULE. WAIVER BY THE PERSON TO BE
20 PROTECTED IS NOT EFFECTIVE UNLESS THE PERSON ATTENDS THE HEARING,
21 OR, IF MINORITY IS NOT THE REASON FOR THE PROCEEDING, UNLESS
22 WAIVER IS CONFIRMED IN AN INTERVIEW WITH A VISITOR OR GUARDIAN AD
23 LITEM.

24 SEC. 9367. (1) UPON RECEIPT OF A PETITION FOR APPOINTMENT
25 OF A CONSERVATOR OR OTHER PROTECTIVE ORDER BECAUSE OF MINORITY,
26 THE COURT SHALL SET A DATE FOR HEARING ON THE MATTERS ALLEGED IN
27 THE PETITION. IF, AT ANY TIME IN THE PROCEEDING, THE COURT

1 DETERMINES THAT THE INTERESTS OF THE MINOR ARE OR MAY BE
2 INADEQUATELY REPRESENTED, THE COURT MAY APPOINT AN ATTORNEY TO
3 REPRESENT THE MINOR, GIVING CONSIDERATION TO THE CHOICE OF THE
4 MINOR IF 14 YEARS OF AGE OR OLDER. AN ATTORNEY APPOINTED BY THE
5 COURT TO REPRESENT A MINOR HAS THE POWERS AND DUTIES OF A GUARD-
6 IAN AD LITEM.

7 (2) UPON RECEIPT OF A PETITION FOR APPOINTMENT OF A CONSER-
8 VATOR OR OTHER PROTECTIVE ORDER FOR REASONS OTHER THAN MINORITY,
9 THE COURT SHALL SET A DATE FOR HEARING. UNLESS THE PERSON TO BE
10 PROTECTED HAS PRIVATE COUNSEL, OR UNLESS THE PERSON TO BE PRO-
11 TECTED IS MENTALLY COMPETENT BUT AGED OR PHYSICALLY INFIRM, THE
12 COURT SHALL APPOINT A GUARDIAN AD LITEM TO REPRESENT THE PERSON.
13 IF THE ALLEGED DISABILITY IS MENTAL ILLNESS, MENTAL INCOMPETENCY,
14 PHYSICAL ILLNESS OR DISABILITY, CHRONIC USE OF DRUGS, OR CHRONIC
15 INTOXICATION, THE COURT MAY DIRECT THAT THE PERSON TO BE PRO-
16 TECTED BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE COURT, PREF-
17 ERABLY A PHYSICIAN WHO IS NOT CONNECTED WITH AN INSTITUTION IN
18 WHICH THE PERSON IS A PATIENT OR IS DETAINED. THE COURT MAY SEND
19 A VISITOR TO INTERVIEW THE PERSON TO BE PROTECTED. THE VISITOR
20 MAY BE A GUARDIAN AD LITEM OR AN OFFICER OR EMPLOYEE OF THE
21 COURT.

22 (3) AFTER HEARING, UPON FINDING THAT A BASIS FOR THE
23 APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE ORDER IS ESTAB-
24 LISHED, THE COURT SHALL MAKE AN APPOINTMENT OR OTHER APPROPRIATE
25 PROTECTIVE ORDER.

1 SEC. 9368. (1) THE COURT HAS THE FOLLOWING POWERS WHICH MAY
2 BE EXERCISED DIRECTLY OR THROUGH A CONSERVATOR WITH RESPECT TO
3 THE ESTATE AND AFFAIRS OF PROTECTED PERSONS:

4 (A) WHILE A PETITION FOR APPOINTMENT OF A CONSERVATOR OR
5 OTHER PROTECTIVE ORDER IS PENDING AND AFTER PRELIMINARY HEARING
6 AND WITHOUT NOTICE TO OTHERS, THE COURT MAY PRESERVE AND APPLY
7 THE PROPERTY OF THE PERSON TO BE PROTECTED AS MAY BE REQUIRED FOR
8 THE PERSON'S BENEFIT OR THE BENEFIT OF THE PERSON'S DEPENDENTS.

9 (B) AFTER A HEARING, AND UPON DETERMINING THAT A BASIS FOR
10 AN APPOINTMENT OR OTHER PROTECTIVE ORDER EXISTS WITH RESPECT TO A
11 MINOR WITHOUT OTHER DISABILITY, THE COURT HAS ALL THOSE POWERS
12 OVER THE ESTATE AND AFFAIRS OF THE MINOR WHICH ARE OR MAY BE NEC-
13 ESSARY FOR THE BEST INTERESTS OF THE MINOR, THE MINOR'S FAMILY,
14 AND MEMBERS OF THE MINOR'S HOUSEHOLD.

15 (C) AFTER A HEARING, AND UPON DETERMINING THAT A BASIS FOR
16 AN APPOINTMENT OR OTHER PROTECTIVE ORDER EXISTS WITH RESPECT TO A
17 PERSON FOR REASONS OTHER THAN MINORITY, THE COURT, FOR THE BENE-
18 FIT OF THE PERSON AND MEMBERS OF THE PERSON'S HOUSEHOLD, HAS ALL
19 THE POWERS OVER THE PERSON'S ESTATE AND AFFAIRS WHICH THE PERSON
20 COULD EXERCISE IF PRESENT AND NOT UNDER DISABILITY, EXCEPT THE
21 POWER TO MAKE A WILL. THESE POWERS INCLUDE THE POWER TO MAKE
22 GIFTS, TO CONVEY OR RELEASE CONTINGENT AND EXPECTANT INTERESTS IN
23 PROPERTY INCLUDING MARITAL PROPERTY RIGHTS AND ANY RIGHT OF SUR-
24 VIVORSHIP INCIDENT TO JOINT TENANCY OR TENANCY BY THE ENTIRETY,
25 TO EXERCISE OR RELEASE POWERS AS TRUSTEE, PERSONAL REPRESENTA-
26 TIVE, CUSTODIAN FOR MINORS, CONSERVATOR, OR DONEE OF A POWER OF
27 APPOINTMENT, TO ENTER INTO CONTRACTS, TO CREATE REVOCABLE OR

1 IRREVOCABLE TRUSTS OF PROPERTY OF THE ESTATE WHICH MAY EXTEND
2 BEYOND DISABILITY OR LIFE, TO EXERCISE OPTIONS OF THE DISABLED
3 PERSON TO PURCHASE SECURITIES OR OTHER PROPERTY, TO EXERCISE
4 RIGHTS TO ELECT OPTIONS AND CHANGE BENEFICIARIES UNDER INSURANCE
5 AND ANNUITY POLICIES AND TO SURRENDER THE POLICIES FOR THEIR CASH
6 VALUE, TO EXERCISE THE RIGHT TO AN ELECTIVE SHARE IN THE ESTATE
7 OF A DECEASED SPOUSE, AND TO RENOUNCE ANY INTEREST BY TESTATE OR
8 INTESTATE SUCCESSION OR BY INTER VIVOS TRANSFER.

9 (D) THE COURT MAY EXERCISE, OR DIRECT THE EXERCISE OF, ITS
10 AUTHORITY TO EXERCISE OR RELEASE POWERS OF APPOINTMENT OF WHICH
11 THE PROTECTED PERSON IS DONEE, TO RENOUNCE INTERESTS, TO MAKE
12 GIFTS IN TRUST OR OTHERWISE EXCEEDING 20% OF ANY YEAR'S INCOME OF
13 THE ESTATE, OR TO CHANGE BENEFICIARIES UNDER INSURANCE AND ANNU-
14 ITY POLICIES, ONLY IF SATISFIED, AFTER NOTICE AND HEARING, THAT
15 IT IS IN THE BEST INTERESTS OF THE PROTECTED PERSON, AND THAT THE
16 PERSON IS INCAPABLE OF CONSENTING OR HAS CONSENTED TO THE PRO-
17 POSED EXERCISE OF POWER.

18 (2) AN ORDER MADE PURSUANT TO THIS SECTION DETERMINING THAT
19 A BASIS FOR APPOINTMENT OF A CONSERVATOR OR OTHER PROTECTIVE
20 ORDER EXISTS, DOES NOT AFFECT THE CAPACITY OF THE PROTECTED
21 PERSON.

22 (3) TO ENCOURAGE THE SELF-RELIANCE AND INDEPENDENCE OF A
23 PROTECTED PERSON, THE COURT MAY AUTHORIZE THE INDIVIDUAL TO FUNC-
24 TION WITHOUT THE CONSENT OR SUPERVISION OF THE PERSON'S CONSERVA-
25 TOR IN THE HANDLING OF PART OF HIS OR HER MONEY OR PROPERTY,
26 INCLUDING THE MAINTENANCE OF A SAVINGS OR CHECKING ACCOUNT IN A
27 BANK OR OTHER INSTITUTION, AND, TO THE EXTENT AUTHORIZED, ANY

1 PERSON MAY DEAL WITH THAT INDIVIDUAL AS THOUGH THE INDIVIDUAL
2 WERE MENTALLY COMPETENT.

3 SEC. 9369. (1) IF IT IS ESTABLISHED IN A PROPER PROCEEDING
4 THAT A BASIS EXISTS AS DESCRIBED IN SECTION 9361 FOR AFFECTING
5 THE PROPERTY AND AFFAIRS OF A PERSON, THE COURT, WITHOUT APPOINT-
6 ING A CONSERVATOR, MAY AUTHORIZE, DIRECT, OR RATIFY A TRANSACTION
7 NECESSARY OR DESIRABLE TO ACHIEVE ANY SECURITY, SERVICE, OR CARE
8 ARRANGEMENT MEETING THE FORESEEABLE NEEDS OF THE PROTECTED
9 PERSON. PROTECTIVE ARRANGEMENTS INCLUDE PAYMENT, DELIVERY,
10 DEPOSIT, OR RETENTION OF FUNDS OR PROPERTY, SALE, MORTGAGE, LEASE
11 OR OTHER TRANSFER OF PROPERTY, ENTRY INTO AN ANNUITY CONTRACT, A
12 CONTRACT FOR LIFE CARE, A DEPOSIT CONTRACT, A CONTRACT FOR TRAIN-
13 ING AND EDUCATION, OR ADDITION TO OR ESTABLISHMENT OF A SUITABLE
14 TRUST.

15 (2) WHEN IT IS ESTABLISHED IN A PROPER PROCEEDING THAT A
16 BASIS EXISTS AS DESCRIBED IN SECTION 9361 FOR AFFECTING THE PROP-
17 ERTY AND AFFAIRS OF A PERSON, THE COURT, WITHOUT APPOINTING A
18 CONSERVATOR, MAY AUTHORIZE, DIRECT, OR RATIFY A CONTRACT, TRUST,
19 OR OTHER TRANSACTION RELATING TO THE PROTECTED PERSON'S FINANCIAL
20 AFFAIRS OR INVOLVING THE PERSON'S ESTATE IF THE COURT DETERMINES
21 THAT THE TRANSACTION IS IN THE BEST INTERESTS OF THE PROTECTED
22 PERSON.

23 (3) BEFORE APPROVING A PROTECTIVE ARRANGEMENT OR OTHER
24 TRANSACTION UNDER THIS SECTION, THE COURT SHALL CONSIDER THE
25 INTERESTS OF CREDITORS AND DEPENDENTS OF THE PROTECTED PERSON
26 AND, IN VIEW OF THE PERSON'S DISABILITY, WHETHER THE PROTECTED
27 PERSON NEEDS THE CONTINUING PROTECTION OF A CONSERVATOR. THE

1 COURT MAY APPOINT A SPECIAL CONSERVATOR TO ASSIST IN THE
2 ACCOMPLISHMENT OF ANY PROTECTIVE ARRANGEMENT OR OTHER TRANSACTION
3 AUTHORIZED UNDER THIS SECTION WHO SHALL HAVE THE AUTHORITY CON-
4 FERRED BY THE ORDER AND SERVE UNTIL DISCHARGED BY ORDER AFTER
5 REPORT TO THE COURT OF ALL MATTERS DONE PURSUANT TO THE ORDER OF
6 APPOINTMENT.

7 SEC. 9370. (1) THE COURT MAY APPOINT AN INDIVIDUAL OR A
8 CORPORATION WITH GENERAL POWER TO SERVE AS TRUSTEE OR AS CONSER-
9 VATOR OF THE ESTATE OF A PROTECTED PERSON. THE FOLLOWING ARE
10 ENTITLED TO CONSIDERATION FOR APPOINTMENT IN THE ORDER LISTED:

11 (A) A CONSERVATOR, GUARDIAN OF PROPERTY, OR OTHER IDENTICAL
12 FIDUCIARY APPOINTED OR RECOGNIZED BY THE APPROPRIATE COURT OF
13 ANOTHER JURISDICTION IN WHICH THE PROTECTED PERSON RESIDES.

14 (B) AN INDIVIDUAL OR CORPORATION NOMINATED BY THE PROTECTED
15 PERSON IF THE PROTECTED PERSON IS 14 YEARS OF AGE OR OLDER AND,
16 IN THE OPINION OF THE COURT, HAS SUFFICIENT MENTAL CAPACITY TO
17 MAKE AN INTELLIGENT CHOICE.

18 (C) THE SPOUSE OF THE PROTECTED PERSON.

19 (D) AN ADULT CHILD OF THE PROTECTED PERSON.

20 (E) A PARENT OF THE PROTECTED PERSON, OR A PERSON NOMINATED
21 BY THE WILL OF A DECEASED PARENT.

22 (F) A RELATIVE OF THE PROTECTED PERSON WITH WHOM THE PERSON
23 HAS RESIDED FOR MORE THAN 6 MONTHS BEFORE THE FILING OF THE
24 PETITION.

25 (G) A PERSON NOMINATED BY THE PERSON WHO IS CARING FOR THE
26 PROTECTED PERSON OR PAYING BENEFITS TO THE PROTECTED PERSON.

1 (2) A PERSON DESCRIBED IN A PRIORITY UNDER
2 SUBSECTION (1)(A), (C), (D), (E), OR (F) MAY NOMINATE IN WRITING
3 A PERSON TO SERVE IN THE PERSON'S STEAD. WITH RESPECT TO PERSONS
4 HAVING EQUAL PRIORITY, THE COURT SHALL SELECT THE PERSON BEST
5 QUALIFIED OF THOSE WILLING TO SERVE. THE COURT, FOR GOOD CAUSE,
6 MAY PASS OVER A PERSON HAVING PRIORITY AND APPOINT A PERSON
7 HAVING LESS PRIORITY OR NO PRIORITY.

8 SEC. 9371. THE COURT MAY REQUIRE A CONSERVATOR TO FURNISH A
9 BOND CONDITIONED UPON FAITHFUL DISCHARGE OF THE DUTIES OF THE
10 TRUST ACCORDING TO LAW, WITH SURETIES AS THE COURT SPECIFIES.
11 UNLESS OTHERWISE DIRECTED, THE BOND SHALL BE IN THE AMOUNT OF THE
12 AGGREGATE CAPITAL VALUE OF THE PROPERTY OF THE ESTATE IN THE
13 PERSON'S CONTROL PLUS 1 YEAR'S ESTIMATED INCOME MINUS THE VALUE
14 OF SECURITIES DEPOSITED UNDER ARRANGEMENTS REQUIRING AN ORDER OF
15 THE COURT FOR THEIR REMOVAL AND THE VALUE OF LAND WHICH THE FIDU-
16 CIARY, BY EXPRESS LIMITATION OF POWER, LACKS POWER TO SELL OR
17 CONVEY WITHOUT COURT AUTHORIZATION. THE COURT, INSTEAD OF SURE-
18 TIES ON A BOND, MAY ACCEPT OTHER SECURITY FOR THE PERFORMANCE OF
19 THE BOND, INCLUDING A PLEDGE OF SECURITIES OR A MORTGAGE OF
20 LAND.

21 SEC. 9372. (1) THE FOLLOWING APPLY TO A BOND REQUIRED UNDER
22 SECTION 9371:

23 (A) UNLESS OTHERWISE PROVIDED BY THE TERMS OF THE APPROVED
24 BOND, SURETIES ARE JOINTLY AND SEVERALLY LIABLE WITH THE CONSER-
25 VATOR AND WITH EACH OTHER.

26 (B) BY EXECUTING AN APPROVED BOND OF A CONSERVATOR, THE
27 SURETY CONSENTS TO THE JURISDICTION OF THE COURT WHICH ISSUED

1 LETTERS TO THE PRIMARY OBLIGOR IN EACH PROCEEDING PERTAINING TO
2 THE FIDUCIARY DUTIES OF THE CONSERVATOR AND NAMING THE SURETY AS
3 A PARTY DEFENDANT. NOTICE OF A PROCEEDING SHALL BE DELIVERED TO
4 THE SURETY OR MAILED TO THE SURETY BY REGISTERED MAIL AT THE
5 SURETY'S ADDRESS AS LISTED WITH THE COURT WHERE THE BOND IS FILED
6 AND TO THE SURETY'S ADDRESS AS THEN KNOWN TO THE PETITIONER.

7 (C) ON PETITION OF A SUCCESSOR CONSERVATOR OR AN INTERESTED
8 PERSON, A PROCEEDING MAY BE INITIATED AGAINST A SURETY FOR BREACH
9 OF THE OBLIGATION OF THE BOND OF THE CONSERVATOR.

10 (D) THE BOND OF THE CONSERVATOR IS NOT VOID AFTER THE FIRST
11 RECOVERY BUT MAY BE PROCEEDED AGAINST UNTIL THE ENTIRE PENALTY IS
12 EXHAUSTED.

13 (2) A PROCEEDING MAY NOT BE COMMENCED AGAINST THE SURETY ON
14 A MATTER AS TO WHICH AN ACTION OR PROCEEDING AGAINST THE PRIMARY
15 OBLIGOR IS BARRED BY ADJUDICATION OR LIMITATION.

16 SEC. 9373. BY ACCEPTING APPOINTMENT, A CONSERVATOR SUBMITS
17 PERSONALLY TO THE JURISDICTION OF THE COURT IN A PROCEEDING
18 RELATING TO THE ESTATE THAT MAY BE INSTITUTED BY AN INTERESTED
19 PERSON. NOTICE OF A PROCEEDING SHALL BE DELIVERED TO THE CONSER-
20 VATOR, OR MAILED TO THE CONSERVATOR BY REGISTERED MAIL AT THE
21 CONSERVATOR'S ADDRESS AS LISTED IN THE PETITION FOR APPOINTMENT
22 OR AS THEREAFTER REPORTED TO THE COURT AND TO THE CONSERVATOR'S
23 ADDRESS AS THEN KNOWN TO THE PETITIONER.

24 SEC. 9374. IF NOT OTHERWISE COMPENSATED FOR SERVICES
25 RENDERED, A GUARDIAN AD LITEM, VISITOR, ATTORNEY, PHYSICIAN, CON-
26 SERVATOR, OR SPECIAL CONSERVATOR APPOINTED IN A PROTECTIVE

1 PROCEEDING IS ENTITLED TO REASONABLE COMPENSATION FROM THE
2 ESTATE.

3 SEC. 9375. THE COURT MAY REMOVE A CONSERVATOR FOR GOOD
4 CAUSE, UPON NOTICE AND HEARING OR ACCEPT THE RESIGNATION OF A
5 CONSERVATOR. AFTER THE CONSERVATOR'S DEATH, RESIGNATION, OR
6 REMOVAL, THE COURT MAY APPOINT ANOTHER CONSERVATOR. A CONSERVA-
7 TOR SO APPOINTED SUCCEEDS TO THE TITLE AND POWERS OF HIS OR HER
8 PREDECESSOR.

9 SEC. 9376. (1) A PERSON INTERESTED IN THE WELFARE OF A
10 PERSON FOR WHOM A CONSERVATOR IS APPOINTED MAY FILE A PETITION IN
11 THE APPOINTING COURT FOR AN ORDER:

12 (A) REQUIRING BOND OR SECURITY OR ADDITIONAL BOND OR SECURI-
13 TY, OR REDUCING BOND.

14 (B) REQUIRING AN ACCOUNTING FOR THE ADMINISTRATION OF THE
15 TRUST.

16 (C) DIRECTING DISTRIBUTION.

17 (D) REMOVING THE CONSERVATOR AND APPOINTING A TEMPORARY OR
18 SUCCESSOR CONSERVATOR.

19 (E) GRANTING OTHER APPROPRIATE RELIEF.

20 (2) A CONSERVATOR MAY PETITION THE APPOINTING COURT FOR
21 INSTRUCTIONS CONCERNING HIS OR HER FIDUCIARY RESPONSIBILITY.

22 (3) UPON NOTICE AND HEARING, THE COURT MAY GIVE APPROPRIATE
23 INSTRUCTIONS OR MAKE ANY APPROPRIATE ORDER.

24 SEC. 9377. IN THE EXERCISE OF HIS OR HER POWERS, A CONSER-
25 VATOR IS TO ACT AS A FIDUCIARY AND SHALL OBSERVE THE STANDARDS OF
26 CARE APPLICABLE TO FIDUCIARIES AS DESCRIBED BY ARTICLE 5 OF THE

1 REVISED PROBATE CODE, ACT NO. 642 OF THE PUBLIC ACTS OF 1978,
2 BEING SECTIONS 700.501 TO 700.598 OF THE MICHIGAN COMPILED LAWS.

3 SEC. 9378. WITHIN 60 DAYS AFTER HIS OR HER APPOINTMENT, A
4 CONSERVATOR SHALL PREPARE AND FILE WITH THE APPOINTING COURT A
5 COMPLETE INVENTORY OF THE ESTATE OF THE PROTECTED PERSON TOGETHER
6 WITH AN OATH OR AFFIRMATION THAT IT IS COMPLETE AND ACCURATE SO
7 FAR AS THE CONSERVATOR IS INFORMED. THE CONSERVATOR SHALL PRO-
8 VIDE A COPY OF THE INVENTORY TO THE PROTECTED PERSON IF THE PRO-
9 TECTED PERSON CAN BE LOCATED, IS 14 YEARS OF AGE OR OLDER, AND
10 HAS SUFFICIENT MENTAL CAPACITY TO UNDERSTAND THESE MATTERS AND TO
11 ANY PARENT OR GUARDIAN WITH WHOM THE PROTECTED PERSON RESIDES.
12 THE CONSERVATOR SHALL KEEP SUITABLE RECORDS OF THE ADMINISTRATION
13 AND EXHIBIT THE RECORDS ON REQUEST OF AN INTERESTED PERSON.

14 SEC. 9379. A CONSERVATOR SHALL ACCOUNT TO THE COURT FOR THE
15 ADMINISTRATION OF THE TRUST UPON RESIGNATION OR REMOVAL AND AT
16 OTHER TIMES AS THE COURT DIRECTS. ON TERMINATION OF THE PRO-
17 TECTED PERSON'S MINORITY OR DISABILITY, A CONSERVATOR MAY ACCOUNT
18 TO THE COURT, OR MAY ACCOUNT TO THE FORMER PROTECTED PERSON OR TO
19 THAT PERSON'S PERSONAL REPRESENTATIVE. SUBJECT TO APPEAL OR
20 VACATION WITHIN THE TIME PERMITTED, AN ORDER, MADE UPON NOTICE
21 AND HEARING, ALLOWING AN INTERMEDIATE ACCOUNT OF A CONSERVATOR,
22 ADJUDICATES AS TO THE CONSERVATOR'S LIABILITIES CONCERNING THE
23 MATTERS CONSIDERED IN CONNECTION WITH THE LIABILITIES, AND AN
24 ORDER, MADE UPON NOTICE AND HEARING, ALLOWING A FINAL ACCOUNT,
25 ADJUDICATES AS TO THE PREVIOUSLY UNSETTLED LIABILITIES OF THE
26 CONSERVATOR TO THE PROTECTED PERSON OR TO THAT PERSON'S
27 SUCCESSORS RELATING TO THE CONSERVATORSHIP. IN CONNECTION WITH

1 AN ACCOUNT, THE COURT MAY REQUIRE A CONSERVATOR TO SUBMIT TO A
2 PHYSICAL CHECK OF THE ESTATE IN THE CONSERVATOR'S CONTROL, TO BE
3 MADE IN A MANNER SPECIFIED BY THE COURT.

4 SEC. 9380. THE APPOINTMENT OF A CONSERVATOR VESTS IN THE
5 CONSERVATOR TITLE AS TRUSTEE TO THE PROPERTY OF THE PROTECTED
6 PERSON, HELD AT THE TIME OF THE APPOINTMENT OR ACQUIRED AFTER THE
7 APPOINTMENT, INCLUDING TITLE TO PROPERTY HELD FOR THE PROTECTED
8 PERSON BY A CUSTODIAN OR ATTORNEY IN FACT. THE APPOINTMENT OF A
9 CONSERVATOR IS NOT A TRANSFER OR ALIENATION WITHIN THE MEANING OF
10 GENERAL PROVISIONS OF A FEDERAL OR STATE STATUTE OR RULE, INSUR-
11 ANCE POLICY, PENSION PLAN, CONTRACT, WILL OR TRUST INSTRUMENT
12 IMPOSING RESTRICTIONS UPON OR PENALTIES FOR TRANSFER OR ALIEN-
13 ATION BY THE PROTECTED PERSON OF THAT PERSON'S RIGHTS OR INTER-
14 EST, BUT THIS SECTION DOES NOT RESTRICT THE ABILITY OF PERSONS TO
15 MAKE SPECIFIC PROVISION BY CONTRACT OR DEPOSITIVE INSTRUMENT
16 RELATING TO A CONSERVATOR.

17 SEC. 9381. A LETTER OF CONSERVATORSHIP IS EVIDENCE OF
18 TRANSFER OF THE ASSETS OF A PROTECTED PERSON TO THE CONSERVATOR.
19 AN ORDER TERMINATING A CONSERVATORSHIP IS EVIDENCE OF TRANSFER OF
20 THE ASSETS OF THE ESTATE FROM THE CONSERVATOR TO THE PROTECTED
21 PERSON, OR THE PERSON'S SUCCESSORS. SUBJECT TO THE REQUIREMENTS
22 OF LAW GOVERNING THE FILING OR RECORDATION OF DOCUMENTS OF TITLE
23 TO LAND OR OTHER PROPERTY, A LETTER OF CONSERVATORSHIP OR AN
24 ORDER TERMINATING A CONSERVATORSHIP MAY BE FILED OR RECORDED TO
25 GIVE RECORD NOTICE OF TITLE AS BETWEEN THE CONSERVATOR AND THE
26 PROTECTED PERSON.

1 SEC. 9382. A SALE OR ENCUMBRANCE TO A CONSERVATOR, THE
2 CONSERVATOR'S SPOUSE, AGENT, OR ATTORNEY, OR A CORPORATION OR
3 TRUST IN WHICH THE CONSERVATOR HAS A SUBSTANTIAL BENEFICIAL
4 INTEREST, OR A TRANSACTION WHICH IS AFFECTED BY A SUBSTANTIAL
5 CONFLICT OF INTEREST IS VOIDABLE UNLESS THE TRANSACTION IS
6 APPROVED BY THE COURT AFTER NOTICE TO INTERESTED PERSONS AND
7 OTHERS AS DIRECTED BY THE COURT.

8 SEC. 9383. A PERSON WHO IN GOOD FAITH ASSISTS A CONSERVATOR
9 OR DEALS WITH A CONSERVATOR FOR VALUE IN A TRANSACTION OTHER THAN
10 THOSE REQUIRING A COURT ORDER AS PROVIDED IN SECTION 9368, IS
11 PROTECTED AS IF THE CONSERVATOR PROPERLY EXERCISED THE POWER.
12 THE FACT THAT A PERSON KNOWINGLY DEALS WITH A CONSERVATOR DOES
13 NOT ALONE REQUIRE THE PERSON TO INQUIRE INTO THE EXISTENCE OF A
14 POWER OR THE PROPRIETY OF ITS EXERCISE, EXCEPT THAT RESTRICTIONS
15 ON THE POWERS OF A CONSERVATOR WHICH ARE INDORSED ON THE LETTERS
16 OF APPOINTMENT AS PROVIDED IN SECTION 9386 ARE EFFECTIVE AS TO A
17 THIRD PERSON. A PERSON IS NOT BOUND TO SEE TO THE PROPER APPLI-
18 CATION OF ESTATE ASSETS PAID OR DELIVERED TO A CONSERVATOR. THE
19 PROTECTION EXPRESSED IN THIS SECTION EXTENDS TO AN INSTANCE IN
20 WHICH SOME PROCEDURAL IRREGULARITY OR JURISDICTIONAL DEFECT
21 OCCURRED IN A PROCEEDING LEADING TO THE ISSUANCE OF A LETTER.
22 THE PROTECTION EXPRESSED IN THIS SECTION IS NOT TO BE SUBSTITUTED
23 FOR THAT PROVIDED BY COMPARABLE PROVISIONS OF THE LAWS RELATING
24 TO COMMERCIAL TRANSACTIONS AND LAWS SIMPLIFYING TRANSFERS OF
25 SECURITIES BY FIDUCIARIES.

26 SEC. 9384. (1) A CONSERVATOR HAS THE POWERS CONFERRED IN
27 THIS CHAPTER. IN ADDITION, A CONSERVATOR OF THE ESTATE OF AN

1 UNMARRIED MINOR AS TO WHOM NO PERSON HAS PARENTAL RIGHTS, HAS THE
2 DUTIES AND POWERS OF A GUARDIAN OF A MINOR DESCRIBED IN
3 SECTION 9369 UNTIL THE MINOR MARRIES BUT THE PARENTAL RIGHTS SO
4 CONFERRED ON A CONSERVATOR DO NOT PRECLUDE APPOINTMENT OF A
5 GUARDIAN AS PROVIDED BY SECTIONS 9321 TO 9337.

6 (2) A CONSERVATOR, WITHOUT COURT AUTHORIZATION OR CONFIRMA-
7 TION, MAY INVEST AND REINVEST FUNDS OF THE ESTATE AS WOULD A
8 TRUSTEE.

9 (3) A CONSERVATOR, ACTING REASONABLY IN EFFORTS TO ACCOM-
10 PLISH THE PURPOSE FOR WHICH HE OR SHE WAS APPOINTED, MAY ACT
11 WITHOUT COURT AUTHORIZATION OR CONFIRMATION TO:

12 (A) COLLECT, HOLD, AND RETAIN ASSETS OF THE ESTATE, INCLUD-
13 ING LAND IN ANOTHER STATE, UNTIL IN THE CONSERVATOR'S JUDGMENT,
14 DISPOSITION OF THE ASSETS SHOULD BE MADE, WHICH ASSETS MAY BE
15 RETAINED EVEN THOUGH THEY INCLUDE AN ASSET IN WHICH THE CONSERVA-
16 TOR IS PERSONALLY INTERESTED.

17 (B) RECEIVE ADDITIONS TO THE ESTATE.

18 (C) CONTINUE OR PARTICIPATE IN THE OPERATION OF A BUSINESS
19 OR OTHER ENTERPRISE.

20 (D) ACQUIRE AN UNDIVIDED INTEREST IN AN ESTATE ASSET IN
21 WHICH THE CONSERVATOR, IN A FIDUCIARY CAPACITY, HOLDS AN UNDI-
22 VIDED INTEREST.

23 (E) INVEST AND REINVEST ESTATE ASSETS PURSUANT TO
24 SUBSECTION (2).

25 (F) DEPOSIT ESTATE FUNDS IN A BANK INCLUDING A BANK OPERATED
26 BY THE CONSERVATOR.

1 (G) ACQUIRE OR DISPOSE OF AN ESTATE ASSET INCLUDING LAND IN
2 ANOTHER STATE FOR CASH OR ON CREDIT, AT PUBLIC OR PRIVATE SALE;
3 OR MANAGE, DEVELOP, IMPROVE, EXCHANGE, PARTITION, CHANGE THE
4 CHARACTER OF, OR ABANDON AN ESTATE ASSET.

5 (H) MAKE AN ORDINARY OR EXTRAORDINARY REPAIR OR ALTERATION
6 IN A BUILDING OR OTHER STRUCTURE; DEMOLISH AN IMPROVEMENT; OR
7 RAZE EXISTING OR ERECT A NEW PARTY WALL OR BUILDING.

8 (I) SUBDIVIDE, DEVELOP, OR DEDICATE LAND TO PUBLIC USE; MAKE
9 OR OBTAIN THE VACATION OF A PLAT AND ADJUST BOUNDARIES; ADJUST A
10 DIFFERENCE IN VALUATION ON EXCHANGE OR TO PARTITION BY GIVING OR
11 RECEIVING CONSIDERATION; OR DEDICATE AN EASEMENT TO PUBLIC USE
12 WITHOUT CONSIDERATION.

13 (J) ENTER INTO A LEASE AS LESSOR OR LESSEE WITH OR WITHOUT
14 OPTION TO PURCHASE OR RENEW FOR A TERM WITHIN OR EXTENDING BEYOND
15 THE TERM OF THE CONSERVATORSHIP.

16 (K) ENTER INTO A LEASE OR ARRANGEMENT FOR EXPLORATION AND
17 REMOVAL OF MINERALS OR OTHER NATURAL RESOURCES OR ENTER INTO A
18 POOLING OR UNITIZATION AGREEMENT.

19 (L) GRANT AN OPTION INVOLVING DISPOSITION OF AN ESTATE ASSET
20 OR TO TAKE AN OPTION FOR THE ACQUISITION OF AN ASSET.

21 (M) VOTE A SECURITY, IN PERSON OR BY GENERAL OR LIMITED
22 PROXY.

23 (N) PAY CALLS, ASSESSMENTS, AND OTHER SUMS CHARGEABLE OR
24 ACCRUING AGAINST OR ON ACCOUNT OF SECURITIES.

25 (O) SELL OR EXERCISE A STOCK SUBSCRIPTION OR CONVERSION
26 RIGHT; OR CONSENT, DIRECTLY OR THROUGH A COMMITTEE OR OTHER

1 AGENT, TO THE REORGANIZATION, CONSOLIDATION, MERGER, DISSOLUTION,
2 OR LIQUIDATION OF A CORPORATION OR OTHER BUSINESS ENTERPRISE.

3 (P) HOLD A SECURITY IN THE NAME OF A NOMINEE OR IN OTHER
4 FORM WITHOUT DISCLOSURE OF THE CONSERVATORSHIP SO THAT TITLE TO
5 THE SECURITY MAY PASS BY DELIVERY. THE CONSERVATOR IS LIABLE FOR
6 ANY ACT OF THE NOMINEE IN CONNECTION WITH THE STOCK HELD.

7 (Q) INSURE THE ASSETS OF THE ESTATE AGAINST DAMAGE OR LOSS,
8 AND THE CONSERVATOR AGAINST LIABILITY WITH RESPECT TO A THIRD
9 PERSON.

10 (R) BORROW MONEY TO BE REPAID FROM ESTATE ASSETS OR OTHER-
11 WISE; OR ADVANCE MONEY FOR THE PROTECTION OF THE ESTATE OR THE
12 PROTECTED PERSON AND FOR THE EXPENSES, LOSSES, AND LIABILITY SUS-
13 TAINED IN THE ADMINISTRATION OF THE ESTATE OR BECAUSE OF THE
14 HOLDING OR OWNERSHIP OF ESTATE ASSETS. THE CONSERVATOR HAS A
15 LIEN ON THE ESTATE AS AGAINST THE PROTECTED PERSON FOR AN ADVANCE
16 SO MADE.

17 (S) PAY OR CONTEST A CLAIM; SETTLE A CLAIM BY OR AGAINST THE
18 ESTATE OR THE PROTECTED PERSON BY COMPROMISE, ARBITRATION, OR
19 OTHERWISE; OR RELEASE, IN WHOLE OR IN PART, A CLAIM BELONGING TO
20 THE ESTATE TO THE EXTENT THAT THE CLAIM IS UNCOLLECTIBLE.

21 (T) PAY TAXES, ASSESSMENTS, COMPENSATION OF THE CONSERVATOR,
22 AND OTHER EXPENSES INCURRED IN THE COLLECTION, CARE, ADMINISTRA-
23 TION, AND PROTECTION OF THE ESTATE.

24 (U) ALLOCATE ITEMS OF INCOME OR EXPENSE TO ESTATE INCOME OR
25 PRINCIPAL, AS PROVIDED BY LAW, INCLUDING CREATION OF RESERVES OUT
26 OF INCOME FOR DEPRECIATION, OBSOLESCENCE, OR AMORTIZATION, OR FOR
27 DEPLETION IN MINERAL OR TIMBER PROPERTIES.

1 (V) PAY A SUM DISTRIBUTABLE TO A PROTECTED PERSON OR THE
2 PERSON'S DEPENDENT WITHOUT LIABILITY TO THE CONSERVATOR, BY
3 PAYING THE SUM TO THE DISTRIBUTEE OR BY PAYING THE SUM FOR THE
4 USE OF THE DISTRIBUTEE TO HIS OR HER GUARDIAN OR, IF NONE, TO A
5 RELATIVE OR OTHER PERSON WITH CUSTODY OF HIS OR HER PERSON.

6 (W) EMPLOY PERSONS, INCLUDING ATTORNEYS, AUDITORS, INVEST-
7 MENT ADVISORS, OR AGENTS, EVEN IF THE PERSONS ARE ASSOCIATED WITH
8 THE CONSERVATOR, TO ADVISE OR ASSIST THE CONSERVATOR IN THE PER-
9 FORMANCE OF HIS OR HER ADMINISTRATIVE DUTIES; ACT UPON THEIR REC-
10 OMMENDATION WITHOUT INDEPENDENT INVESTIGATION; OR INSTEAD OF
11 ACTING PERSONALLY, TO EMPLOY 1 OR MORE AGENTS TO PERFORM AN ACT
12 OF ADMINISTRATION, WHETHER OR NOT DISCRETIONARY.

13 (X) PROSECUTE OR DEFEND ACTIONS, CLAIMS, OR PROCEEDINGS IN
14 ANY JURISDICTION FOR THE PROTECTION OF ESTATE ASSETS AND OF THE
15 CONSERVATOR IN THE PERFORMANCE OF HIS OR HER DUTIES.

16 (Y) EXECUTE AND DELIVER AN INSTRUMENT WHICH WILL ACCOMPLISH
17 OR FACILITATE THE EXERCISE OF THE POWERS VESTED IN THE
18 CONSERVATOR.

19 SEC. 9385. (1) A CONSERVATOR MAY EXPEND OR DISTRIBUTE
20 INCOME OR PRINCIPAL OF THE ESTATE WITHOUT COURT AUTHORIZATION OR
21 CONFIRMATION FOR THE SUPPORT, EDUCATION, CARE, OR BENEFIT OF THE
22 PROTECTED PERSON AND THE PERSON'S DEPENDENTS PURSUANT TO THE FOL-
23 LOWING PRINCIPLES:

24 (A) THE CONSERVATOR SHALL CONSIDER RECOMMENDATIONS RELATING
25 TO THE APPROPRIATE STANDARD OF SUPPORT, EDUCATION, AND BENEFIT
26 FOR THE PROTECTED PERSON MADE BY A PARENT OR GUARDIAN. THE
27 CONSERVATOR MAY NOT BE SURCHARGED FOR SUMS PAID TO PERSONS OR

1 ORGANIZATIONS ACTUALLY FURNISHING SUPPORT, EDUCATION, OR CARE TO
2 THE PROTECTED PERSON PURSUANT TO THE RECOMMENDATIONS OF A PARENT
3 OR GUARDIAN OF THE PROTECTED PERSON UNLESS THE CONSERVATOR KNOWS
4 THAT THE PARENT OR GUARDIAN IS DERIVING PERSONAL FINANCIAL BENE-
5 FIT FROM THE SUMS PAID, INCLUDING RELIEF FROM A PERSONAL DUTY OF
6 SUPPORT, OR UNLESS THE RECOMMENDATIONS ARE CLEARLY NOT IN THE
7 BEST INTERESTS OF THE PROTECTED PERSON.

8 (B) THE CONSERVATOR SHALL EXPEND OR DISTRIBUTE SUMS REASON-
9 ABLY NECESSARY FOR THE SUPPORT, EDUCATION, CARE, OR BENEFIT OF
10 THE PROTECTED PERSON WITH DUE REGARD TO THE SIZE OF THE ESTATE,
11 THE PROBABLE DURATION OF THE CONSERVATORSHIP AND THE LIKELIHOOD
12 THAT THE PROTECTED PERSON, AT SOME FUTURE TIME, MAY BE FULLY ABLE
13 TO MANAGE HIS OR HER AFFAIRS AND THE ESTATE WHICH IS CONSERVED
14 FOR THE PERSON; THE ACCUSTOMED STANDARD OF LIVING OF THE PRO-
15 TECTED PERSON AND MEMBERS OF THE PERSON'S HOUSEHOLD; AND OTHER
16 FUNDS OR SOURCES USED FOR THE SUPPORT OF THE PROTECTED PERSON.

17 (C) THE CONSERVATOR MAY EXPEND FUNDS OF THE ESTATE FOR THE
18 SUPPORT OF PERSONS LEGALLY DEPENDENT ON THE PROTECTED PERSON AND
19 OTHERS WHO ARE MEMBERS OF THE PROTECTED PERSON'S HOUSEHOLD WHO
20 ARE UNABLE TO SUPPORT THEMSELVES AND WHO ARE IN NEED OF SUPPORT.

21 (D) FUNDS EXPENDED UNDER THIS SUBSECTION MAY BE PAID BY THE
22 CONSERVATOR TO A PERSON, INCLUDING THE PROTECTED PERSON, TO REIM-
23 BURSE FOR EXPENDITURES WHICH THE CONSERVATOR MIGHT HAVE MADE, OR
24 IN ADVANCE FOR SERVICES TO BE RENDERED TO THE PROTECTED PERSON
25 WHEN IT IS REASONABLE TO EXPECT THAT THE SERVICES WILL BE PER-
26 FORMED AND ADVANCE PAYMENTS ARE CUSTOMARY OR REASONABLY NECESSARY
27 UNDER THE CIRCUMSTANCES.

1 (2) IF THE ESTATE IS AMPLE TO PROVIDE FOR THE PURPOSES
2 IMPLICIT IN THE DISTRIBUTIONS AUTHORIZED BY SUBSECTION (1), A
3 CONSERVATOR FOR A PROTECTED PERSON OTHER THAN A MINOR MAY MAKE
4 GIFTS TO CHARITY AND OTHER OBJECTS AS THE PROTECTED PERSON MIGHT
5 HAVE BEEN EXPECTED TO MAKE, IN AMOUNTS WHICH DO NOT EXCEED IN
6 TOTAL FOR ANY YEAR 20% OF THE INCOME FROM THE ESTATE.

7 (3) WHEN A MINOR WHO IS NOT ADJUDGED DISABLED UNDER
8 SECTION 9361(B) ATTAINS MAJORITY, THE CONSERVATOR, AFTER MEETING
9 THE PRIOR CLAIMS AND EXPENSES OF ADMINISTRATION, SHALL PAY OVER
10 AND DISTRIBUTE THE FUNDS AND PROPERTIES TO THE FORMER PROTECTED
11 PERSON AS SOON AS POSSIBLE.

12 (4) WHEN THE CONSERVATOR IS SATISFIED THAT A PROTECTED
13 PERSON'S DISABILITY OTHER THAN MINORITY HAS CEASED, THE CONSERVA-
14 TOR, AFTER MEETING THE PRIOR CLAIMS AND EXPENSES OF ADMINISTRA-
15 TION, SHALL PAY OVER AND DISTRIBUTE THE FUNDS AND PROPERTIES TO
16 THE FORMER PROTECTED PERSON AS SOON AS POSSIBLE.

17 SEC. 9386. SUBJECT TO THE RESTRICTIONS IN
18 SECTION 9368(1)(D), THE COURT MAY CONFER ON A CONSERVATOR AT THE
19 TIME OF APPOINTMENT OR LATER, IN ADDITION TO THE POWERS CONFERRED
20 BY SECTIONS 9384 AND 9385, A POWER WHICH THE COURT ITSELF COULD
21 EXERCISE UNDER SECTION 9368(1)(B) AND (C). THE COURT, AT THE
22 TIME OF APPOINTMENT OR LATER, MAY LIMIT THE POWERS OF A CONSERVA-
23 TOR OTHERWISE CONFERRED BY SECTIONS 9384 AND 9385, OR PREVIOUSLY
24 CONFERRED BY THE COURT, AND AT ANY TIME MAY RELIEVE THE CONSERVA-
25 TOR OF ANY LIMITATION. IF THE COURT LIMITS A POWER CONFERRED ON
26 THE CONSERVATOR BY SECTION 9384 OR 9385, THE LIMITATION SHALL BE
27 INDORSED UPON THE LETTERS OF APPOINTMENT.

1 SEC. 9387. IN INVESTING THE ESTATE, AND IN SELECTING ASSETS
2 OF THE ESTATE FOR DISTRIBUTION UNDER SECTION 9385(1) AND (2), IN
3 UTILIZING POWERS OF REVOCATION OR WITHDRAWAL AVAILABLE FOR THE
4 SUPPORT OF THE PROTECTED PERSON, AND EXERCISABLE BY THE CONSERVA-
5 TOR OR THE COURT, THE CONSERVATOR AND THE COURT SHALL TAKE INTO
6 ACCOUNT A KNOWN ESTATE PLAN OF THE PROTECTED PERSON, INCLUDING
7 THE PERSON'S WILL, A REVOCABLE TRUST OF WHICH HE OR SHE IS SET-
8 TLOR, AND A CONTRACT, TRANSFER, OR JOINT OWNERSHIP ARRANGEMENT
9 WITH PROVISIONS FOR PAYMENT OR TRANSFER OF BENEFITS OR INTEREST
10 AT THE PROTECTED PERSON'S DEATH TO ANOTHER OR OTHERS WHICH THE
11 PROTECTED PERSON MAY HAVE ORIGINATED. THE CONSERVATOR MAY
12 EXAMINE THE WILL OF THE PROTECTED PERSON.

13 SEC. 9388. (1) A CONSERVATOR MAY PAY OR SECURE FROM THE
14 ESTATE CLAIMS AGAINST THE ESTATE OR AGAINST THE PROTECTED PERSON
15 ARISING BEFORE OR AFTER THE CONSERVATORSHIP UPON THEIR PRESENTA-
16 TION AND ALLOWANCE AND IN ACCORDANCE WITH THE PRIORITIES LISTED
17 IN SUBSECTION (4). A CLAIM MAY BE PRESENTED BY EITHER OF THE
18 FOLLOWING METHODS:

19 (A) THE CLAIMANT MAY DELIVER OR MAIL TO THE CONSERVATOR A
20 WRITTEN STATEMENT OF THE CLAIM INDICATING ITS BASIS, THE NAME AND
21 MAILING ADDRESS OF THE CLAIMANT, AND THE AMOUNT CLAIMED.

22 (B) THE CLAIMANT MAY FILE A WRITTEN STATEMENT OF THE CLAIM,
23 IN THE FORM PRESCRIBED BY SUPREME COURT RULE, WITH THE COURT AND
24 DELIVER OR MAIL A COPY OF THE STATEMENT TO THE CONSERVATOR.

25 (2) A CLAIM SHALL BE CONSIDERED PRESENTED ON RECEIPT OF THE
26 WRITTEN STATEMENT OF CLAIM BY THE CONSERVATOR OR ON THE FILING OF
27 THE CLAIM WITH THE COURT, WHICHEVER OCCURS FIRST. A PRESENTED

1 CLAIM SHALL BE ALLOWED IF IT IS NOT DISALLOWED BY WRITTEN
2 STATEMENT MAILED BY THE CONSERVATOR TO THE CLAIMANT WITHIN 63
3 DAYS AFTER ITS PRESENTATION. THE PRESENTATION OF A CLAIM TOLLS
4 ANY STATUTE OF LIMITATION RELATING TO THE CLAIM UNTIL 28 DAYS
5 AFTER ITS DISALLOWANCE.

6 (3) A CLAIMANT WHOSE CLAIM IS NOT PAID MAY PETITION THE
7 COURT FOR DETERMINATION OF THE CLAIM AT ANY TIME BEFORE IT IS
8 BARRED BY THE APPLICABLE STATUTE OF LIMITATION AND, UPON DUE
9 PROOF, PROCURE AN ORDER FOR ITS ALLOWANCE, PAYMENT, OR SECURITY
10 FROM THE ESTATE. IF A PROCEEDING IS PENDING AGAINST A PROTECTED
11 PERSON AT THE TIME OF APPOINTMENT OF A CONSERVATOR OR IS INITI-
12 ATED AGAINST THE PROTECTED PERSON THEREAFTER, THE MOVING PARTY
13 SHALL GIVE NOTICE OF THE PROCEEDING TO THE CONSERVATOR IF THE
14 PROCEEDING MAY RESULT IN CREATING A CLAIM AGAINST THE ESTATE.

15 (4) IF IT APPEARS THAT THE ESTATE IN CONSERVATORSHIP IS
16 LIKELY TO BE EXHAUSTED BEFORE ALL EXISTING CLAIMS ARE PAID, THE
17 CONSERVATOR SHALL DISTRIBUTE THE ESTATE IN MONEY OR IN KIND IN
18 PAYMENT OF CLAIMS IN THE FOLLOWING ORDER OF PRIORITY:

19 (A) COSTS AND EXPENSES OF ADMINISTRATION.

20 (B) CLAIMS OF THE FEDERAL OR STATE GOVERNMENT HAVING PRIOR-
21 ITY UNDER LAW.

22 (C) CLAIMS INCURRED BY THE CONSERVATOR FOR CARE, MAINTENANCE,
23 AND EDUCATION PREVIOUSLY PROVIDED TO THE PROTECTED PERSON
24 OR THE PROTECTED PERSON'S DEPENDENTS.

25 (D) CLAIMS ARISING PRIOR TO THE CONSERVATORSHIP.

26 (E) ALL OTHER CLAIMS.

1 (5) PREFERENCE SHALL NOT BE GIVEN IN THE PAYMENT OF A CLAIM
2 OVER ANOTHER CLAIM OF THE SAME CLASS, AND A CLAIM DUE AND PAYABLE
3 SHALL NOT BE ENTITLED TO A PREFERENCE OVER A CLAIM NOT DUE. IF
4 IT APPEARS THAT THE ASSETS OF THE CONSERVATORSHIP ARE ADEQUATE TO
5 MEET ALL EXISTING CLAIMS, THE COURT, ACTING IN THE BEST INTEREST
6 OF THE PROTECTED PERSON, MAY ORDER THE CONSERVATOR TO GIVE A
7 MORTGAGE OR OTHER SECURITY ON THE CONSERVATORSHIP ESTATE TO
8 SECURE PAYMENT AT SOME FUTURE DATE OF ANY OR ALL CLAIMS UNDER
9 SUBSECTION (4)(E).

10 (6) IF A PROTECTED PERSON DIES WHILE UNDER CONSERVATORSHIP,
11 THE COURT MAY, UPON PETITION OF THE CONSERVATOR AND WITH OR WITH-
12 OUT NOTICE, HEAR A CLAIM FOR BURIAL EXPENSE OR ANY OTHER CLAIM AS
13 THE COURT CONSIDERS ADVISABLE. UPON HEARING THE CLAIM, THE COURT
14 MAY ENTER AN ORDER ALLOWING OR DISALLOWING THE CLAIM OR ANY PART
15 OF IT AND PROVIDE IN THE ORDER OF ALLOWANCE THAT THE CLAIM OR ANY
16 PART OF IT SHALL BE PAID IMMEDIATELY IF PAYMENT CAN BE MADE WITH-
17 OUT INJURY OR SERIOUS INCONVENIENCE TO THE PROTECTED PERSON'S
18 ESTATE.

19 SEC. 9389. (1) UNLESS OTHERWISE PROVIDED IN THE CONTRACT, A
20 CONSERVATOR IS NOT INDIVIDUALLY LIABLE ON A CONTRACT PROPERLY
21 ENTERED INTO IN A FIDUCIARY CAPACITY IN THE COURSE OF ADMINISTRA-
22 TION OF THE ESTATE UNLESS THE CONSERVATOR FAILS TO REVEAL HIS OR
23 HER REPRESENTATIVE CAPACITY AND IDENTIFY THE ESTATE IN THE
24 CONTRACT.

25 (2) THE CONSERVATOR IS INDIVIDUALLY LIABLE FOR AN OBLIGATION
26 ARISING FROM OWNERSHIP OR CONTROL OF PROPERTY OF THE ESTATE OR

1 FOR A TORT COMMITTED IN THE COURSE OF ADMINISTRATION OF THE
2 ESTATE ONLY IF THE CONSERVATOR IS PERSONALLY AT FAULT.

3 (3) A CLAIM BASED ON A CONTRACT ENTERED INTO BY A CONSERVA-
4 TOR IN A FIDUCIARY CAPACITY, ON AN OBLIGATION ARISING FROM OWNER-
5 SHIP OR CONTROL OF THE ESTATE, OR ON A TORT COMMITTED IN THE
6 COURSE OF ADMINISTRATION OF THE ESTATE MAY BE ASSERTED AGAINST
7 THE ESTATE BY PROCEEDING AGAINST THE CONSERVATOR IN HIS OR HER
8 FIDUCIARY CAPACITY, WHETHER OR NOT THE CONSERVATOR IS INDIVIDU-
9 ALLY LIABLE FOR THE CLAIM.

10 (4) A QUESTION OF LIABILITY BETWEEN THE ESTATE AND THE CON-
11 SERVATOR INDIVIDUALLY MAY BE DETERMINED IN A PROCEEDING FOR
12 ACCOUNTING, SURCHARGE, OR INDEMNIFICATION, OR OTHER APPROPRIATE
13 PROCEEDING OR ACTION.

14 SEC. 9390. THE PROTECTED PERSON, THE PROTECTED PERSON'S
15 PERSONAL REPRESENTATIVE, THE CONSERVATOR, OR AN INTERESTED PERSON
16 MAY PETITION THE COURT TO TERMINATE THE CONSERVATORSHIP. A PRO-
17 TECTED PERSON SEEKING THE TERMINATION IS ENTITLED TO THE SAME
18 RIGHTS AND PROCEDURES AS IN AN ORIGINAL PROCEEDING FOR A PROTEC-
19 TIVE ORDER. THE COURT, UPON DETERMINING AFTER NOTICE AND HEARING
20 THAT THE MINORITY OR DISABILITY OF THE PROTECTED PERSON HAS
21 CEASED, MAY TERMINATE THE CONSERVATORSHIP. UPON TERMINATION,
22 TITLE TO ASSETS OF THE ESTATE PASSES TO THE FORMER PROTECTED
23 PERSON OR TO HIS OR HER SUCCESSORS SUBJECT TO PROVISION IN THE
24 ORDER FOR EXPENSES OF ADMINISTRATION OR TO CONVEYANCES FROM THE
25 CONSERVATOR TO THE FORMER PROTECTED PERSON OR HIS OR HER SUCCES-
26 SORS, TO EVIDENCE THE TRANSFER.

1 SEC. 9391. A PERSON INDEBTED TO A PROTECTED PERSON OR
2 HAVING POSSESSION OF PROPERTY OR OF AN INSTRUMENT EVIDENCING A
3 DEBT, STOCK, OR CHOSE IN ACTION BELONGING TO A PROTECTED PERSON,
4 MAY PAY OR DELIVER TO A CONSERVATOR, GUARDIAN OF THE ESTATE, OR
5 OTHER LIKE FIDUCIARY APPOINTED BY A COURT OF THE STATE OF RESI-
6 DENCE OF THE PROTECTED PERSON, UPON BEING PRESENTED WITH PROOF OF
7 HIS OR HER APPOINTMENT AND AN AFFIDAVIT MADE BY THE PERSON OR ON
8 THE PERSON'S BEHALF STATING THAT A PROTECTIVE PROCEEDING RELATING
9 TO THE PROTECTED PERSON IS NOT PENDING IN THIS STATE, AND THAT
10 THE FOREIGN CONSERVATOR IS ENTITLED TO PAYMENT OR TO RECEIVE
11 DELIVERY. IF THE PERSON TO WHOM THE AFFIDAVIT IS PRESENTED IS
12 NOT AWARE OF ANY PROTECTIVE PROCEEDING PENDING IN THIS STATE,
13 PAYMENT OR DELIVERY IN RESPONSE TO THE DEMAND AND AFFIDAVIT DIS-
14 CHARGES THE DEBTOR OR POSSESSOR.

15 SEC. 9395. WHEN A PRINCIPAL DESIGNATES ANOTHER AS THE
16 PRINCIPAL'S ATTORNEY IN FACT OR AGENT BY A POWER OF ATTORNEY IN
17 WRITING AND THE WRITING CONTAINS THE WORDS "THIS POWER OF ATTOR-
18 NEY SHALL NOT BE AFFECTED BY DISABILITY OF THE PRINCIPAL," OR
19 "THIS POWER OF ATTORNEY SHALL BECOME EFFECTIVE UPON THE DISABIL-
20 ITY OF THE PRINCIPAL," OR SIMILAR WORDS SHOWING THE INTENT OF THE
21 PRINCIPAL THAT THE AUTHORITY CONFERRED SHALL BE EXERCISABLE NOT-
22 WITHSTANDING THE PRINCIPAL'S DISABILITY, THE AUTHORITY OF THE
23 ATTORNEY IN FACT OR AGENT IS EXERCISABLE BY THE ATTORNEY IN FACT
24 OR AGENT AS PROVIDED IN THE POWER ON BEHALF OF THE PRINCIPAL NOT-
25 WITHSTANDING LATER DISABILITY OR INCAPACITY OF THE PRINCIPAL AT
26 LAW OR LATER UNCERTAINTY AS TO WHETHER THE PRINCIPAL IS DEAD OR
27 ALIVE. AN ACT DONE BY THE ATTORNEY IN FACT OR AGENT PURSUANT TO

1 THE POWER DURING A PERIOD OF DISABILITY, INCOMPETENCE, OR
2 UNCERTAINTY AS TO WHETHER THE PRINCIPAL IS DEAD OR ALIVE HAS THE
3 SAME EFFECT AND INURES TO THE BENEFIT OF AND BINDS THE PRINCIPAL
4 OR THE PRINCIPAL'S HEIRS, DEVISEES, AND PERSONAL REPRESENTATIVE
5 AS IF THE PRINCIPAL WERE ALIVE, COMPETENT, AND NOT DISABLED.
6 AFTER THE APPOINTMENT OF THE PERSON AS AN ATTORNEY IN FACT OR
7 AGENT BECOMES EFFECTIVE, IF A CONSERVATOR IS APPOINTED FOR THE
8 PRINCIPAL, THE ATTORNEY IN FACT OR AGENT, DURING THE CONTINUANCE
9 OF THE APPOINTMENT, SHALL ACCOUNT TO THE CONSERVATOR RATHER THAN
10 THE PRINCIPAL. THE CONSERVATOR HAS THE SAME POWER TO REVOKE THE
11 POWER OF ATTORNEY OR AGENCY THAT THE PRINCIPAL WOULD HAVE HAD IF
12 THE PRINCIPAL WERE NOT PROTECTED.

13 SEC. 9397. (1) THE DEATH, DISABILITY, OR INCOMPETENCE OF A
14 PRINCIPAL WHO HAS EXECUTED A POWER OF ATTORNEY IN WRITING OTHER
15 THAN A POWER AS DESCRIBED BY SECTION 9395, DOES NOT REVOKE OR
16 TERMINATE THE AGENCY AS TO THE ATTORNEY IN FACT, AGENT, OR OTHER
17 PERSON WHO, WITHOUT ACTUAL KNOWLEDGE OF THE DEATH, DISABILITY, OR
18 INCOMPETENCE OF THE PRINCIPAL, ACTS IN GOOD FAITH UNDER THE POWER
19 OF ATTORNEY OR AGENCY. UNLESS OTHERWISE INVALID OR UNENFORCE-
20 ABLE, AN ACTION SO TAKEN BINDS THE PRINCIPAL AND THE PRINCIPAL'S
21 HEIRS, DEVISEES, AND PERSONAL REPRESENTATIVES.

22 (2) AN AFFIDAVIT, EXECUTED BY THE ATTORNEY IN FACT OR AGENT
23 STATING THAT THE ATTORNEY IN FACT OR AGENT DID NOT HAVE, AT THE
24 TIME OF DOING AN ACT PURSUANT TO THE POWER OF ATTORNEY, ACTUAL
25 KNOWLEDGE OF THE REVOCATION OR TERMINATION OF THE POWER OF ATTOR-
26 NEY BY DEATH, DISABILITY, OR INCOMPETENCE, IS, IN THE ABSENCE OF
27 FRAUD, CONCLUSIVE PROOF OF THE NONREVOCATION OR NONTERMINATION OF

1 THE POWER AT THAT TIME. IF THE EXERCISE OF THE POWER REQUIRES
2 EXECUTION AND DELIVERY OF AN INSTRUMENT WHICH IS RECORDABLE, THE
3 AFFIDAVIT WHEN AUTHENTICATED FOR RECORD IS LIKEWISE RECORDABLE.

4 (3) THIS SECTION SHALL NOT BE CONSTRUED TO ALTER OR AFFECT
5 ANY PROVISION FOR REVOCATION OR TERMINATION CONTAINED IN THE
6 POWER OF ATTORNEY.

7 SEC. 9399. IF THIS CHAPTER CONFLICTS WITH THE MENTAL HEALTH
8 CODE, ACT NO. 258 OF THE PUBLIC ACTS OF 1974, BEING
9 SECTIONS 330.1001 TO 330.2106 OF THE MICHIGAN COMPILED LAWS, THAT
10 ACT SHALL CONTROL.

11 CHAPTER 94

12 SEC. 9401. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS
13 THE "MICHIGAN ADOPTION CODE".

14 SEC. 9401A. THE GENERAL PURPOSES OF THIS CHAPTER ARE:

15 (A) TO PROVIDE THAT EACH ADOPTEE IN THIS STATE WHO NEEDS
16 ADOPTION SERVICES RECEIVES THOSE SERVICES.

17 (B) TO PROVIDE PROCEDURES AND SERVICES WHICH WILL SAFEGUARD
18 AND PROMOTE THE BEST INTERESTS OF EACH ADOPTEE IN NEED OF ADOP-
19 TION AND WHICH WILL PROTECT THE RIGHTS OF ALL PARTIES CONCERNED.
20 IF CONFLICTS ARISE BETWEEN THE RIGHTS OF THE ADOPTEE AND THE
21 RIGHTS OF ANOTHER, THE RIGHTS OF THE ADOPTEE SHALL BE PARAMOUNT.

22 (C) TO PROVIDE PROMPT LEGAL PROCEEDINGS TO ASSURE THAT THE
23 ADOPTEE IS FREE FOR ADOPTIVE PLACEMENT AT THE EARLIEST POSSIBLE
24 TIME.

25 SEC. 9402. AS USED IN THIS CHAPTER:

26 (A) "ADOPTTEE" MEANS THE PERSON WHO IS TO BE ADOPTED,
27 REGARDLESS OF WHETHER THE PERSON IS A CHILD OR AN ADULT.

1 (B) "BEST INTERESTS OF THE ADOPTEE" OR "BEST INTERESTS OF
2 THE CHILD" MEANS THE SUM TOTAL OF THE FOLLOWING FACTORS TO BE
3 CONSIDERED, EVALUATED, AND DETERMINED BY THE COURT TO BE APPLIED
4 TO GIVE THE ADOPTEE PERMANENCE AT THE EARLIEST POSSIBLE DATE:

5 (i) THE LOVE, AFFECTION, AND OTHER EMOTIONAL TIES EXISTING
6 BETWEEN THE ADOPTING PERSON OR PERSONS OR THE PUTATIVE FATHER,
7 AND THE ADOPTEE.

8 (ii) THE CAPACITY AND DISPOSITION OF THE ADOPTING PERSON OR
9 PERSONS OR THE PUTATIVE FATHER TO GIVE THE ADOPTEE LOVE, AFFEC-
10 TION, AND GUIDANCE, AND TO EDUCATE AND CREATE A MILIEU THAT FOS-
11 TERS THE RELIGION, RACIAL IDENTITY, AND CULTURE OF THE ADOPTEE.

12 (iii) THE CAPACITY AND DISPOSITION OF THE ADOPTING PERSON OR
13 PERSONS OR THE PUTATIVE FATHER TO PROVIDE THE ADOPTEE WITH FOOD,
14 CLOTHING, EDUCATION, PERMANENCE, MEDICAL CARE OR OTHER REMEDIAL
15 CARE RECOGNIZED AND PERMITTED UNDER THE LAWS OF THIS STATE IN
16 PLACE OF MEDICAL CARE, AND OTHER MATERIAL NEEDS.

17 (iv) THE LENGTH OF TIME THE ADOPTEE HAS LIVED IN A STABLE,
18 SATISFACTORY ENVIRONMENT, AND THE DESIRABILITY OF MAINTAINING
19 CONTINUITY.

20 (v) THE PERMANENCE AS A FAMILY UNIT OF THE PROPOSED ADOPTIVE
21 HOME, OR THE HOME OF THE PUTATIVE FATHER.

22 (vi) THE MORAL FITNESS OF THE ADOPTING PERSON OR PERSONS OR
23 OF THE PUTATIVE FATHER.

24 (vii) THE MENTAL AND PHYSICAL HEALTH OF THE ADOPTING PERSON
25 OR PERSONS OR OF THE PUTATIVE FATHER, AND OF THE ADOPTEE.

26 (viii) THE HOME, SCHOOL, AND COMMUNITY RECORD OF THE
27 ADOPTEE.

1 (ix) THE REASONABLE PREFERENCE OF THE ADOPTEE, IF THE
2 ADOPTEE IS 14 YEARS OF AGE OR LESS AND IF THE COURT DEEMS THE
3 ADOPTEE TO BE OF SUFFICIENT AGE TO EXPRESS A PREFERENCE.

4 (x) THE ABILITY AND WILLINGNESS OF THE ADOPTING PERSON OR
5 PERSONS TO ADOPT THE ADOPTEE'S SIBLINGS.

6 (xi) ANY OTHER FACTOR CONSIDERED BY THE COURT TO BE RELEVANT
7 TO A PARTICULAR ADOPTION PROCEEDING, OR TO A PUTATIVE FATHER'S
8 REQUEST FOR CHILD CUSTODY.

9 (C) "BIOLOGICAL PARENT" MEANS A PERSON WHOSE RIGHTS WERE
10 TERMINATED PURSUANT TO THIS CHAPTER OR CHAPTER 96.

11 (D) "BORN OUT OF WEDLOCK" MEANS A CHILD BEGOTTEN AND BORN TO
12 A WOMAN WHO WAS NOT MARRIED FROM THE CONCEPTION TO THE DATE OF
13 BIRTH OF THE CHILD, OR A CHILD WHICH THE COURT HAS DETERMINED TO
14 BE A CHILD BORN DURING A MARRIAGE BUT NOT THE ISSUE OF THAT
15 MARRIAGE.

16 (E) "CHILD" MEANS A PERSON LESS THAN 18 YEARS OF AGE.

17 (F) "CHILD PLACING AGENCY" MEANS A PRIVATE ORGANIZATION
18 LICENSED TO PLACE CHILDREN FOR ADOPTION.

19 (G) "CONSENT" MEANS A DULY EXECUTED DOCUMENT IN WHICH ALL
20 PARENTAL RIGHTS OVER A SPECIFIC CHILD ARE VOLUNTARILY RELIN-
21 QUISHED TO THE COURT FOR ADOPTIVE PLACEMENT WITH THE PETITIONER.

22 (H) "COURT" MEANS THE DOMESTIC RELATIONS COURT OF THIS STATE
23 AS CREATED IN CHAPTER 92, AND WHEN THE CONTEXT REQUIRES, THE
24 COURT HAVING JURISDICTION OVER ADOPTION IN ANOTHER STATE OR
25 COUNTRY.

26 (I) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF SOCIAL
27 SERVICES.

1 (J) "PETITIONER" MEANS THE PERSON OR PERSONS WHO FILE AN
2 ADOPTION PETITION WITH THE COURT.

3 (K) "RELEASE" MEANS A DULY EXECUTED DOCUMENT IN WHICH ALL
4 PARENTAL RIGHTS OVER A SPECIFIC CHILD ARE VOLUNTARILY RELIN-
5 QUISHED TO THE DEPARTMENT OR TO A CHILD PLACING AGENCY.

6 (L) "STEPPARENT" MEANS A PERSON WHO ADOPTS A CHILD 1 OF
7 WHOSE PARENTS IS THE ADOPTING PERSON'S SPOUSE.

8 SEC. 9403. THE COURT SHALL HAVE JURISDICTION TO HEAR AN
9 APPEAL BROUGHT UNDER SECTION 115F OF ACT NO. 280 OF THE PUBLIC
10 ACTS OF 1939, BEING SECTION 400.115F OF THE MICHIGAN COMPILED
11 LAWS. THE COURT MAY SET ASIDE, AFFIRM, REVERSE, OR MODIFY A
12 FINAL DETERMINATION OF THE OFFICE OF CHILDREN AND YOUTH SERVICES
13 AS PROVIDED IN SECTIONS 101 TO 106 OF THE ADMINISTRATIVE PROCE-
14 DURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING
15 SECTIONS 24.301 TO 24.306 OF THE MICHIGAN COMPILED LAWS.

16 SEC. 9404. (1) IF A PERSON DESIRES TO ADOPT A CHILD OR AN
17 ADULT AND TO BESTOW UPON THE ADOPTEE THE PERSON'S FAMILY NAME, OR
18 TO ADOPT A CHILD OR AN ADULT WITHOUT A CHANGE OF NAME, WITH THE
19 INTENT TO MAKE THE ADOPTEE HIS OR HER HEIR, THAT PERSON, TOGETHER
20 WITH HIS WIFE OR HER HUSBAND, IF THE PERSON IS MARRIED, SHALL
21 FILE A PETITION WITH THE COURT FOR THE COUNTY IN WHICH THE PETI-
22 TIONER RESIDES OR WHERE THE ADOPTEE IS FOUND.

23 (2) THE PETITION FOR ADOPTION SHALL BE VERIFIED BY EACH
24 PETITIONER AND SHALL CONTAIN THE FOLLOWING INFORMATION:

25 (A) THE NAME, DATE, AND PLACE OF BIRTH, AND PLACE OF RESI-
26 DENCE OF EACH PETITIONER, INCLUDING THE MAIDEN NAME OF THE
27 ADOPTING MOTHER.

1 (B) THE NAME, DATE, AND PLACE OF BIRTH, AND PLACE OF
2 RESIDENCE, IF KNOWN, OF THE ADOPTEE.

3 (C) THE RELATIONSHIP, IF ANY, OF THE ADOPTEE TO THE
4 PETITIONER.

5 (D) THE FULL NAME BY WHICH THE ADOPTEE SHALL BE KNOWN AFTER
6 ADOPTION.

7 (E) THE FULL DESCRIPTION OF THE PROPERTY, IF ANY, OF THE
8 ADOPTEE.

9 (F) THE NAMES OF THE PARENTS OF THE ADOPTEE, AND THE ADDRESS
10 OF EACH LIVING PARENT IF KNOWN, EXCEPT THAT THE NAMES AND
11 ADDRESSES OF THE PARENTS MAY BE OMITTED IF THE RIGHTS OF THE PAR-
12 ENTS HAVE BEEN TERMINATED BY A COURT OF COMPETENT JURISDICTION.

13 (G) THE NAME AND ADDRESS OF THE GUARDIAN OF THE PERSON OR
14 ESTATE OF THE ADOPTEE, IF ANY HAS BEEN APPOINTED.

15 SEC. 9404A. (1) INTERESTED PARTIES IN A PETITION FOR ADOP-
16 TION INCLUDE, BUT SHALL NOT BE LIMITED TO:

17 (A) THE PETITIONER.

18 (B) THE ADOPTEE, IF OVER 14 YEARS OF AGE.

19 (C) A MINOR PARENT, ADULT PARENT, OR SURVIVING PARENT OF A
20 MINOR ADOPTEE, UNLESS:

21 (i) THE RIGHTS OF THE PARENT HAVE BEEN TERMINATED BY A COURT
22 OF COMPETENT JURISDICTION.

23 (ii) A GUARDIAN OF THE ADOPTEE, WITH SPECIFIC AUTHORITY TO
24 CONSENT TO ADOPTION, HAS BEEN APPOINTED.

25 (iii) A GUARDIAN OF THE PARENT, WITH SPECIFIC AUTHORITY TO
26 CONSENT TO ADOPTION, HAS BEEN APPOINTED.

1 (iv) THE RIGHTS OF THE PARENT HAVE BEEN RELEASED.

2 (v) THE PARENT HAS CONSENTED TO THE GRANTING OF THE
3 PETITION.

4 (D) THE DEPARTMENT OR A CHILD PLACING AGENCY TO WHICH THE
5 ADOPTEE HAS BEEN, OR FOR PURPOSES OF SUBSECTION (2) IS PROPOSED
6 TO BE, RELEASED OR COMMITTED BY AN ORDER OF THE DOMESTIC RELA-
7 TIONS COURT.

8 (E) A PARENT, GUARDIAN, OR GUARDIAN AD LITEM OF AN UNEMANCI-
9 PATED MINOR PARENT OF THE ADOPTEE.

10 (F) THE DOMESTIC RELATIONS COURT WITH PERMANENT CUSTODY OF
11 THE ADOPTEE.

12 (G) A COURT WITH CONTINUING JURISDICTION OVER THE ADOPTEE.

13 (H) A CHILD PLACING AGENCY OF ANOTHER STATE OR COUNTRY WHICH
14 HAS AUTHORITY TO CONSENT TO ADOPTION.

15 (I) THE GUARDIAN OR GUARDIAN AD LITEM OF AN INTERESTED
16 PARTY.

17 (2) INTERESTED PARTIES IN A PETITION FOR A HEARING TO IDEN-
18 TIFY THE FATHER OF A CHILD AND TO DETERMINE OR TERMINATE HIS
19 RIGHTS INCLUDE, BUT SHALL NOT BE LIMITED TO:

20 (A) THE PERSONS SET FORTH IN SUBSECTION (1).

21 (B) A PUTATIVE FATHER OF THE CHILD.

22 (3) INTERESTED PARTIES IN A PROCEEDING RELATING TO THE EXE-
23 CUTION OF A VOLUNTARY RELEASE INCLUDE, BUT SHALL NOT BE LIMITED
24 TO:

25 (A) THE ADOPTEE, IF OVER 5 YEARS OF AGE.

26 (B) THE DEPARTMENT OR A CHILD PLACING AGENCY TO WHICH THE
27 ADOPTEE IS PROPOSED TO BE RELEASED.

1 (C) THE PERSON EXECUTING THE RELEASE OF PARENTAL RIGHTS.

2 (4) THE COURT SHALL NOT APPOINT A GUARDIAN OF THE ADOPTEE OR
3 OF A PARENT SOLELY FOR THE PURPOSE OF DEFEATING THAT PARENT'S
4 STATUS AS AN INTERESTED PARTY UNDER THIS SECTION.

5 SEC. 9405. (1) ALL PROCEEDINGS UNDER THIS CHAPTER SHALL BE
6 CONSIDERED TO HAVE THE HIGHEST PRIORITY AND SHALL BE ADVANCED ON
7 THE COURT DOCKET SO AS TO PROVIDE FOR THEIR EARLIEST PRACTICABLE
8 DISPOSITION.

9 (2) AN ADJOURNMENT OR CONTINUANCE OF A PROCEEDING UNDER THIS
10 CHAPTER SHALL NOT BE GRANTED WITHOUT A SHOWING OF GOOD CAUSE.

11 SEC. 9406. SUBSEQUENT TO OR CONCURRENT WITH THE FILING OF
12 THE ADOPTION PETITION BUT BEFORE THE HEARING ON THE PETITION BY
13 THE COURT, THE PETITIONER, THE DEPARTMENT, AN EMPLOYEE OR AGENT
14 OF THE COURT, OR A CHILD PLACING AGENCY, AS APPROPRIATE, SHALL
15 FILE THE FOLLOWING DOCUMENTATION:

16 (A) EXCEPT IN INSTANCES OF PARENTAL CONSENT TO ADOPTION, A
17 COPY OF EACH RELEASE OR ORDER TERMINATING PARENTAL RIGHTS OVER
18 THE CHILD WHICH HAS A BEARING UPON THE AUTHORITY OF A PERSON TO
19 EXECUTE THE CONSENT TO ADOPTION.

20 (B) A COPY OF THE ORDER OF COMMITMENT, IF A COMMITMENT WAS
21 MADE TO A CHILD PLACING AGENCY OR TO THE DEPARTMENT.

22 (C) PROOF OF A GUARDIAN'S APPOINTMENT AND AUTHORIZATION TO
23 EXECUTE THE RELEASE OR CONSENT TO THE CHILD'S ADOPTION.

24 (D) A COPY OF THE CONSENT TO ADOPTION AS REQUIRED IN THIS
25 CHAPTER.

26 (E) A COPY OF THE ADOPTEE'S BIRTH CERTIFICATE, VERIFICATION
27 OF BIRTH, HOSPITAL BIRTH REGISTRATION, OR OTHER SATISFACTORY

1 PROOF OF DATE AND PLACE OF BIRTH, IF OBTAINABLE, UNLESS THIS
2 FILING IS WAIVED BY WRITTEN ORDER OF THE JUDGE OF THE COURT.

3 (F) THE REPORT OF THE INVESTIGATION PREPARED PURSUANT TO
4 SECTION 9426.

5 (G) IF THE PETITION ALLEGES NONSUPPORT AND NONCOMMUNICATION
6 BY A PARENT, AS DESCRIBED IN SECTION 9431(6), AN AFFIDAVIT VERI-
7 FYING THAT FACT.

8 (H) ANY ADDITIONAL FACTS CONSIDERED NECESSARY BY THE COURT.

9 SEC. 9407. (1) NONIDENTIFYING INFORMATION SHALL BE MAIN-
10 TAINED BY A CHILD PLACING AGENCY, THE DEPARTMENT, OR A COURT THAT
11 PLACES AN ADOPTEE UNDER THIS CHAPTER. THE FOLLOWING NONIDENTI-
12 FYING INFORMATION SHALL BE MAINTAINED, IF OBTAINABLE:

13 (A) DATE, TIME, AND PLACE OF BIRTH OF THE ADOPTEE INCLUDING
14 THE HOSPITAL, CITY, COUNTY, AND STATE.

15 (B) MEDICAL HISTORY OF THE ADOPTEE AND BIOLOGICAL PARENTS.

16 (C) ETHNICITY OF THE BIOLOGICAL PARENTS.

17 (D) STATUS OF TERMINATION--VOLUNTARY OR COURT ORDERED.

18 (E) RELIGIOUS BACKGROUND OF BIOLOGICAL PARENTS.

19 (F) AGE AND SEX OF SIBLINGS OF THE ADOPTEE KNOWN AT THE TIME
20 OF THE ADOPTION.

21 (G) EDUCATIONAL LEVEL OF BIOLOGICAL PARENTS.

22 (2) THE INFORMATION REQUIRED BY SUBSECTION (1) SHALL BE SUP-
23 PLEMENTED BY OTHER NONIDENTIFYING BACKGROUND INFORMATION THAT THE
24 CHILD PLACING AGENCY, DEPARTMENT, OR COURT CONSIDERS
25 APPROPRIATE.

1 (3) THE DEPARTMENT, A CHILD PLACING AGENCY, OR A COURT THAT
2 PLACES AN ADOPTEE UNDER THIS CHAPTER SHALL MAINTAIN ALL OF THE
3 FOLLOWING IDENTIFYING INFORMATION IF OBTAINABLE:

4 (A) NAME OF THE CHILD BEFORE PLACEMENT IN ADOPTION.

5 (B) NAMES OF BIOLOGICAL PARENTS AT THE TIME OF TERMINATION
6 OF PARENTAL RIGHTS.

7 (C) THE MOST RECENT NAMES AND ADDRESSES OF THE BIOLOGICAL
8 PARENTS.

9 (D) NAMES OF THE BIOLOGICAL SIBLINGS AT THE TIME OF
10 TERMINATION.

11 (4) THE COURT SHALL INFORM EACH BIOLOGICAL PARENT AT THE
12 TIME OF TERMINATION OF PARENTAL RIGHTS PURSUANT TO THIS CHAPTER
13 OR CHAPTER 96, THAT THE BIOLOGICAL PARENT MAY FILE A DENIAL OF
14 RELEASE OF THE IDENTIFYING INFORMATION SPECIFIED IN SUBSECTION
15 (3) WITH THE DEPARTMENT AT ANY TIME AND THAT THE DENIAL MAY BE
16 REVOKED AT ANY TIME. THE DEPARTMENT SHALL DEVELOP A FORM FOR
17 BIOLOGICAL PARENTS TO DENY OR REVOKE A DENIAL OF RELEASE OF IDEN-
18 TIFYING INFORMATION AND SHALL MAKE THE FORM AVAILABLE TO THE
19 COURT. THE COURT SHALL INFORM A BIOLOGICAL PARENT OF THE
20 PARENT'S RIGHT TO KEEP CURRENT HIS OR HER NAME AND ADDRESS BY
21 FILING A STATEMENT WITH THE DEPARTMENT ON A FORM PROVIDED BY THE
22 DEPARTMENT.

23 (5) THE DEPARTMENT SHALL KEEP ON FILE EACH STATEMENT CON-
24 CERNING A CHILD BELIEVED TO BE ADOPTED THAT IS SUBMITTED BY A
25 BIOLOGICAL PARENT OR ADULT BIOLOGICAL SIBLING CONSENTING TO OR
26 DENYING RELEASE OF IDENTIFYING INFORMATION, AND SHALL TRANSMIT
27 THAT STATEMENT TO THE PROPER CHILD PLACING AGENCY, DEPARTMENT, OR

1 COURT UPON REQUEST OF THE CHILD PLACING AGENCY, DEPARTMENT, OR
2 COURT. THE STATEMENT MAY BE RESCINDED AT ANY TIME BY THE BIOLOG-
3 ICAL PARENT OR ADULT BIOLOGICAL SIBLING. A STATEMENT MADE BY A
4 BIOLOGICAL PARENT OR ADULT BIOLOGICAL SIBLING CONSENTING TO THE
5 RELEASE OF IDENTIFYING INFORMATION SHALL INCLUDE THE CURRENT NAME
6 AND ADDRESS OF THE BIOLOGICAL PARENT OR ADULT BIOLOGICAL
7 SIBLING. ONCE A REQUEST FOR INFORMATION FROM THE FILE HAS BEEN
8 RECEIVED BY THE DEPARTMENT, A SUBSEQUENT STATEMENT SUBMITTED BY A
9 BIOLOGICAL PARENT OR ADULT BIOLOGICAL SIBLING CONSENTING TO THE
10 RELEASE OF IDENTIFYING INFORMATION OR REVOKING A PREVIOUS DENIAL
11 TO RELEASE OF IDENTIFYING INFORMATION, SHALL BE TRANSMITTED TO
12 THE REQUESTING CHILD PLACING AGENCY, DEPARTMENT, OR COURT UPON
13 RECEIPT.

14 (6) IF A CHILD PLACING AGENCY CEASES TO OPERATE, THE
15 AGENCY'S ADOPTION RECORDS SHALL BE FORWARDED TO THE DEPARTMENT.
16 A BRANCH OR ASSOCIATE AGENCY OF A CHILD PLACING AGENCY WHICH
17 CEASES TO OPERATE SHALL FORWARD ITS RECORDS TO THE CENTRAL AGENCY
18 OF THE BRANCH OR ASSOCIATE AGENCY.

19 (7) THIS SECTION ALSO APPLIES TO A STEPPARENT ADOPTION AND
20 TO THE ADOPTION OF A CHILD RELATED TO THE PETITIONER WITHIN THE
21 FOURTH DEGREE OF AFFINITY OR CONSANGUINITY.

22 (8) THE INFORMATION REQUIRED BY SUBSECTIONS (1) THROUGH (3)
23 SHALL BE MAINTAINED BY THE CHILD PLACING AGENCY, DEPARTMENT, OR
24 COURT. AN EMPLOYEE OR AGENT OF A CHILD PLACING AGENCY, THE
25 COURT, OR THE DEPARTMENT, WHO INTENTIONALLY DESTROYS INFORMATION
26 REQUIRED TO BE MAINTAINED UNDER THIS SECTION, IS GUILTY OF A
27 MISDEMEANOR.

1 SEC. 9408. (1) SUBJECT TO THIS SECTION AND SECTION 9409, A
2 RELEASE SHALL BE EXECUTED:

3 (A) BY EACH PARENT OF A CHILD TO BE ADOPTED OR THE SURVIVING
4 PARENT, EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

5 (i) THE RIGHTS OF THE PARENT HAVE BEEN TERMINATED BY A COURT
6 OF COMPETENT JURISDICTION.

7 (ii) A GUARDIAN OF THE CHILD HAS BEEN APPOINTED.

8 (iii) A GUARDIAN OF A PARENT HAS BEEN APPOINTED.

9 (B) BY THE DULY AUTHORIZED REPRESENTATIVE OF A CHILD PLACING
10 AGENCY TO WHOM THE CHILD HAS BEEN COMMITTED BY AN ORDER OF THE
11 COURT.

12 (C) BY THE DULY AUTHORIZED REPRESENTATIVE OF THE CHILD PLAC-
13 ING AGENCY TO WHOM THE CHILD HAS BEEN RELEASED.

14 (D) BY THE GUARDIAN OF THE CHILD, IF A GUARDIAN HAS BEEN
15 APPOINTED.

16 (E) BY THE GUARDIAN OF A PARENT.

17 (2) IF THE PARENT OF THE CHILD TO BE ADOPTED IS AN UNEMANCI-
18 PATED MINOR, THAT PARENT'S RELEASE IS NOT VALID UNLESS A PARENT,
19 GUARDIAN, OR GUARDIAN AD LITEM OF THAT MINOR PARENT HAS ALSO EXE-
20 CUTED THE RELEASE.

21 (3) THE GUARDIAN OF THE CHILD TO BE ADOPTED MAY NOT EXECUTE
22 A RELEASE OF THE CHILD PURSUANT TO SUBSECTION (1) UNLESS THE
23 GUARDIAN HAS FIRST OBTAINED AUTHORITY TO EXECUTE THE RELEASE FROM
24 THE COURT WHICH APPOINTED THE GUARDIAN.

25 (4) THE GUARDIAN OF A PARENT MAY NOT EXECUTE A RELEASE OF
26 THE PARENT'S CHILD PURSUANT TO SUBSECTION (1) UNLESS THE GUARDIAN
27 HAS FIRST OBTAINED AUTHORITY TO EXECUTE THE RELEASE FROM THE

1 COURT WHICH APPOINTED THE GUARDIAN. THE RELEASE SHALL HAVE THE
2 SAME EFFECT AS IF THE RELEASE WERE EXECUTED BY THE PARENT.

3 (5) A RELEASE SHALL BE GIVEN ONLY TO A CHILD PLACING AGENCY
4 OR TO THE DEPARTMENT.

5 (6) BEFORE THE DEPARTMENT ARRANGES A RELEASE FROM A PARENT
6 OR GUARDIAN, A REPRESENTATIVE OF THE DEPARTMENT SHALL ADVISE THE
7 PARENT OR GUARDIAN ABOUT CHILD PLACING AGENCIES SERVING THE
8 COUNTY AND, UPON THE PARENT'S OR GUARDIAN'S REQUEST, SHALL REFER
9 THE PARENT OR GUARDIAN TO A CHILD PLACING AGENCY. AFTER THE
10 RELEASE OF A CHILD BY A PARENT OR GUARDIAN TO THE DEPARTMENT, THE
11 DEPARTMENT SHALL ADVISE THE CHILD PLACING AGENCIES SERVING THE
12 COUNTY THAT THE CHILD IS AVAILABLE FOR ADOPTION.

13 (7) WHERE A CHILD WAS RELEASED FOR ADOPTION OR COMMITTED TO
14 A CHILD PLACING AGENCY, THAT AGENCY MAY RELEASE THAT CHILD TO THE
15 DEPARTMENT AND THE DEPARTMENT SHALL ACCEPT THE RELEASE.

16 (8) UPON RELEASE OF A CHILD TO THE DEPARTMENT PURSUANT TO
17 THIS SECTION, THE CHILD SHALL BECOME A STATE WARD.

18 (9) WHERE APPLICABLE UNDER THIS SECTION, PROOF OF THE TERMINI-
19 NATION OF PARENTAL RIGHTS, RELEASE OF PARENTAL RIGHTS, APPOINT-
20 MENT, AUTHORIZATION, OR COMMITMENT SHALL ACCOMPANY THE RELEASE.

21 SEC. 9409. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
22 TION, A RELEASE SHALL BE BY A SEPARATE INSTRUMENT EXECUTED BEFORE
23 A JUDGE OF THE COURT OR BEFORE A REFEREE OF THE COURT. IF A
24 PARENT'S OR GUARDIAN'S RELEASE IS EXECUTED BEFORE A JUDGE OR REF-
25 EREE AS PROVIDED IN THIS SUBSECTION, A VERBATIM RECORD OF TESTI-
26 MONY RELATED TO EXECUTION OF THE RELEASE SHALL BE MADE.

1 (2) IF THE PERSON FROM WHOM A RELEASE IS REQUIRED IS IN THE
2 ARMED SERVICES OR IS IN PRISON, THE RELEASE MAY BE EXECUTED AND
3 ACKNOWLEDGED BEFORE A PERSON AUTHORIZED BY LAW TO ADMINISTER
4 OATHS.

5 (3) IF THE RELEASE IS TO BE GIVEN BY A DULY AUTHORIZED REP-
6 RESENTATIVE OF A CHILD PLACING AGENCY WHICH HAS JURISDICTION OF
7 THE CHILD TO BE ADOPTED, THE RELEASE MAY BE EXECUTED AND ACKNOWL-
8 EDGED BEFORE A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS.

9 (4) IF THE RELEASE IS EXECUTED IN ANOTHER STATE OR COUNTRY,
10 THE COURT HAVING JURISDICTION OVER THE ADOPTION PROCEEDING IN
11 THIS STATE SHALL DETERMINE WHETHER THE RELEASE WAS EXECUTED IN
12 ACCORDANCE WITH THE LAWS OF THAT STATE OR COUNTRY AND SHALL NOT
13 PROCEED UNLESS IT FINDS THAT THE RELEASE WAS SO EXECUTED.

14 (5) A RELEASE BY A PARENT OR A GUARDIAN OF THE CHILD SHALL
15 NOT BE EXECUTED UNTIL AFTER SUCH INVESTIGATION AS THE COURT DEEMS
16 PROPER AND UNTIL AFTER THE JUDGE, REFEREE, OR OTHER PERSON AUTHO-
17 RIZED IN SUBSECTION (2) HAS FULLY EXPLAINED TO THE PARENT OR
18 GUARDIAN THE LEGAL RIGHTS OF THE PARENT OR GUARDIAN AND THE FACT
19 THAT THE PARENT OR GUARDIAN BY VIRTUE OF THE RELEASE VOLUNTARILY
20 RELINQUISHES PERMANENTLY HIS OR HER RIGHTS TO THE CHILD; AND, IF
21 THE CHILD IS OVER 5 YEARS OF AGE, THE COURT HAS DETERMINED THAT
22 THE CHILD IS BEST SERVED BY THE RELEASE.

23 (6) UPON THE RELEASE OF A CHILD BY A PARENT OR GUARDIAN, THE
24 COURT IMMEDIATELY SHALL ISSUE AN ORDER TERMINATING THE RIGHTS OF
25 THAT PARENT OR GUARDIAN TO THAT CHILD. IF THE RIGHTS OF BOTH
26 PARENTS, THE SURVIVING PARENT, OR THE GUARDIAN HAVE BEEN
27 TERMINATED, THE COURT SHALL ISSUE AN ORDER COMMITTING THE CHILD

1 TO THE CHILD PLACING AGENCY OR DEPARTMENT TO WHICH THE RELEASE
2 WAS GIVEN.

3 (7) THE COURT SHALL AUTHORIZE FOSTER CARE FUNDING PENDING
4 EXPIRATION OF THE PERIOD OF APPEAL OR REHEARING AS PROVIDED IN
5 SECTIONS 9443 AND 9445, AND PENDING DISPOSITION OF ANY APPEAL OR
6 REHEARING, FOR ALL PERSONS COMMITTED TO A CHILD PLACING AGENCY.
7 FOSTER CARE FUNDING AUTHORIZED UNDER THIS SUBSECTION SHALL
8 EXCLUDE THE ADMINISTRATIVE COSTS OF THE CHILD PLACING AGENCY.
9 THE COSTS OF FOSTER CARE SHALL BE PAID THROUGH THE USE OF THE
10 CHILD CARE FUND AS PROVIDED BY SECTION 117C OF THE SOCIAL WELFARE
11 ACT, ACT NO. 280 OF THE PUBLIC ACTS OF 1939, BEING SECTION
12 400.117C OF THE MICHIGAN COMPILED LAWS, OR BY ANY SUCCESSOR
13 STATUTE. WHEN FOSTER CARE FUNDING IS AUTHORIZED PURSUANT TO THIS
14 SUBSECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE
15 DEPARTMENT. UPON RECEIVING A COPY OF THIS ORDER, THE DEPARTMENT
16 SHALL REIMBURSE THE COURT CHILD CARE FUND OF THE COUNTY WHERE THE
17 COURT ORDER FOR FOSTER CARE FUNDING WAS MADE IN THE TOTAL AMOUNT
18 OF THE COURT ORDERED PAYMENT. THE REIMBURSEMENT SHALL BE MADE
19 MONTHLY.

20 (8) ENTRY OF AN ORDER TERMINATING THE RIGHTS OF BOTH PARENTS
21 PURSUANT TO SUBSECTION (6) SHALL TERMINATE THE JURISDICTION OF
22 THE DOMESTIC RELATIONS COURT OVER THE CHILD IN ANY DIVORCE OR
23 SEPARATE MAINTENANCE ACTION.

24 (9) UPON PETITION OF THE SAME PERSON OR PERSONS WHO EXECUTED
25 THE RELEASE AND OF THE DEPARTMENT OR CHILD PLACING AGENCY TO
26 WHICH THE CHILD WAS RELEASED, THE COURT WITH WHICH THE RELEASE
27 WAS FILED MAY GRANT A HEARING TO CONSIDER WHETHER THE RELEASE

1 SHOULD BE REVOKED. A RELEASE MAY NOT BE REVOKED IF THE CHILD HAS
2 BEEN PLACED FOR ADOPTION UNLESS THE CHILD IS PLACED PURSUANT TO
3 SECTION 9421(2) AND A PETITION FOR REHEARING OR CLAIM OF APPEAL
4 IS FILED WITHIN THE TIME REQUIRED. A VERBATIM RECORD OF TESTI-
5 MONY RELATED TO A PETITION TO REVOKE A RELEASE SHALL BE MADE.

6 SEC. 9411. (1) IF A CHILD IS BORN OUT OF WEDLOCK AND THE
7 RELEASE OR CONSENT OF THE NATURAL FATHER CANNOT BE OBTAINED, THE
8 CHILD SHALL NOT BE PLACED FOR ADOPTION UNTIL THE PARENTAL RIGHTS
9 OF THE FATHER ARE TERMINATED BY THE COURT AS PROVIDED IN
10 SECTION 9417 OR 9419, BY THE COURT PURSUANT TO CHAPTER 96, OR BY
11 A COURT OF COMPETENT JURISDICTION IN ANOTHER STATE OR COUNTRY.

12 (2) PENDING THE TERMINATION OR OTHER DISPOSITION OF THE
13 RIGHTS OF THE FATHER OF A CHILD BORN OUT OF WEDLOCK, THE MOTHER
14 MAY EXECUTE A RELEASE TERMINATING HER RIGHTS TO THE CHILD. IF
15 THE MOTHER RELEASES THE CHILD, THE CHILD PLACING AGENCY OR
16 DEPARTMENT TO WHICH THE CHILD IS RELEASED MAY FILE A PETITION OF
17 DEPENDENCY OR NEGLECT PURSUANT TO CHAPTER 96. PENDING DISPOSI-
18 TION OF THE DEPENDENCY OR NEGLECT PETITION, THE COURT MAY ENTER
19 AN ORDER AUTHORIZING TEMPORARY CARE OF THE CHILD.

20 (3) AT THE REQUEST OF THE MOTHER, HER FORMAL EXECUTION OF A
21 RELEASE OR CONSENT SHALL BE DELAYED UNTIL AFTER COURT DETERMINA-
22 TION OF THE STATUS OF THE PUTATIVE FATHER'S REQUEST FOR CUSTODY
23 OF THE CHILD.

24 SEC. 9413. (1) BEFORE THE BIRTH OF A CHILD BORN OUT OF WED-
25 LOCK, A PERSON CLAIMING UNDER OATH TO BE THE FATHER OF THE CHILD
26 MAY FILE A VERIFIED NOTICE OF INTENT TO CLAIM PATERNITY WITH THE
27 COURT IN ANY COUNTY OF THIS STATE. THE FORM OF THE NOTICE SHALL

1 BE PRESCRIBED BY THE DIRECTOR OF PUBLIC HEALTH AND PROVIDED TO
2 THE COURT. THE NOTICE SHALL INCLUDE THE CLAIMANT'S ADDRESS. ON
3 THE NEXT BUSINESS DAY AFTER RECEIPT OF THE NOTICE THE COURT SHALL
4 TRANSMIT THE NOTICE TO THE VITAL RECORDS DIVISION OF THE DEPART-
5 MENT OF PUBLIC HEALTH. IF THE MOTHER'S ADDRESS IS STATED ON THE
6 NOTICE, THE VITAL RECORDS DIVISION SHALL SEND A COPY OF THE
7 NOTICE BY FIRST-CLASS MAIL TO THE MOTHER OF THE CHILD AT THE
8 STATED ADDRESS.

9 (2) A PERSON FILING A NOTICE OF INTENT TO CLAIM PATERNITY
10 SHALL BE PRESUMED TO BE THE FATHER OF THE CHILD FOR PURPOSES OF
11 THIS CHAPTER UNLESS THE MOTHER DENIES THAT THE CLAIMANT IS THE
12 FATHER. THE NOTICE IS ADMISSIBLE IN A PATERNITY PROCEEDING UNDER
13 THE PATERNITY ACT, ACT NO. 205 OF THE PUBLIC ACTS OF 1956, BEING
14 SECTIONS 722.711 TO 722.730 OF THE MICHIGAN COMPILED LAWS, AND
15 SHALL CREATE A REBUTTABLE PRESUMPTION AS TO THE PATERNITY OF THAT
16 CHILD FOR PURPOSES OF THAT ACT. THE NOTICE SHALL CREATE A REBUT-
17 TABLE PRESUMPTION AS TO PATERNITY OF THE CHILD FOR PURPOSES OF
18 DEPENDENCY OR NEGLECT PROCEEDINGS UNDER CHAPTER 96.

19 (3) A PERSON WHO TIMELY FILES A NOTICE OF INTENT TO CLAIM
20 PATERNITY SHALL BE ENTITLED TO NOTICE OF EACH HEARING INVOLVING
21 THAT CHILD TO DETERMINE THE IDENTITY OF THE FATHER OF THE CHILD
22 AND EACH HEARING TO DETERMINE OR TERMINATE HIS PATERNAL RIGHTS TO
23 THE CHILD.

24 SEC. 9414. (1) IN ORDER TO PROVIDE DUE NOTICE AT THE EARLI-
25 EST POSSIBLE TIME TO A PUTATIVE FATHER WHO MAY HAVE AN INTEREST
26 IN THE CUSTODY OF AN EXPECTED CHILD OR IN THE MOTHER'S INTENDED
27 RELEASE OF AN EXPECTED CHILD FOR ADOPTION OR CONSENT TO ADOPTION

1 OF THE EXPECTED CHILD, AND IN ORDER TO FACILITATE EARLY PLACEMENT
2 OF A CHILD FOR ADOPTION, A WOMAN PREGNANT OUT OF WEDLOCK MAY FILE
3 WITH THE COURT AN EX PARTE PETITION WHICH EVIDENCES HER INTENT TO
4 RELEASE HER EXPECTED CHILD FOR ADOPTION OR TO CONSENT TO THE
5 CHILD'S ADOPTION, WHICH INDICATES THE APPROXIMATE DATE AND LOCA-
6 TION OF CONCEPTION AND THE APPROXIMATE DATE OF THE EXPECTED
7 CHILD'S BIRTH, WHICH ALLEGES THAT A PARTICULAR PERSON IS THE
8 PUTATIVE FATHER OF HER EXPECTED CHILD, AND WHICH REQUESTS THE
9 COURT TO NOTIFY THE PUTATIVE FATHER ABOUT HIS RIGHTS TO FILE A
10 NOTICE OF INTENT TO CLAIM PATERNITY PURSUANT TO SECTION 9413..
11 THE PETITION MAY ALLEGE MORE THAN 1 PUTATIVE FATHER IF CIRCUM-
12 STANCES WARRANT. THE PETITION SHALL BE VERIFIED. UPON THE
13 FILING OF THE PETITION, THE COURT SHALL ISSUE A NOTICE OF INTENT
14 TO RELEASE OR CONSENT, WHICH NOTICE SHALL BE SERVED UPON THE
15 PUTATIVE FATHER BY AN OFFICER OF THE COURT OR PERSON AUTHORIZED
16 TO SERVE PROCESS FOR THE COURT. PROOF OF SERVICE SHALL BE FILED
17 WITH THE COURT.

18 (2) A NOTICE OF INTENT TO RELEASE OR CONSENT SHALL:

19 (A) INDICATE THE APPROXIMATE DATE AND LOCATION OF CONCEPTION
20 OF THE CHILD AND THE APPROXIMATE DATE OF THE EXPECTED CHILD'S
21 BIRTH.

22 (B) INFORM THE PUTATIVE FATHER OF HIS RIGHT UNDER
23 SECTION 9413(1) TO FILE A NOTICE OF INTENT TO CLAIM PATERNITY
24 BEFORE THE BIRTH OF THE CHILD.

25 (C) INFORM THE PUTATIVE FATHER OF THE RIGHTS TO WHICH HIS
26 FILING OF A NOTICE OF INTENT TO CLAIM PATERNITY WILL ENTITLE HIM
27 UNDER SECTION 9413(3).

1 (D) INFORM THE PUTATIVE FATHER THAT HIS FAILURE TO FILE A
2 NOTICE OF INTENT TO CLAIM PATERNITY BEFORE THE EXPECTED DATE OF
3 THE CHILD'S BIRTH OR BEFORE THE BIRTH OF THE CHILD, WHICHEVER IS
4 LATER, SHALL CONSTITUTE A WAIVER OF HIS RIGHT TO RECEIVE THE
5 NOTICE TO WHICH HE WOULD OTHERWISE BE ENTITLED UNDER
6 SECTION 9413(3) AND SHALL CONSTITUTE A DENIAL OF HIS INTEREST IN
7 CUSTODY OF THE CHILD, WHICH DENIAL SHALL RESULT IN THE COURT'S
8 TERMINATION OF HIS RIGHTS TO THE CHILD.

9 (3) THE FORM OF THE NOTICE OF INTENT TO RELEASE OR CONSENT
10 SHALL BE APPROVED BY THE SUPREME COURT ADMINISTER AND SHALL BE
11 CONSISTENT WITH THIS SECTION.

12 SEC. 9416. (1) IF A CHILD IS CLAIMED TO BE BORN OUT OF WED-
13 LOCK AND THE MOTHER EXECUTES OR PROPOSES TO EXECUTE A RELEASE OR
14 CONSENT RELINQUISHING HER RIGHTS TO THE CHILD OR JOINS IN A PETI-
15 TION FOR ADOPTION FILED BY HER HUSBAND, AND THE RELEASE OR CON-
16 SENT OF THE NATURAL FATHER CANNOT BE OBTAINED, THE COURT SHALL
17 HOLD A HEARING AS SOON AS PRACTICAL TO DETERMINE WHETHER THE
18 CHILD WAS BORN OUT OF WEDLOCK, TO DETERMINE THE IDENTITY OF THE
19 FATHER, AND TO DETERMINE OR TERMINATE THE RIGHTS OF THE FATHER AS
20 PROVIDED IN THIS SECTION AND SECTIONS 9417 AND 9419.

21 (2) PROOF OF SERVICE OF A NOTICE OF INTENT TO RELEASE OR
22 CONSENT OR THE PUTATIVE FATHER'S VERIFIED ACKNOWLEDGMENT OF
23 NOTICE OF INTENT TO RELEASE OR CONSENT SHALL BE FILED WITH THE
24 COURT, IF THE NOTICE WAS GIVEN TO THE PUTATIVE FATHER. THE COURT
25 SHALL REQUEST THE VITAL RECORDS DIVISION OF THE DEPARTMENT OF
26 PUBLIC HEALTH TO SEND TO THE COURT A COPY OF ANY NOTICE OF INTENT

1 TO CLAIM PATERNITY OF THE PARTICULAR CHILD WHICH THE DIVISION HAS
2 RECEIVED.

3 (3) NOTICE OF THE HEARING SHALL BE SERVED UPON THE
4 FOLLOWING:

5 (A) A PUTATIVE FATHER WHO HAS TIMELY FILED A NOTICE OF
6 INTENT TO CLAIM PATERNITY AS PROVIDED IN SECTION 9413 OR 9414.

7 (B) A PUTATIVE FATHER WHO WAS NOT SERVED A NOTICE OF INTENT
8 TO RELEASE OR CONSENT AT LEAST 30 DAYS BEFORE THE EXPECTED DATE
9 OF CONFINEMENT SPECIFIED IN THE NOTICE OF INTENT TO RELEASE OR
10 CONSENT.

11 (C) ANY OTHER MALE WHO WAS NOT SERVED PURSUANT TO SECTION
12 9414(1) WITH A NOTICE OF INTENT TO RELEASE OR CONSENT AND WHO THE
13 COURT HAS REASON TO BELIEVE MAY BE THE FATHER OF THE CHILD.

14 (4) THE NOTICE OF HEARING SHALL INFORM THE PUTATIVE FATHER
15 THAT HIS FAILURE TO APPEAR AT THE HEARING SHALL CONSTITUTE A
16 DENIAL OF HIS INTEREST IN CUSTODY OF THE CHILD, WHICH DENIAL
17 SHALL RESULT IN THE COURT'S TERMINATION OF HIS RIGHTS TO THE
18 CHILD.

19 (5) PROOF OF SERVICE OF THE NOTICE OF HEARING REQUIRED BY
20 SUBSECTION (3) SHALL BE FILED WITH THE COURT. A VERIFIED
21 ACKNOWLEDGMENT OF SERVICE BY THE PARTY TO BE SERVED IS PROOF OF
22 PERSONAL SERVICE. NOTICE OF THE HEARING SHALL NOT BE REQUIRED IF
23 THE PUTATIVE FATHER IS PRESENT AT THE HEARING. A WAIVER OF
24 NOTICE OF HEARING BY A PERSON ENTITLED TO RECEIVE IT IS
25 SUFFICIENT.

26 (6) THE COURT SHALL RECEIVE EVIDENCE AS TO THE IDENTITY OF
27 THE FATHER OF THE CHILD. BASED UPON THE EVIDENCE RECEIVED, THE

1 COURT SHALL ENTER A FINDING IDENTIFYING THE FATHER OR DECLARING
2 THAT THE IDENTITY OF THE FATHER CANNOT BE DETERMINED.

3 (7) IF THE COURT FINDS THAT THE FATHER OF THE CHILD IS A
4 PERSON WHO DID NOT RECEIVE EITHER A TIMELY NOTICE OF INTENT TO
5 RELEASE OR CONSENT PURSUANT TO SECTION 9414(1) OR A NOTICE
6 REQUIRED PURSUANT TO SUBSECTION (3), AND WHO HAS NEITHER WAIVED
7 HIS RIGHT TO NOTICE OF HEARING NOR IS PRESENT AT THE HEARING, THE
8 COURT SHALL ADJOURN FURTHER PROCEEDINGS UNTIL THAT PERSON IS
9 SERVED WITH A NOTICE OF HEARING.

10 SEC. 9417. (1) IF THE COURT HAS PROOF THAT THE PERSON WHOM
11 IT DETERMINES PURSUANT TO SECTION 9416 TO BE THE FATHER OF THE
12 CHILD WAS TIMELY SERVED WITH A NOTICE OF INTENT TO RELEASE OR
13 CONSENT PURSUANT TO SECTION 9414(1) OR WAS SERVED WITH OR WAIVED
14 THE NOTICE OF HEARING REQUIRED BY SECTION 9416(3), THE COURT MAY
15 PERMANENTLY TERMINATE THE RIGHTS OF THE PUTATIVE FATHER UNDER ANY
16 OF THE FOLLOWING CIRCUMSTANCES:

17 (A) THE PUTATIVE FATHER SUBMITS A VERIFIED AFFIRMATION OF
18 HIS PATERNITY AND A DENIAL OF HIS INTEREST IN CUSTODY OF THE
19 CHILD.

20 (B) THE PUTATIVE FATHER FILES A DISCLAIMER OF PATERNITY.
21 FOR PURPOSES OF THIS SECTION THE FILING OF THE DISCLAIMER OF
22 PATERNITY SHALL CONSTITUTE A WAIVER OF NOTICE OF HEARING AND
23 SHALL CONSTITUTE A DENIAL OF HIS INTEREST IN CUSTODY OF THE
24 CHILD.

25 (C) THE PUTATIVE FATHER WAS SERVED WITH A NOTICE OF INTENT
26 TO RELEASE OR CONSENT PURSUANT TO SECTION 9414(1) NOT LESS THAN
27 30 DAYS BEFORE THE EXPECTED DATE OF THE CHILD'S BIRTH AS

1 SPECIFIED IN THAT NOTICE BUT FAILED TO FILE AN INTENT TO CLAIM
2 PATERNITY EITHER BEFORE THE EXPECTED DATE OF THE CHILD'S BIRTH OR
3 BEFORE THE BIRTH OF THE CHILD.

4 (D) THE PUTATIVE FATHER IS GIVEN PROPER NOTICE OF HEARING
5 PURSUANT TO SECTION 9416(3) OR (5) BUT EITHER FAILS TO APPEAR AT
6 THE HEARING OR APPEARS AND DENIES HIS INTEREST IN CUSTODY OF THE
7 CHILD.

8 (2) IF THE IDENTITY OF THE FATHER CANNOT BE DETERMINED, OR
9 IF THE IDENTITY OF THE FATHER IS KNOWN BUT HIS WHEREABOUTS CANNOT
10 BE DETERMINED, THE COURT SHALL TAKE EVIDENCE TO DETERMINE THE
11 FACTS IN THE MATTER. THE COURT MAY TERMINATE THE RIGHTS OF THE
12 PUTATIVE FATHER IF THE COURT FINDS FROM THE EVIDENCE THAT REASON-
13 ABLE EFFORT HAS BEEN MADE TO IDENTIFY AND LOCATE THE FATHER AND
14 THAT ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

15 (A) THE PUTATIVE FATHER, WHOSE IDENTITY IS NOT KNOWN, HAS
16 NOT MADE PROVISION FOR THE CHILD'S CARE AND DID NOT PROVIDE SUP-
17 PORT FOR THE MOTHER DURING HER PREGNANCY OR AT THE TIME OF THE
18 CHILD'S BIRTH.

19 (B) THE PUTATIVE FATHER, WHOSE IDENTITY IS KNOWN BUT WHOSE
20 WHEREABOUTS ARE UNKNOWN, HAS NOT PROVIDED SUPPORT FOR THE MOTHER,
21 HAS NOT SHOWN ANY INTEREST IN THE CHILD, AND HAS NOT MADE PROVI-
22 SION FOR THE CHILD'S CARE, FOR NOT LESS THAN 90 DAYS PRECEDING
23 THE HEARING REQUIRED UNDER SECTION 9416.

24 SEC. 9419. (1) IF THE PUTATIVE FATHER DOES NOT COME WITHIN
25 THE PROVISIONS OF SUBSECTION (2), AND IF THE PUTATIVE FATHER
26 APPEARS AT THE HEARING AND REQUESTS CUSTODY OF THE CHILD, THE
27 COURT SHALL INQUIRE INTO HIS FITNESS AND HIS ABILITY TO PROPERLY

1 CARE FOR THE CHILD AND SHALL DETERMINE WHETHER THE BEST INTERESTS
2 OF THE CHILD WILL BE SERVED BY GRANTING CUSTODY TO HIM. IF THE
3 COURT FINDS THAT IT WOULD NOT BE IN THE BEST INTEREST OF THE
4 CHILD TO GRANT CUSTODY TO THE PUTATIVE FATHER, THE COURT SHALL
5 TERMINATE HIS RIGHTS TO THE CHILD.

6 (2) IF THE PUTATIVE FATHER HAS ESTABLISHED A CUSTODIAL RELA-
7 TIONSHIP WITH THE CHILD OR HAS PROVIDED SUPPORT OR CARE FOR THE
8 MOTHER DURING PREGNANCY OR FOR EITHER MOTHER OR CHILD AFTER THE
9 CHILD'S BIRTH DURING THE 90 DAYS BEFORE NOTICE OF THE HEARING WAS
10 SERVED UPON HIM, THE RIGHTS OF THE PUTATIVE FATHER SHALL NOT BE
11 TERMINATED EXCEPT BY PROCEEDINGS IN ACCORDANCE WITH SECTION
12 9431(6) OR CHAPTER 96.

13 (3) IF THE PARENTAL RIGHTS OF THE MOTHER ARE TERMINATED PUR-
14 SUANT TO THIS CHAPTER OR OTHER LAW AND IF THE COURT AWARDS CUS-
15 TODY OF A CHILD OUT OF WEDLOCK TO THE PUTATIVE FATHER, THE COURT
16 SHALL ENTER AN ORDER GRANTING CUSTODY TO THE PUTATIVE FATHER AND
17 LEGITIMATING THE CHILD FOR ALL PURPOSES. THE COURT SHALL RECORD
18 THE LEGITIMATION.

19 SEC. 9421. (1) A CHILD SHALL NOT BE PLACED IN A HOME FOR
20 THE PURPOSE OF ADOPTION UNTIL AN ORDER TERMINATING PARENTAL
21 RIGHTS HAS BEEN ENTERED. AFTER AN ORDER TERMINATING PARENTAL
22 RIGHTS HAS BEEN ENTERED, THE COURT SHALL ENTER ANY APPROPRIATE
23 ORDERS PURSUANT TO SECTIONS 9425, 9426, AND 9431. SUCH ORDERS
24 SHALL NOT BE WITHHELD BECAUSE THE PERIOD SPECIFIED FOR A REHEAR-
25 ING OR AN APPEAL AS OF RIGHT HAS NOT EXPIRED, OR BECAUSE OF THE
26 PENDENCY OF ANY REHEARING OR APPEAL AS OF RIGHT.

1 (2) IF AN ORDER TERMINATING PARENTAL RIGHTS IS ENTERED, THE
2 CHILD MAY BE PLACED IN A HOME FOR THE PURPOSE OF ADOPTION DURING
3 THE PERIOD SPECIFIED FOR A REHEARING OR AN APPEAL AS OF RIGHT AND
4 THE PERIOD DURING WHICH A REHEARING OR APPEAL AS OF RIGHT IS
5 PENDING. WHEN A CHILD PLACING AGENCY, THE COURT, OR THE DEPART-
6 MENT PLACES A CHILD PURSUANT TO THIS SUBSECTION, IT SHALL INFORM
7 THE PERSON OR PERSONS IN WHOSE HOME THE CHILD IS PLACED THAT AN
8 ADOPTION WILL NOT BE ORDERED UNTIL 1 OF THE FOLLOWING OCCURS:

9 (A) THE PETITION FOR REHEARING IS GRANTED, AT THE REHEARING
10 THE ORDER TERMINATING PARENTAL RIGHTS IS NOT MODIFIED OR SET
11 ASIDE, AND SUBSEQUENTLY THE PERIOD FOR APPEAL AS OF RIGHT TO THE
12 COURT OF APPEALS HAS EXPIRED WITHOUT AN APPEAL BEING FILED.

13 (B) THE PETITION FOR REHEARING IS DENIED AND THE PERIOD FOR
14 APPEAL AS OF RIGHT TO THE COURT OF APPEALS HAS EXPIRED WITHOUT AN
15 APPEAL BEING FILED.

16 (C) THERE IS A DECISION OF THE COURT OF APPEALS AFFIRMING
17 THE ORDER TERMINATING PARENTAL RIGHTS.

18 (3) THIS SECTION SHALL NOT BE CONSTRUED TO PREVENT A CHILD
19 PLACED IN A LICENSED FOSTER HOME FROM BEING ADOPTED BY THE FOSTER
20 PARENT OR PARENTS.

21 (4) THIS SECTION SHALL NOT APPLY IF THE PETITIONER FOR ADOP-
22 TION IS MARRIED TO A PARENT HAVING LEGAL CUSTODY OF THE CHILD.

23 SEC. 9423. (1) SUBJECT TO THIS SECTION AND SECTIONS 9424
24 AND 9431, CONSENT TO ADOPTION OF A CHILD SHALL BE EXECUTED:

25 (A) BY EACH PARENT OF A CHILD TO BE ADOPTED OR THE SURVIVING
26 PARENT, EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

1 (i) THE RIGHTS OF THE PARENT HAVE BEEN TERMINATED BY A COURT
2 OF COMPETENT JURISDICTION.

3 (ii) THE CHILD HAS BEEN RELEASED FOR THE PURPOSE OF ADOPTION
4 TO A CHILD PLACING AGENCY OR TO THE DEPARTMENT.

5 (iii) A GUARDIAN OF THE CHILD HAS BEEN APPOINTED.

6 (iv) A GUARDIAN OF A PARENT HAS BEEN APPOINTED.

7 (v) THE CHILD IS NOT RELATED TO THE PETITIONER WITHIN THE
8 FOURTH DEGREE OF AFFINITY OR CONSANGUINITY.

9 (vi) A PARENT HAVING LEGAL CUSTODY OF THE CHILD IS MARRIED
10 TO THE PETITIONER.

11 (B) BY THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR OF
12 A CHILD PLACING AGENCY TO WHOM THE CHILD HAS BEEN PERMANENTLY
13 COMMITTED BY AN ORDER OF THE COURT.

14 (C) BY THE COURT HAVING PERMANENT CUSTODY OF THE CHILD.

15 (D) BY THE AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OR OF
16 A CHILD PLACING AGENCY TO WHOM THE CHILD HAS BEEN RELEASED.

17 (E) BY THE GUARDIAN OF THE CHILD, IF A GUARDIAN HAS BEEN
18 APPOINTED.

19 (F) BY THE GUARDIAN OF A PARENT.

20 (G) BY THE AUTHORIZED REPRESENTATIVE OF A CHILD PLACING
21 AGENCY OF ANOTHER STATE OR COUNTRY WHICH HAS AUTHORITY TO CONSENT
22 TO ADOPTION.

23 (2) IF THE CHILD TO BE ADOPTED IS OVER 14 YEARS OF AGE, THAT
24 CHILD'S CONSENT SHALL BE NECESSARY BEFORE THE COURT MAY ENTER AN
25 ORDER OF ADOPTION.

1 (3) IF THE PERSON TO BE ADOPTED IS AN ADULT, THAT PERSON'S
2 CONSENT SHALL BE NECESSARY BEFORE THE COURT MAY ENTER AN ORDER OF
3 ADOPTION, BUT CONSENT BY ANY OTHER PERSON IS NOT REQUIRED.

4 (4) IF THE PARENT OF THE CHILD TO BE ADOPTED IS AN UNEMANCI-
5 PATED MINOR, THAT PARENT'S CONSENT IS NOT VALID UNLESS A PARENT,
6 GUARDIAN, OR GUARDIAN AD LITEM OF THAT MINOR PARENT HAS ALSO EXE-
7 CUTED THE CONSENT.

8 (5) THE GUARDIAN OF THE CHILD TO BE ADOPTED SHALL NOT EXE-
9 CUTE A CONSENT TO THAT CHILD'S ADOPTION PURSUANT TO SUBSECTION
10 (1) UNLESS THE GUARDIAN HAS FIRST OBTAINED AUTHORITY TO EXECUTE
11 THE CONSENT FROM THE COURT WHICH APPOINTED THE GUARDIAN.

12 (6) THE GUARDIAN OF A PARENT SHALL NOT EXECUTE A CONSENT TO
13 THE ADOPTION OF THE PARENT'S CHILD PURSUANT TO SUBSECTION (1)
14 UNLESS THE GUARDIAN HAS FIRST OBTAINED AUTHORITY TO EXECUTE THE
15 CONSENT FROM THE COURT WHICH APPOINTED THE GUARDIAN. THE CONSENT
16 SHALL HAVE THE SAME EFFECT AS IF THE CONSENT WERE EXECUTED BY THE
17 PARENT.

18 (7) THE PARENT OF A CHILD SHALL NOT EXECUTE A CONSENT UNLESS
19 THE PETITIONER IS RELATED TO THE CHILD WITHIN THE FOURTH DEGREE
20 OF AFFINITY OR CONSANGUINITY.

21 (8) IF THE PETITIONER FOR ADOPTION IS MARRIED TO THE PARENT
22 HAVING LEGAL CUSTODY OF THE CHILD AND THAT PARENT HAS JOINED THE
23 PETITIONER IN FILING THE PETITION FOR ADOPTION, THAT PARENT SHALL
24 NOT EXECUTE A CONSENT TO THE ADOPTION. THE CONSENT OF THE PARENT
25 WHO DOES NOT HAVE LEGAL CUSTODY OF THE CHILD AND WHOSE PARENTAL
26 RIGHTS HAVE NOT BEEN TERMINATED SHALL BE EXECUTED BEFORE THE
27 COURT MAY ENTER AN ORDER OF ADOPTION UNDER SECTION 9435.

1 SEC. 9424. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SECTION, THE CONSENT REQUIRED BY SECTION 9423 SHALL BE BY A SEPA-
3 RATE INSTRUMENT EXECUTED BEFORE THE COURT HAVING JURISDICTION OR,
4 AT THE COURT'S DIRECTION, BEFORE ANOTHER COURT IN THIS STATE. A
5 CONSENT MAY BE EXECUTED BEFORE A REFEREE OF THE COURT. IF THE
6 CONSENT OF A PARENT OR GUARDIAN IS EXECUTED BEFORE A JUDGE OR
7 REFEREE AS PROVIDED IN THIS SUBSECTION, A VERBATIM RECORD OF TES-
8 TIMONY RELATED TO EXECUTION OF THE CONSENT SHALL BE MADE.

9 (2) IF THE PERSON WHOSE CONSENT IS REQUIRED IS IN ANY OF THE
10 ARMED SERVICES OR IS IN PRISON, THE CONSENT MAY BE EXECUTED AND
11 ACKNOWLEDGED BEFORE ANY PERSON AUTHORIZED BY LAW TO ADMINISTER
12 OATHS.

13 (3) IF THE CHILD TO BE ADOPTED IS LEGALLY A WARD OF THE
14 DEPARTMENT OR OF A CHILD PLACING AGENCY, THE CONSENT REQUIRED TO
15 BE MADE UNDER SECTION 9423 BY THE DULY AUTHORIZED REPRESENTATIVE
16 OF THE DEPARTMENT OR AGENCY MAY BE EXECUTED AND ACKNOWLEDGED
17 BEFORE A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS.

18 (4) IF THE CONSENT IS EXECUTED IN ANOTHER STATE OR COUNTRY,
19 THE COURT HAVING JURISDICTION OVER THE ADOPTION PROCEEDING IN
20 THIS STATE SHALL DETERMINE WHETHER THE CONSENT WAS EXECUTED IN
21 ACCORDANCE WITH THE LAWS OF THAT STATE OR COUNTRY AND SHALL NOT
22 PROCEED UNLESS IT FINDS THAT THE CONSENT WAS SO EXECUTED.

23 (5) IF A PARENT'S CONSENT TO ADOPTION IS REQUIRED UNDER SEC-
24 TION 9423 OR IF A GUARDIAN'S CONSENT IS REQUIRED PURSUANT TO SEC-
25 TION 9423(1)(E), THE CONSENT SHALL NOT BE EXECUTED UNTIL AFTER
26 SUCH INVESTIGATION AS THE COURT DEEMS PROPER AND UNTIL AFTER THE
27 JUDGE OR OTHER PERSON AUTHORIZED IN SUBSECTION (2) HAS FULLY

1 EXPLAINED TO THE PARENT OR GUARDIAN THE LEGAL RIGHTS OF THE
2 PARENT OR GUARDIAN AND THE FACT THAT THE PARENT OR GUARDIAN BY
3 VIRTUE OF THE CONSENT VOLUNTARILY RELINQUISHES PERMANENTLY HIS OR
4 HER RIGHTS TO THE CHILD.

5 (6) IF THE ADOPTEE'S CONSENT TO ADOPTION IS REQUIRED UNDER
6 SECTION 9423, THE CONSENT SHALL NOT BE EXECUTED UNTIL AFTER SUCH
7 INVESTIGATION AS THE COURT DEEMS PROPER AND UNTIL AFTER THE JUDGE
8 HAS FULLY EXPLAINED TO THE ADOPTEE THE FACT THAT HE OR SHE IS
9 CONSENTING TO ACQUIRE PERMANENTLY THE ADOPTING PARENT OR PARENTS
10 AS HIS OR HER LEGAL PARENT OR PARENTS AS THOUGH THE ADOPTEE HAD
11 BEEN BORN TO THE ADOPTING PARENT OR PARENTS.

12 SEC. 9425. (1) IF A REPRESENTATIVE OR COURT WHOSE CONSENT
13 IS REQUIRED UNDER SECTION 9423(1)(B) TO (D) HAS NOT EXECUTED A
14 CONSENT WITHIN A REASONABLE PERIOD OF TIME, A PERSON WHO HAS
15 FILED A PETITION TO ADOPT MAY FILE A MOTION WITH THE COURT TO
16 DETERMINE WHETHER THE WITHHOLDING OF CONSENT IS ARBITRARY AND
17 CAPRICIOUS.

18 (2) IF AT A HEARING, THE COURT FINDS CLEAR AND CONVINCING
19 EVIDENCE THAT A CONSENT REQUIRED UNDER SECTION 9423(1)(B) TO (D)
20 IS BEING ARBITRARILY AND CAPRICIOUSLY WITHHELD, THE COURT MAY
21 TERMINATE THE RIGHTS OF THAT REPRESENTATIVE OR COURT, AND ENTER A
22 FINAL ORDER OF ADOPTION IN ACCORDANCE WITH THIS CHAPTER.

23 SEC. 9426. (1) IN AN ADOPTION PROCEEDING, THE COURT SHALL
24 DIRECT A FULL INVESTIGATION BY AN EMPLOYEE OR AGENT OF THE COURT,
25 A CHILD PLACING AGENCY, OR THE DEPARTMENT. THE FOLLOWING SHALL
26 BE CONSIDERED IN THE INVESTIGATION:

1 (A) THE BEST INTERESTS OF THE ADOPTEE.

2 (B) THE ADOPTEE'S FAMILY BACKGROUND, INCLUDING NAMES AND
3 IDENTIFYING DATA REGARDING THE PARENT OR PARENTS, IF OBTAINABLE.

4 (C) THE REASONS FOR THE ADOPTEE'S PLACEMENT AWAY FROM HIS OR
5 HER PARENT OR PARENTS.

6 (2) A WRITTEN REPORT OF THE INVESTIGATION SHALL BE FILED
7 WITHIN 3 MONTHS OF THE ORDER FOR INVESTIGATION.

8 SEC. 9431. (1) NOT LATER THAN 14 DAYS AFTER RECEIPT OF THE
9 REPORT OF INVESTIGATION, EXCEPT AS PROVIDED IN SUBSECTIONS (2)
10 AND (5), THE COURT SHALL EXAMINE THE REPORT AND SHALL ENTER AN
11 ORDER TERMINATING THE RIGHTS OF THE CHILD'S PARENT OR PARENTS, IF
12 THERE WAS A PARENTAL CONSENT, OR THE RIGHTS OF ANY PERSON IN LOCO
13 PARENTIS, IF THERE WAS A CONSENT BY OTHER THAN PARENTS, IF THE
14 JUDGE IS SATISFIED AS TO BOTH OF THE FOLLOWING:

15 (A) THE GENUINENESS OF CONSENT TO THE ADOPTION AND THE LEGAL
16 AUTHORITY OF THE PERSON OR PERSONS SIGNING THE CONSENT.

17 (B) THE BEST INTERESTS OF THE ADOPTEE WILL BE SERVED BY THE
18 ADOPTION.

19 (2) IF IT IS NECESSARY TO HOLD A HEARING BEFORE ENTERING AN
20 ORDER TERMINATING THE RIGHTS OF A PARENT, PARENTS, OR A PERSON IN
21 LOCO PARENTIS, OR IF OTHER GOOD CAUSE IS SHOWN, THE TIME SPECI-
22 FIED IN SUBSECTION (1) SHALL BE EXTENDED FOR AN ADDITIONAL 14-DAY
23 PERIOD.

24 (3) UPON ENTRY OF AN ORDER TERMINATING RIGHTS OF PARENTS OR
25 PERSONS IN LOCO PARENTIS, A CHILD SHALL BE A WARD OF THE COURT
26 AND A CONSENT TO ADOPTION EXECUTED PURSUANT TO SECTION 9423 SHALL
27 NOT THEREAFTER BE WITHDRAWN. ENTRY OF THE ORDER SHALL TERMINATE

1 THE JURISDICTION OF THE COURT OVER THE CHILD IN A DIVORCE OR
2 SEPARATE MAINTENANCE ACTION. IF THE PETITIONER FOR ADOPTION IS
3 MARRIED TO THE PARENT HAVING LEGAL CUSTODY OF THE CHILD, THE
4 CHILD SHALL NOT BE MADE A WARD OF THE COURT AFTER TERMINATION OF
5 THE RIGHTS OF THE OTHER PARENT.

6 (4) WITHOUT MAKING THE CHILD A WARD OF THE COURT, THE COURT
7 MAY AUTHORIZE PLACEMENT OF A CHILD IF THE CHILD IS PLACED FOR
8 ADOPTION IN THIS STATE BY A PUBLIC OR LICENSED PRIVATE AGENCY OF
9 ANOTHER STATE OR COUNTRY AND IF THE LAW OF THE SENDING STATE OR
10 COUNTRY PROHIBITS THE GIVING OF CONSENT TO ADOPTION AT THE TIME
11 OF PLACEMENT. BEFORE PLACEMENT OF THE CHILD IN THAT INSTANCE,
12 THE SENDING AGENCY SHALL TENDER EVIDENCE AS THE COURT REQUIRES TO
13 DEMONSTRATE THAT THE AGENCY POSSESSES THE NECESSARY AUTHORITY TO
14 CONSENT TO THE ADOPTION AT THE TIME OF ENTRY OF THE FINAL ORDER
15 OF ADOPTION. AFTER THE SENDING AGENCY HAS GIVEN EVIDENCE OF ITS
16 ABILITY TO CONSENT, THE AGENCY SHALL NOT DO ANYTHING TO JEOPAR-
17 DIZE ITS ABILITY TO GRANT THE REQUIRED CONSENT BEFORE ENTRY OF
18 THE FINAL ORDER OF ADOPTION. AFTER THE SENDING AGENCY GIVES ITS
19 CONSENT FOR THE ADOPTION, THAT CONSENT SHALL NOT BE WITHDRAWN.

20 (5) IF A PARENT HAVING LEGAL CUSTODY OF THE CHILD IS MARRIED
21 TO THE PETITIONER FOR ADOPTION, THE JUDGE SHALL NOT ENTER AN
22 ORDER TERMINATING THE RIGHTS OF THAT PARENT.

23 (6) IF THE PARENTS OF A CHILD ARE DIVORCED, OR IF THE PAR-
24 ENTS ARE UNMARRIED BUT THE FATHER HAS ACKNOWLEDGED PATERNITY OR
25 IS A PUTATIVE FATHER WHO MEETS THE CONDITIONS IN SECTION 9419(2),
26 AND IF THE PARENT HAVING LEGAL CUSTODY OF THE CHILD SUBSEQUENTLY
27 MARRIES AND THAT PARENT'S SPOUSE PETITIONS TO ADOPT THE CHILD,

1 THE COURT UPON NOTICE AND HEARING MAY ISSUE AN ORDER TERMINATING
2 THE RIGHTS OF THE OTHER PARENT IF BOTH OF THE FOLLOWING OCCUR:

3 (A) THE OTHER PARENT, HAVING THE ABILITY TO SUPPORT, OR
4 ASSIST IN SUPPORTING, THE CHILD, HAS FAILED OR NEGLECTED TO PRO-
5 VIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE CHILD OR IF A SUP-
6 PORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTANTIALLY COMPLY
7 WITH THE ORDER, FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING
8 OF THE PETITION.

9 (B) THE OTHER PARENT, HAVING THE ABILITY TO VISIT, CONTACT,
10 OR COMMUNICATE WITH THE CHILD, HAS REGULARLY AND SUBSTANTIALLY
11 FAILED OR NEGLECTED TO DO SO FOR A PERIOD OF 2 YEARS OR MORE
12 BEFORE THE FILING OF THE PETITION.

13 (7) UNLESS OTHERWISE ORDERED BY THE COURT, THE PROSPECTIVE
14 ADOPTIVE PARENTS WITH WHOM A CHILD IS PLACED PURSUANT TO A COURT
15 ORDER UNDER THIS SECTION MAY CONSENT TO ALL MEDICAL, SURGICAL,
16 PSYCHOLOGICAL, EDUCATIONAL, AND RELATED SERVICES FOR THE CHILD.

17 SEC. 9432. DURING THE PERIOD BEFORE ENTRY OF THE ORDER OF
18 ADOPTION, THE CHILD SHALL BE SUPERVISED AT THE DIRECTION OF THE
19 COURT BY AN EMPLOYEE OR AGENT OF THE COURT, A CHILD PLACING
20 AGENCY, OR THE DEPARTMENT, WHO SHALL MAKE REPORTS REGARDING THE
21 ADJUSTMENT OF THE CHILD IN THE HOME AS THE COURT ORDERS. THE
22 INVESTIGATIONS SHALL BE MADE UNDER REASONABLE CIRCUMSTANCES AND
23 AT REASONABLE INTERVALS.

24 SEC. 9434. (1) EXCEPT FOR A CHARGE OR FEE APPROVED BY THE
25 COURT, A PERSON SHALL NOT OFFER, GIVE, OR RECEIVE MONEY OR OTHER
26 CONSIDERATION OR THING OF VALUE IN CONNECTION WITH ANY OF THE
27 FOLLOWING:

1 (A) THE PLACING OF A CHILD FOR ADOPTION.

2 (B) THE REGISTRATION, RECORDING, OR COMMUNICATION OF THE
3 EXISTENCE OF A CHILD AVAILABLE FOR ADOPTION OR THE EXISTENCE OF A
4 PERSON INTERESTED IN ADOPTING A CHILD.

5 (C) A RELEASE.

6 (D) A CONSENT.

7 (E) A PETITION.

8 (2) BEFORE THE ENTRY OF THE FINAL ORDER OF ADOPTION, THE
9 PETITIONER SHALL FILE WITH THE COURT A SWORN STATEMENT DESCRIBING
10 MONEY OR OTHER CONSIDERATION OR THING OF VALUE PAID TO OR
11 EXCHANGED BY A PARTY IN THE ADOPTION PROCEEDING, INCLUDING A
12 PERSON CONSENTING TO THE ADOPTION OR ADOPTING THE ADOPTEE; A REL-
13 ATIVE OF A PARTY OR OF THE ADOPTEE; A PHYSICIAN, ATTORNEY, SOCIAL
14 WORKER, OR MEMBER OF THE CLERGY; AND ANY OTHER PERSON, CORPORA-
15 TION, ASSOCIATION, OR OTHER ORGANIZATION. THE COURT SHALL
16 APPROVE OR DISAPPROVE FEES AND EXPENSES. ACCEPTANCE OR RETENTION
17 OF AMOUNTS IN EXCESS OF THOSE APPROVED BY THE COURT CONSTITUTES A
18 VIOLATION OF THIS SECTION.

19 (3) TO ASSURE COMPLIANCE WITH LIMITATIONS IMPOSED BY THIS
20 SECTION AND BY SECTION 14 OF ACT NO. 116 OF THE PUBLIC ACTS OF
21 1973, BEING SECTION 722.124 OF THE MICHIGAN COMPILED LAWS, THE
22 COURT MAY REQUIRE SWORN TESTIMONY FROM PERSONS WHO WERE INVOLVED
23 IN INFORMING, NOTIFYING, EXCHANGING INFORMATION, IDENTIFYING,
24 LOCATING, ASSISTING, OR IN ANY OTHER WAY PARTICIPATING IN THE
25 CONTRACTS OR ARRANGEMENTS WHICH, DIRECTLY OR INDIRECTLY, LED TO
26 PLACEMENT OF THE PERSON FOR ADOPTION.

1 SEC. 9435. (1) ONE YEAR AFTER THE ENTRY OF AN ORDER
2 TERMINATING RIGHTS, UNLESS THE COURT DETERMINES THAT
3 CIRCUMSTANCES HAVE ARISEN WHICH MAKE ADOPTION UNDESIRABLE, THE
4 COURT MAY ENTER AN ORDER OF ADOPTION. UPON THE MOTION OF THE
5 PETITIONER, THE COURT MAY WAIVE THE 1-YEAR PERIOD, OR ANY PORTION
6 OF THAT PERIOD, IF THE WAIVER IS IN THE BEST INTERESTS OF THE
7 ADOPTEE. IF, AFTER A HEARING, THE COURT FINDS THAT THE BEST
8 INTERESTS OF THE ADOPTEE WILL BE SERVED THEREBY, IT MAY EXTEND
9 THE 1-YEAR PERIOD FOR AN ADDITIONAL PERIOD OF TIME NOT EXCEEDING
10 2 YEARS FROM THE TIME OF PLACEMENT FOR ADOPTION. IN AN ADOPTION
11 PROCEEDING FOR WHICH AN ADOPTION ORDER IS NOT ENTERED WITHIN 2
12 YEARS AFTER PLACEMENT, THE COURT SHALL HOLD A HEARING AND DETER-
13 MINE WHETHER AN ORDER OF ADOPTION SHALL BE ENTERED OR THE PETI-
14 TION DENIED. IF A CHILD IS PLACED PURSUANT TO SECTION 9421(2),
15 THE COURT MAY EXTEND THE 1-YEAR PERIOD FOR AN ADDITIONAL PERIOD,
16 WHICH MAY EXCEED 2 YEARS FROM THE TIME OF PLACEMENT, UNTIL AN
17 ORDER FOR ADOPTION MAY BE ENTERED UNDER SUBSECTION (2).

18 (2) IF A PETITION FOR REHEARING OR AN APPEAL AS OF RIGHT
19 FROM AN ORDER TERMINATING PARENTAL RIGHTS HAS BEEN FILED, THE
20 COURT SHALL NOT ORDER AN ADOPTION UNTIL 1 OF THE FOLLOWING
21 OCCURS:

22 (A) THE PETITION FOR REHEARING IS GRANTED, AND AT THE
23 REHEARING THE ORDER TERMINATING PARENTAL RIGHTS IS NOT MODIFIED
24 OR SET ASIDE, AND SUBSEQUENTLY THE PERIOD FOR APPEAL AS OF RIGHT
25 TO THE COURT OF APPEALS HAS EXPIRED WITHOUT AN APPEAL BEING
26 FILED.

1 (B) THE PETITION FOR REHEARING IS DENIED AND THE PERIOD FOR
2 APPEAL AS OF RIGHT TO THE COURT OF APPEALS HAS EXPIRED WITHOUT AN
3 APPEAL BEING FILED.

4 (C) THERE IS A DECISION OF THE COURT OF APPEALS AFFIRMING
5 THE ORDER TERMINATING PARENTAL RIGHTS.

6 (3) IF THE PERSON TO BE ADOPTED IS AN ADULT, THE COURT MAY
7 ENTER AN ORDER OF ADOPTION AFTER THE FILING REQUIRED BY SECTION
8 9423(3) AND THE FILING OF THE WRITTEN REPORT OF INVESTIGATION
9 REQUIRED BY SECTION 9426(2) IS MADE.

10 SEC. 9437. WHEN THE COURT ENTERS AN ORDER OF ADOPTION, CER-
11 TIFIED COPIES SHALL BE GIVEN TO THE ADOPTING PARENT OR PARENTS.
12 IF THE CONSENT TO THE ADOPTION WAS GIVEN BY AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT, OF A CHILD PLACING AGENCY, OR OF A
13 PUBLIC OR LICENSED PRIVATE AGENCY OF ANOTHER STATE OR COUNTRY, A
14 CERTIFIED COPY OF THE ORDER OF ADOPTION SHALL BE FURNISHED BY THE
15 COURT TO THE DEPARTMENT OR AGENCY.

17 SEC. 9438. IF THE PARENTS OR SURVIVING PARENT HAS GIVEN
18 CONSENT TO AN ADOPTION AND THE PETITIONER DESIRES TO CHANGE THE
19 NAME OF THE ADOPTED CHILD, THE ORDER OF ADOPTION AND EXEMPLIFICATION OF RECORD SHALL NOT CONTAIN THE NAME OF THE CHILD'S NATURAL
20 PARENTS OR THE NAME BESTOWED UPON THE CHILD BEFORE THE ADOPTION.

22 SEC. 9439. (1) AFTER THE ENTRY OF THE ORDER OF ADOPTION,
23 THE ADOPTEE SHALL, IN CASE OF A CHANGE OF NAME, BE KNOWN AND
24 CALLED BY THE NEW NAME. THE PERSON OR PERSONS ADOPTING THE
25 ADOPTEE SHALL THEREAFTER STAND IN THE PLACE OF A PARENT OR PARENTS
26 TO THE ADOPTEE IN LAW IN ALL RESPECTS AS THOUGH THE ADOPTED
27 PERSON HAD BEEN BORN TO THE ADOPTING PARENTS AND SHALL THEREAFTER

1 BE LIABLE FOR ALL THE DUTIES AND ENTITLED TO ALL THE RIGHTS OF
2 PARENTS.

3 (2) AFTER ENTRY OF THE ORDER OF ADOPTION, THERE SHALL NOT BE
4 ANY DISTINCTION BETWEEN THE RIGHTS AND DUTIES OF NATURAL PROGENY
5 AND ADOPTED PERSONS, AND THE ADOPTED PERSON SHALL BECOME AN HEIR
6 AT LAW OF THE ADOPTING PARENT OR PARENTS, AND AN HEIR AT LAW OF
7 THE LINEAL AND COLLATERAL KINDRED OF THE ADOPTING PARENT OR
8 PARENTS. AFTER ENTRY OF THE ORDER OF ADOPTION, AN ADOPTED CHILD
9 SHALL NO LONGER BE AN HEIR AT LAW OF A PARENT WHOSE RIGHTS HAVE
10 BEEN TERMINATED UNDER THIS CHAPTER OR CHAPTER 96 OR THE LINEAL OR
11 COLLATERAL KINDRED OF THAT PARENT, NOR SHALL AN ADOPTED ADULT BE
12 AN HEIR AT LAW OF A PERSON WHO WAS HIS OR HER PARENT AT THE TIME
13 THE ORDER OF ADOPTION WAS ENTERED OR THE LINEAL OR COLLATERAL
14 KINDRED OF THAT PERSON, EXCEPT THAT A RIGHT, TITLE, OR INTEREST
15 VESTING BEFORE ENTRY OF THE FINAL ORDER OF ADOPTION SHALL NOT BE
16 DIVESTED BY THAT ORDER.

17 SEC. 9440. IF THE COURT DENIES AN ORDER OF ADOPTION, THE
18 COURT MAY RETURN THE CHILD TO THE PARENTS OR ORIGINAL CUSTODIAN
19 AND RESTORE THEIR RIGHTS, OR MAKE A DISPOSITION APPROPRIATE FOR
20 THE WELFARE OF THE WARD AS IS AUTHORIZED BY CHAPTER 96 BY AN EX
21 PARTE ORDER ENTERED IN THE COURT.

22 SEC. 9441. A COURT THAT DENIES A PETITION OR MOTION, OR
23 FAILS TO ISSUE AN ORDER UNDER THIS CHAPTER SHALL STATE THE REASON
24 FOR THAT ACTION ON THE RECORD OR IN WRITING.

25 SEC. 9443. (1) UPON THE FILING OF A PETITION IN THE COURT
26 WITHIN 21 DAYS AFTER ENTRY OF AN ORDER UNDER THIS CHAPTER, AND

1 AFTER DUE NOTICE TO THE INTERESTED PARTIES, THE COURT MAY GRANT A
2 REHEARING AND MAY MODIFY OR SET ASIDE THE ORDER.

3 (2) THE COURT SHALL ENTER AN ORDER WITH RESPECT TO THE ORIG-
4 INAL HEARING OR REHEARING OF CONTESTED MATTERS WITHIN 21 DAYS
5 AFTER THE TERMINATION OF THE HEARING OR REHEARING.

6 SEC. 9445. (1) A PARTY AGGRIEVED BY AN ORDER WHICH IS
7 ENTERED BY THE COURT UNDER THIS CHAPTER, INCLUDING AN ORDER
8 ENTERED AFTER A REHEARING, MAY APPEAL THE ORDER TO THE COURT OF
9 APPEALS AS OF RIGHT NOT LATER THAN 21 DAYS AFTER THE ORDER IS
10 ENTERED BY THE COURT OR NOT LATER THAN 21 DAYS AFTER A PETITION
11 FOR A REHEARING IS DENIED.

12 (2) AN ORDER OF THE COURT ENTERED UNDER THIS CHAPTER SHALL
13 NOT BE STAYED PENDING APPEAL UNLESS ORDERED BY THE COURT OF
14 APPEALS UPON MOTION FOR GOOD CAUSE SHOWN AND ON JUST TERMS.

15 (3) AN APPEAL FROM AN ORDER ENTERED UNDER THIS CHAPTER SHALL
16 BE GIVEN PRIORITY IN THE COURT OF APPEALS AND SHALL TAKE PRECE-
17 DENCE OVER ALL OTHER MATTERS, EXCEPT FOR OTHER MATTERS WHICH ARE
18 GIVEN PRIORITY BY SPECIFIC STATUTORY PROVISION OR RULE OF THE
19 SUPREME COURT.

20 SEC. 9451. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
21 9453, RECORDS OF PROCEEDINGS IN ADOPTION CASES, INCLUDING A
22 NOTICE FILED PURSUANT TO SECTION 9413(1), AND A PETITION FILED
23 PURSUANT TO SECTION 9414(1), AND THE PAPERS AND BOOKS RELATING TO
24 THE PROCEEDINGS SHALL BE KEPT IN SEPARATE LOCKED FILES AND SHALL
25 NOT BE OPEN TO INSPECTION OR COPY EXCEPT UPON ORDER OF A COURT OF
26 RECORD FOR GOOD CAUSE SHOWN EXPRESSLY PERMITTING INSPECTION OR
27 COPY. EXCEPT AS OTHERWISE PROVIDED IN SECTION 9453, THE COURT,

1 AFTER 21 DAYS FOLLOWING ENTRY OF THE FINAL ORDER OF ADOPTION,
2 SHALL NOT PERMIT COPY OR INSPECTION OF THE ADOPTION PROCEEDINGS,
3 EXCEPT UPON A SWORN PETITION SETTING FORTH THE PURPOSE OF THE
4 INSPECTION OR COPY. THE COURT MAY ORDER NOTICE AND A HEARING ON
5 THE PETITION. THE COURT SHALL GRANT OR DENY THE PETITION IN
6 WRITING WITHIN 63 DAYS AFTER THE PETITION IS FILED, EXCEPT THAT
7 FOR GOOD CAUSE THE COURT MAY GRANT OR DENY THE PETITION AFTER THE
8 63-DAY PERIOD BUT NOT LATER THAN 182 DAYS AFTER THE PETITION IS
9 FILED.

10 (2) A PERSON IN CHARGE OF ADOPTION RECORDS SHALL NOT DIS-
11 CLOSE THE NAMES OF THE BIOLOGICAL OR ADOPTIVE PARENTS OF AN
12 ADOPTED PERSON, UNLESS ORDERED TO DO SO BY A COURT OF RECORD OR
13 AS PROVIDED IN SECTION 9453, EXCEPT TO MEET REQUIREMENTS OF THE
14 DIRECTOR OF PUBLIC HEALTH FOR THE PURPOSE OF CREATING A NEW CER-
15 TIFICATE OF BIRTH IN THE ADOPTIVE NAME AND SEALING THE ORIGINAL
16 CERTIFICATE OF BIRTH.

17 (3) THE DIRECTOR OF PUBLIC HEALTH SHALL FURNISH TO THE
18 ADOPTING PARENT OR PARENTS A CERTIFIED COPY OF THE NEW BIRTH CER-
19 TIFICATE WHICH SHALL NOT DISCLOSE THE ADOPTION OF THE PERSON. A
20 BIRTH CERTIFICATE ISSUED TO AN ADOPTED PERSON SHALL NOT REFER TO
21 ADOPTION AND SHALL CONFORM AS NEARLY AS POSSIBLE TO THE APPEAR-
22 ANCE OF BIRTH CERTIFICATES ISSUED IN OTHER CASES.

23 SEC. 9453. (1) ALL OF THE NONIDENTIFYING INFORMATION
24 REQUIRED BY SECTION 9407(1) AND (2) SHALL BE MADE AVAILABLE IN
25 WRITING TO THE ADOPTIVE PARENTS AT THE TIME OF PLACEMENT AND
26 THEREAFTER WITHIN 63 DAYS AFTER RECEIPT OF A REQUEST FOR
27 INFORMATION, AND SHALL BE MADE AVAILABLE IN WRITING TO AN ADULT

1 ADOPTEE WITHIN 63 DAYS AFTER RECEIPT OF A REQUEST FOR
2 INFORMATION.

3 (2) WITHIN 63 DAYS AFTER A REQUEST FOR INFORMATION IS
4 RECEIVED, A CHILD PLACING AGENCY, COURT, OR THE DEPARTMENT SHALL
5 PROVIDE IN WRITING TO THE BIOLOGICAL PARENT OR ADULT BIOLOGICAL
6 SIBLING REQUESTING THE INFORMATION ALL OF THE NONIDENTIFYING
7 INFORMATION DESCRIBED IN SECTION 9407(1) AND (2).

8 (3) WITHIN 63 DAYS AFTER A REQUEST FOR IDENTIFYING INFORMA-
9 TION IS RECEIVED, A CHILD PLACING AGENCY, COURT, OR THE DEPART-
10 MENT SHALL PROVIDE IN WRITING TO THE BIOLOGICAL PARENT OR ADULT
11 BIOLOGICAL SIBLING REQUESTING THE INFORMATION THE ADULT ADOPTEE'S
12 MOST RECENT NAME AND ADDRESS AND THE IDENTIFYING INFORMATION
13 DESCRIBED IN SECTION 9407(3) IF THE ADULT ADOPTEE HAS GIVEN WRIT-
14 TEN CONSENT TO RELEASE OF THE INFORMATION PURSUANT TO THIS
15 CHAPTER.

16 (4) IF THE DEPARTMENT OR A CHILD PLACING AGENCY RECEIVES A
17 REQUEST FOR ADOPTION RECORD INFORMATION IN THEIR POSSESSION FROM
18 AN ADULT ADOPTEE, BIOLOGICAL PARENT, OR ADULT BIOLOGICAL SIBLING,
19 THE DEPARTMENT OR CHILD PLACING AGENCY SHALL PROVIDE THE PERSON
20 REQUESTING THE INFORMATION WITH THE IDENTITY OF THE COURT THAT
21 CONFIRMED THE ADOPTION WITHIN 28 DAYS AFTER RECEIPT OF THE
22 REQUEST. IF A COURT RECEIVES SUCH A REQUEST, THE COURT SHALL
23 PROVIDE THE PERSON REQUESTING THE INFORMATION WITH THE IDENTITY
24 OF THE CHILD PLACING AGENCY THAT HANDLED THE ADOPTION.

25 (5) FOR ADOPTIONS IN WHICH THE BIOLOGICAL PARENTS' RIGHTS
26 WERE TERMINATED BEFORE SEPTEMBER 12, 1980, A CHILD PLACING
27 AGENCY, A COURT, OR THE DEPARTMENT HAVING THE RECORDS OF AN

1 ADOPTEE AND HAVING RECEIVED A WRITTEN REQUEST FROM THAT ADOPTEE
2 AS AN ADULT FOR INFORMATION IDENTIFYING THE ADOPTEE'S BIOLOGICAL
3 PARENTS, SHALL RELEASE THE IDENTIFYING INFORMATION DESCRIBED IN
4 SECTION 9407(3) AND OTHER IDENTIFYING INFORMATION ON FILE WITH
5 THE DEPARTMENT AS SPECIFIED IN SECTION 9407(5), IN THE FOLLOWING
6 MANNER:

7 (A) ALL INFORMATION ON BOTH BIOLOGICAL PARENTS SHALL BE
8 RELEASED TO THE ADULT ADOPTEE, IF BOTH BIOLOGICAL PARENTS HAVE ON
9 FILE WITH THE DEPARTMENT A STATEMENT CONSENTING TO RELEASE OF
10 IDENTIFYING INFORMATION.

11 (B) INFORMATION PERTAINING TO 1 OF THE BIOLOGICAL PARENTS
12 SHALL BE RELEASED TO THE ADULT ADOPTEE IF THAT BIOLOGICAL PARENT
13 HAS ON FILE WITH THE DEPARTMENT A STATEMENT CONSENTING TO RELEASE
14 OF IDENTIFYING INFORMATION.

15 (C) INFORMATION PERTAINING TO 1 OF THE BIOLOGICAL PARENTS
16 SHALL BE RELEASED TO THE ADULT ADOPTEE IF THAT PARENT IS
17 DECEASED, OR IF A CHILD OF THAT PARENT WHO IS NOW AN ADULT AND
18 WHO IS A SIBLING OF THE ADOPTEE HAS ON FILE WITH THE DEPARTMENT A
19 CONSENT TO THE RELEASE OF IDENTIFYING INFORMATION OF THAT
20 DECEASED PARENT.

21 (D) ALL INFORMATION ON BOTH BIOLOGICAL PARENTS SHALL BE
22 RELEASED TO THE ADULT ADOPTEE, IF BOTH BIOLOGICAL PARENTS ARE
23 DECEASED.

24 (6) FOR ALL ADOPTIONS IN WHICH THE BIOLOGICAL PARENTS'
25 RIGHTS WERE TERMINATED AFTER SEPTEMBER 12, 1980, AN ADOPTEE NOT
26 LESS THAN 18 YEARS OF AGE SHALL HAVE THE RIGHT TO OBTAIN THE
27 IDENTIFYING INFORMATION DESCRIBED IN SECTION 9407(3) AND ANY

1 ADDITIONAL INFORMATION ON FILE WITH THE DEPARTMENT AS SPECIFIED
2 IN SECTION 9407(5), EXCEPT THAT IF A BIOLOGICAL PARENT HAS FILED
3 A STATEMENT CURRENTLY IN EFFECT WITH THE DEPARTMENT DENYING CON-
4 SENT TO HAVE IDENTIFYING INFORMATION RELEASED, IDENTIFYING INFOR-
5 MATION SHALL NOT BE RELEASED ABOUT THAT PARENT. THE INFORMATION
6 SHALL BE PROVIDED WITHIN 63 DAYS AFTER THE DATE OF THE REQUEST.

7 (7) UPON RECEIPT OF A WRITTEN REQUEST FOR IDENTIFYING INFOR-
8 MATION FROM AN ADULT ADOPTEE, A CHILD PLACING AGENCY, COURT, OR
9 THE DEPARTMENT, IF IT MAINTAINS THAT ADOPTION FILE, SHALL REQUEST
10 INFORMATION FROM THE DEPARTMENT FILE AS SPECIFIED IN SECTION
11 9407(5), PURSUANT TO THE REQUIREMENTS OF THIS SECTION. UPON
12 RECEIPT OF A RESPONSE FROM THE DEPARTMENT FILE, A CHILD PLACING
13 AGENCY, COURT, OR THE DEPARTMENT SHALL NOTIFY THE ADOPTEE IN
14 WRITING, WITHIN 28 DAYS AFTER THE RECEIPT OF THE RESPONSE, OF THE
15 IDENTIFYING INFORMATION TO WHICH THE ADOPTEE IS ENTITLED, OR, IF
16 THE IDENTIFYING INFORMATION CANNOT BE RELEASED PURSUANT TO THIS
17 SECTION, THE REASON WHY THE INFORMATION CANNOT BE RELEASED. THE
18 CHILD PLACING AGENCY, COURT, OR THE DEPARTMENT SHALL RETAIN A
19 COPY OF THE NOTICE SENT TO THE ADULT ADOPTEE. ONCE THE IDENTIFY-
20 ING INFORMATION IS RELEASED TO THE ADULT ADOPTEE, AND UPON THE
21 REQUEST OF THE ADULT ADOPTEE, BIOLOGICAL PARENT, ADULT BIOLOGICAL
22 SIBLING, OR ADOPTIVE PARENT, THE CHILD PLACING AGENCY, COURT, OR
23 THE DEPARTMENT SHALL PROVIDE FOR COUNSELING TO THAT PERSON.

24 (8) IF A CHILD PLACING AGENCY, COURT, OR THE DEPARTMENT PRO-
25 VIDES AN ADOPTEE WITH THE NAME OF EITHER OF THE ADOPTEE'S BIOLOG-
26 ICAL PARENTS, THAT CHILD PLACING AGENCY, COURT, OR DEPARTMENT
27 SHALL NOTIFY THE DEPARTMENT OF PUBLIC HEALTH OF THAT FACT. UPON

1 RECEIPT OF NOTIFICATION BY THE CHILD PLACING AGENCY, COURT, OR
2 DEPARTMENT, THE DEPARTMENT OF PUBLIC HEALTH SHALL INSURE THAT THE
3 ORIGINAL BIRTH CERTIFICATE ON FILE FOR THE ADOPTEE HAS BEEN
4 SEALED AND THAT A NEW BIRTH CERTIFICATE HAS BEEN PREPARED IN CON-
5 FORMANCE WITH SECTION 9451.

6 (9) AN EMPLOYEE OR AGENT OF A CHILD PLACING AGENCY, THE
7 COURT, OR THE DEPARTMENT, WHO INTENTIONALLY RELEASES IDENTIFYING
8 INFORMATION IN VIOLATION OF THIS SECTION, IS GUILTY OF A
9 MISDEMEANOR.

10 (10) THIS SECTION ALSO APPLIES TO A STEPPARENT ADOPTION AND
11 TO THE ADOPTION OF A CHILD RELATED TO THE PETITIONER WITHIN THE
12 FOURTH DEGREE OF AFFINITY OR CONSANGUINITY.

13 (11) AS USED IN THIS SECTION, "ADULT ADOPTEE" MEANS A PERSON
14 WHO WAS ADOPTED AS A CHILD WHO IS NOW 18 YEARS OF AGE OR OLDER OR
15 A PERSON WHO WAS 18 YEARS OF AGE OR OLDER AT THE TIME OF
16 ADOPTION.

17 (12) A CHILD PLACING AGENCY, A COURT, AND THE DEPARTMENT MAY
18 REQUIRE A FEE OF \$60.00 OR THE ACTUAL COST OF SUPPLYING THE
19 INFORMATION, WHICHEVER IS LESS, FOR SUPPLYING INFORMATION UNDER
20 THIS SECTION. THE CHILD PLACING AGENCY, THE COURT, AND THE
21 DEPARTMENT MAY WAIVE A PART OR ALL OF THE FEE IN CASE OF INDI-
22 GENCY OR HARDSHIP.

23 SEC. 9453A. (1) THE DEPARTMENT SHALL DEVELOP AND PUBLISH AN
24 INFORMATION PAMPHLET EXPLAINING THE RELEASE OF INFORMATION FROM
25 ADOPTION RECORDS PURSUANT TO THIS ACT.

26 (2) IF THE DEPARTMENT, A CHILD PLACING AGENCY, OR THE COURT
27 IS CONTACTED BY AN ADOPTEE, BIRTH PARENT, OR ADOPTIVE PARENT, IT

1 SHALL PROVIDE THE ADOPTEE, BIRTH PARENT, OR ADOPTIVE PARENT WITH
2 A COPY OF THE INFORMATION PAMPHLET DESCRIBED IN SUBSECTION (1)
3 WITHIN 14 DAYS AFTER THE DATE OF THE CONTACT OR AT THE TIME OTHER
4 INFORMATION REQUESTED BY THE ADOPTEE, BIRTH PARENT, OR ADOPTIVE
5 PARENT IS PROVIDED.

6 SEC. 9456. A PERSON WHO VIOLATES SECTION 9421 OR 9434 IS
7 GUILTY OF A MISDEMEANOR, AND UPON A SUBSEQUENT CONVICTION, IS
8 GUILTY OF A FELONY.

9 CHAPTER 95

10 SEC. 9501. (1) THE DOMESTIC RELATIONS COURT FOR A COUNTY
11 MAY ENTER AN ORDER TO CHANGE THE NAME OF A PERSON WHO HAS BEEN A
12 RESIDENT OF THE COUNTY FOR NOT LESS THAN 1 YEAR AND WHO MAKES A
13 PETITION IN WRITING TO THE COURT FOR THAT PURPOSE SHOWING A SUFFICIENT
14 REASON FOR THE PROPOSED CHANGE AND THAT THE CHANGE IS NOT
15 SOUGHT WITH ANY FRAUDULENT INTENT. WHEN THE PETITION IS FILED,
16 THE COURT SHALL SET A TIME AND PLACE FOR HEARING AND ORDER PUBLICATION
17 AS PROVIDED BY SUPREME COURT RULE. UPON THE FILING OF A
18 PETITION, THE COURT MAY PERMIT A PERSON HAVING THE SAME NAME, OR
19 A SIMILAR NAME TO THAT WHICH THE PETITIONER PROPOSES TO ASSUME,
20 TO INTERVENE IN THE PROCEEDING FOR THE PURPOSE OF SHOWING FRAUDULENT
21 INTENT. EXCEPT AS PROVIDED IN SUBSECTION (3), IF THE PETITIONER
22 IS A MINOR, THE PETITION SHALL BE SIGNED BY THE MOTHER AND
23 FATHER JOINTLY, OR BY THE SURVIVING PARENT IF 1 IS DECEASED, OR
24 IF BOTH PARENTS ARE DECEASED, BY THE GUARDIAN OF THE PERSON OF
25 THE MINOR, OR BY THE MINOR'S PARENT, IF THERE IS NOT ANOTHER
26 LEGAL PARENT TO GIVE CONSENT. IF EITHER PARENT HAS BEEN DECLARED
27 MENTALLY INCOMPETENT, THE PETITION MAY BE SIGNED BY THE GUARDIAN

1 FOR THAT PARENT. THE WRITTEN CONSENT TO THE CHANGE OF NAME OF A
2 MINOR 14 YEARS OF AGE OR OLDER, SIGNED BY THE MINOR IN THE PRES-
3 ENCE OF THE COURT, SHALL BE FILED WITH THE COURT BEFORE ANY ORDER
4 CHANGING THE NAME OF THE MINOR IS ENTERED. IF THE COURT CONSID-
5 ERS THE CHILD TO BE OF SUFFICIENT AGE TO EXPRESS A PREFERENCE, A
6 MINOR UNDER 14 YEARS OF AGE SHALL BE CONSULTED BY THE COURT AS TO
7 A CHANGE IN HIS OR HER NAME AND HIS OR HER WISHES SHALL BE CON-
8 sidered BY THE COURT.

9 (2) IF THE PETITIONER IS MARRIED, THE COURT, IN ITS ORDER
10 CHANGING THE NAME OF THE PETITIONER, MAY INCLUDE THE NAME OF THE
11 SPOUSE, IF THE SPOUSE CONSENTS, AND MAY INCLUDE THE NAMES OF
12 MINOR CHILDREN OF THE PETITIONER OF WHOM THE PETITIONER HAS LEGAL
13 CUSTODY. THE WRITTEN CONSENT TO THE CHANGE OF NAME OF A CHILD 14
14 YEARS OF AGE OR OLDER, SIGNED BY THE CHILD IN THE PRESENCE OF THE
15 COURT, SHALL BE FILED WITH THE COURT BEFORE THE COURT INCLUDES
16 THAT CHILD IN ITS ORDER. EXCEPT AS PROVIDED IN SUBSECTION (3),
17 THE NAME OF A MINOR UNDER 14 YEARS OF AGE MAY NOT BE CHANGED
18 UNLESS HE OR SHE IS THE NATURAL OR ADOPTED CHILD OF THE PETI-
19 TIONER AND UNLESS CONSENT IS OBTAINED FROM THE MOTHER AND FATHER
20 JOINTLY, OR FROM THE SURVIVING PARENT IF 1 IS DECEASED, OR FROM
21 THE MINOR'S PARENT IF THERE IS NOT ANOTHER LEGAL PARENT TO GIVE
22 CONSENT. IF THE COURT CONSIDERS THE CHILD TO BE OF SUFFICIENT
23 AGE TO EXPRESS A PREFERENCE, A MINOR UNDER 14 YEARS OF AGE SHALL
24 BE CONSULTED BY THE COURT AS TO A CHANGE IN HIS OR HER NAME AND
25 HIS OR HER WISHES SHALL BE CONSIDERED BY THE COURT.

26 (3) THE NAME OF A MINOR MAY BE CHANGED PURSUANT TO
27 SUBSECTION (1) OR (2) WITH THE CONSENT OR SIGNATURE OF THE

1 CUSTODIAL PARENT UPON NOTICE TO THE NONCUSTODIAL PARENT PURSUANT
2 TO SUPREME COURT RULE AND AFTER HEARING IF BOTH OF THE FOLLOWING
3 OCCUR:

4 (A) THE OTHER PARENT, HAVING THE ABILITY TO SUPPORT OR
5 ASSIST IN SUPPORTING THE CHILD, HAS FAILED OR NEGLECTED TO PRO-
6 VIDE REGULAR AND SUBSTANTIAL SUPPORT FOR THE CHILD; OR IF A SUP-
7 PORT ORDER HAS BEEN ENTERED, HAS FAILED TO SUBSTANTIALLY COMPLY
8 WITH THE ORDER, FOR A PERIOD OF 2 YEARS OR MORE BEFORE THE FILING
9 OF THE PETITION.

10 (B) THE OTHER PARENT, HAVING THE ABILITY TO VISIT, CONTACT,
11 OR COMMUNICATE WITH THE CHILD, HAS REGULARLY AND SUBSTANTIALLY
12 FAILED OR NEGLECTED TO DO SO FOR A PERIOD OF 2 YEARS OR MORE
13 BEFORE THE FILING OF THE PETITION.

14 SEC. 9502. THE DOMESTIC RELATIONS COURT SHALL REQUIRE THE
15 PERSON MAKING A PETITION UNDER SECTION 9501 TO PAY TO THE COURT A
16 FEE OF \$10.00, AND SHALL FURNISH TO THE PETITIONER, IF DESIRED, A
17 CERTIFIED COPY OF THE ORDER MADE IN THE MATTER, UPON PAYMENT OF
18 THE STATUTORY FEE. THE COURT SHALL REMIT THE FEE TO THE COUNTY
19 TREASURER FOR DEPOSIT IN THE COUNTY GENERAL FUND.

20 CHAPTER 96

21 SEC. 9601. (1) AS USED IN THIS CHAPTER, "COURT" OR
22 "DOMESTIC RELATIONS COURT" MEANS THE DOMESTIC RELATIONS COURT
23 CREATED IN CHAPTER 92.

24 (2) PROCEEDINGS UNDER THIS CHAPTER SHALL NOT BE CONSIDERED
25 CRIMINAL PROCEEDINGS.

26 (3) THIS CHAPTER SHALL BE LIBERALLY CONSTRUED TO THE END
27 THAT EACH CHILD COMING WITHIN THE JURISDICTION OF THE COURT SHALL

1 RECEIVE THE CARE, GUIDANCE, AND CONTROL, PREFERABLY IN THE
2 CHILD'S OWN HOME, AS WILL BE CONDUCTIVE TO THE CHILD'S WELFARE AND
3 THE BEST INTEREST OF THE STATE AND THAT WHEN THE CHILD IS REMOVED
4 FROM THE CONTROL OF HIS OR HER PARENTS, THE COURT SHALL SECURE
5 CARE AS NEARLY AS POSSIBLE EQUIVALENT TO THE CARE WHICH SHOULD
6 HAVE BEEN GIVEN TO THE CHILD BY THOSE PARENTS.

7 SEC. 9602. (1) THE COURT SHALL HAVE THE AUTHORITY AND
8 JURISDICTION DESCRIBED IN THIS SECTION.

9 (2) THE COURT HAS EXCLUSIVE ORIGINAL JURISDICTION SUPERIOR
10 TO AND REGARDLESS OF THE JURISDICTION OF ANY OTHER COURT IN PRO-
11 CEEDINGS CONCERNING A CHILD UNDER 17 YEARS OF AGE WHO IS FOUND
12 WITHIN THE COUNTY IF 1 OR MORE OF THE FOLLOWING APPLIES:

13 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE
14 CHILD HAS VIOLATED ANY MUNICIPAL ORDINANCE OR LAW OF THE STATE OR
15 OF THE UNITED STATES. THE COURT SHALL HAVE JURISDICTION OVER A
16 CHILD 15 YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLATION OF
17 SECTION 83, 89, 91, 316, 317, 520B, OR 529 OF THE MICHIGAN PENAL
18 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
19 750.83, 750.89, 750.91, 750.316, 750.317, 750.520B, AND 750.529
20 OF THE MICHIGAN COMPILED LAWS, OR SECTION 7401(2)(A)(i) OR
21 7403(2)(A)(i) OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE
22 PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401 AND 333.7403 OF THE
23 MICHIGAN COMPILED LAWS, IF THE PROSECUTING ATTORNEY FILES A PETI-
24 TION IN THE COURT INSTEAD OF AUTHORIZING A COMPLAINT AND
25 WARRANT.

26 (B) THE CHILD HAS DESERTED HIS OR HER HOME WITHOUT
27 SUFFICIENT CAUSE AND THE COURT FINDS ON THE RECORD THAT THE CHILD

1 HAS BEEN PLACED OR REFUSED ALTERNATIVE PLACEMENT OR THE CHILD AND
2 THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN HAVE EXHAUSTED OR
3 REFUSED FAMILY COUNSELING.

4 (C) THE CHILD IS REPEATEDLY DISOBEDIENT TO THE REASONABLE
5 AND LAWFUL COMMANDS OF HIS OR HER PARENTS, GUARDIAN, OR CUSTODIAN
6 AND THE COURT FINDS ON THE RECORD BY CLEAR AND CONVINCING EVI-
7 DENCE THAT COURT-ACCESSED SERVICES ARE NECESSARY.

8 (D) THE CHILD WILLFULLY AND REPEATEDLY ABSENTS HIMSELF OR
9 HERSELF FROM SCHOOL OR OTHER LEARNING PROGRAM INTENDED TO MEET
10 THE CHILD'S EDUCATIONAL NEEDS, OR REPEATEDLY VIOLATES RULES AND
11 REGULATIONS OF THE SCHOOL OR OTHER LEARNING PROGRAM, AND THE
12 COURT FINDS ON THE RECORD THAT THE CHILD, THE CHILD'S PARENT,
13 GUARDIAN, OR CUSTODIAN, AND SCHOOL OFFICIALS OR LEARNING PROGRAM
14 PERSONNEL HAVE MET ON THE CHILD'S EDUCATIONAL PROBLEMS, AND EDU-
15 CATIONAL COUNSELING AND ALTERNATIVE AGENCY HELP HAVE BEEN
16 SOUGHT. AS USED IN THIS SUBDIVISION ONLY, "LEARNING PROGRAM"
17 MEANS AN ORGANIZED EDUCATIONAL PROGRAM THAT IS APPROPRIATE, GIVEN
18 THE AGE, INTELLIGENCE, ABILITY, AND ANY PSYCHOLOGICAL LIMITATIONS
19 OF A CHILD, IN THE SUBJECT AREAS OF READING, SPELLING, MATHEMAT-
20 ICS, SCIENCE, HISTORY, CIVICS, WRITING, AND ENGLISH GRAMMAR.

21 (3) THE COURT HAS JURISDICTION IN PROCEEDINGS CONCERNING ANY
22 CHILD UNDER 18 YEARS OF AGE FOUND WITHIN THE COUNTY:

23 (A) WHOSE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR THE
24 CARE AND MAINTENANCE OF THE CHILD, WHEN ABLE TO DO SO, NEGLECTS
25 OR REFUSES TO PROVIDE PROPER OR NECESSARY SUPPORT, EDUCATION,
26 MEDICAL, SURGICAL, OR OTHER CARE NECESSARY FOR HIS OR HER HEALTH
27 OR MORALS, WHO IS SUBJECT TO A SUBSTANTIAL RISK OF HARM TO HIS OR

1 HER MENTAL WELL-BEING, WHO IS ABANDONED BY HIS OR HER PARENTS,
2 GUARDIAN, OR OTHER CUSTODIAN, OR WHO IS WITHOUT PROPER CUSTODY OR
3 GUARDIANSHIP. AS USED IN THIS SUBDIVISION:

4 (i) "EDUCATION" MEANS LEARNING BASED ON AN ORGANIZED EDUCA-
5 TIONAL PROGRAM THAT IS APPROPRIATE, GIVEN THE AGE, INTELLIGENCE,
6 ABILITY, AND ANY PSYCHOLOGICAL LIMITATIONS OF A CHILD, IN THE
7 SUBJECT AREAS OF READING, SPELLING, MATHEMATICS, SCIENCE, HISTO-
8 RY, CIVICS, WRITING, AND ENGLISH GRAMMAR.

9 (ii) "WITHOUT PROPER CUSTODY OR GUARDIANSHIP" DOES NOT
10 INCLUDE THE SITUATION WHERE A PARENT HAS PLACED THE CHILD WITH
11 ANOTHER PERSON WHO IS LEGALLY RESPONSIBLE FOR THE CARE AND MAIN-
12 TENANCE OF THE CHILD AND WHO IS ABLE TO AND DOES PROVIDE THE
13 CHILD WITH PROPER CARE AND MAINTENANCE.

14 (B) WHOSE HOME OR ENVIRONMENT, BY REASON OF NEGLECT, CRUEL-
15 TY, DRUNKENNESS, CRIMINALITY, OR DEPRAVITY ON THE PART OF A
16 PARENT, GUARDIAN, OR OTHER CUSTODIAN, IS AN UNFIT PLACE FOR THE
17 CHILD TO LIVE IN.

18 (4) IF A PETITION IS FILED IN ANY COURT ALLEGING THAT A
19 CHILD IS WITHIN THE PROVISIONS OF SUBSECTION (3), AND THE CUSTODY
20 OF THAT CHILD IS SUBJECT TO THE PRIOR OR CONTINUING ORDER OF
21 ANOTHER COURT OF RECORD OF THIS STATE, THE MANNER OF NOTICE TO
22 THE OTHER COURT AND THE AUTHORITY OF THE COURT TO PROCEED SHALL
23 BE GOVERNED BY RULE OF THE SUPREME COURT.

24 (5) THE COURT HAS JURISDICTION OVER CHILDREN UNDER 18 YEARS
25 OF AGE, JURISDICTION OF WHOM HAS BEEN WAIVED TO THE COURT BY A
26 CIRCUIT COURT PURSUANT TO A PROVISION IN A TEMPORARY ORDER FOR
27 CUSTODY OF CHILDREN BASED UPON A COMPLAINT FOR DIVORCE OR UPON A

1 MOTION PURSUANT TO A COMPLAINT FOR DIVORCE BY THE PROSECUTING
2 ATTORNEY, IN A DECREE OF DIVORCE DISSOLVING A MARRIAGE BETWEEN
3 THE PARENTS OF THE MINOR CHILDREN, OR BY AN AMENDED DECREE RELA-
4 TIVE TO THE CUSTODY OF THE CHILD IN A DIVORCE.

5 (6) IF THE COURT FINDS ON THE RECORD THAT VOLUNTARY SERVICES
6 HAVE BEEN EXHAUSTED OR REFUSED, THE COURT HAS CONCURRENT JURIS-
7 DICTION IN PROCEEDINGS CONCERNING ANY CHILD BETWEEN THE AGES OF
8 17 AND 18 FOUND WITHIN THE COUNTY WHO MEETS ANY OF THE FOLLOWING
9 CRITERIA:

10 (A) IS REPEATEDLY ADDICTED TO THE USE OF DRUGS OR THE ITEM-
11 PERATE USE OF ALCOHOLIC LIQUORS.

12 (B) REPEATEDLY ASSOCIATES WITH CRIMINAL, DISSOLUTE, OR DIS-
13 ORDERLY PERSONS.

14 (C) IS FOUND OF HIS OR HER OWN FREE WILL AND KNOWLEDGE IN A
15 HOUSE OF PROSTITUTION, ASSIGNATION, OR ILL-FAME.

16 (D) REPEATEDLY ASSOCIATES WITH THIEVES, PROSTITUTES, PIMPS,
17 OR PROCURERS.

18 (E) IS WILLFULLY DISOBEDIENT TO THE REASONABLE AND LAWFUL
19 COMMANDS OF HIS OR HER PARENTS, GUARDIAN, OR OTHER CUSTODIAN AND
20 IS IN DANGER OF BECOMING MORALLY DEPRAVED.

21 (7) IF ANY CHILD IS BROUGHT BEFORE THE COURT IN A COUNTY
22 OTHER THAN THAT IN WHICH THE CHILD RESIDES, THE COURT MAY ENTER
23 AN ORDER PRIOR TO HEARING TRANSFERRING THE JURISDICTION OF THE
24 MATTER TO THE COURT OF THE COUNTY OF RESIDENCE, WHICH SHALL NOT
25 BE CONSTRUED AS A LEGAL SETTLEMENT AS DEFINED IN SECTION 55 OF
26 THE SOCIAL WELFARE ACT, ACT NO. 280 OF THE PUBLIC ACTS OF 1939,
27 BEING SECTION 400.55 OF THE MICHIGAN COMPILED LAWS, WITH THE

1 CONSENT OF THE JUDGE OF THE COURT FOR THE COUNTY OF RESIDENCE,
2 WHICH ORDER, TOGETHER WITH A CERTIFIED COPY OF THE PROCEEDINGS IN
3 THE COURT OF THE COUNTY OTHER THAN THE COUNTY OF RESIDENCE, SHALL
4 BE DELIVERED TO THE COURT OF THE COUNTY OF RESIDENCE.

5 (8) AUTHORITY TO ESTABLISH OR ASSIST IN THE DEVELOPMENT OF A
6 PROGRAM OR PROGRAMS WITHIN THE COUNTY TO PREVENT DELINQUENCY AND
7 PROVIDE SERVICES TO ACT UPON REPORTS SUBMITTED TO THE COURT
8 RELATED TO THE BEHAVIOR OF CHILDREN WHO DO NOT REQUIRE FORMAL
9 COURT JURISDICTION BUT OTHERWISE FALL WITHIN SUBSECTION (2).
10 THESE SERVICES SHALL BE USED ONLY IF THEY ARE VOLUNTARILY
11 ACCEPTED BY THE CHILD AND HIS OR HER PARENTS, GUARDIAN, OR
12 CUSTODIAN.

13 (9) IF THE COURT OPERATES A DETENTION HOME FOR CHILDREN
14 WITHIN THE COURT'S JURISDICTION UNDER SUBSECTION (2)(A), AUTHOR-
15 ITY TO PLACE A CHILD WITHIN THAT HOME PENDING TRIAL IF THE CHILD
16 IS WITHIN THE CIRCUIT COURT'S JURISDICTION UNDER SECTION 606 OR
17 WITHIN THE RECORDER'S COURT OF THE CITY OF DETROIT'S JURISDICTION
18 UNDER SECTION 10A(1)(C) OF ACT NO. 369 OF THE PUBLIC ACTS OF
19 1919, BEING SECTION 725.10A OF THE MICHIGAN COMPILED LAWS, AND
20 THE CHILD IS ORDERED SO PLACED BY THE CIRCUIT COURT OR THE
21 RECORDER'S COURT OF THE CITY OF DETROIT. IF THE CIRCUIT COURT OR
22 THE RECORDER'S COURT OF THE CITY OF DETROIT ISSUES AN ORDER TO
23 THE COURT IN THE COUNTY IN WHICH THE CIRCUIT COURT OR THE
24 RECORDER'S COURT IS LOCATED AND ORDERS A CHILD PLACED IN A DETEN-
25 TION HOME OPERATED AS AN AGENCY OF THE COURT PENDING TRIAL, THE
26 COURT SHALL COMPLY WITH THAT ORDER.

1 (10) THE COURT MAY ISSUE AN ORDER AUTHORIZING A PEACE
2 OFFICER OR OTHER PERSON DESIGNATED BY THE COURT TO APPREHEND A
3 CHILD WHO IS ABSENT WITHOUT LEAVE FROM AN INSTITUTION OR FACILITY
4 TO WHICH THE CHILD WAS COMMITTED PURSUANT TO SECTION 9629, HAS
5 VIOLATED PROBATION, OR HAS FAILED TO APPEAR FOR A HEARING ON A
6 PETITION CHARGING VIOLATION OF THIS SECTION. THE ORDER SHALL SET
7 FORTH SPECIFICALLY THE IDENTITY OF THE CHILD SOUGHT AND THE
8 HOUSE, BUILDING, OR OTHER LOCATION OR PLACE WHERE THERE IS PROBA-
9 BLE CAUSE TO BELIEVE THE CHILD IS TO BE FOUND. A PERSON WHO
10 INTERFERES WITH THE LAWFUL ATTEMPT TO EXECUTE AN ORDER ISSUED
11 PURSUANT TO THIS SUBSECTION IS GUILTY OF A MISDEMEANOR.

12 (11) THE COURT HAS JURISDICTION OVER ADULTS INCIDENTAL TO
13 THE JURISDICTION OF THE COURT OVER A CHILD AND MAY MAKE ORDERS
14 AFFECTING ADULTS, WHICH IN THE OPINION OF THE COURT ARE NECESSARY
15 FOR THE PHYSICAL, MENTAL, OR MORAL WELL-BEING OF A PARTICULAR
16 CHILD UNDER ITS JURISDICTION, IF THE ORDERS ARE INCIDENTAL TO THE
17 JURISDICTION OF THE COURT OVER THAT CHILD.

18 SEC. 9603. IF A PETITION IS FILED IN THE COURT ALLEGING
19 THAT A CHILD IS UNDER THE JURISDICTION OF THE COURT UNDER
20 SECTION 9602(2), AND THE CUSTODY OF THE CHILD IS SUBJECT TO THE
21 PRIOR OR CONTINUING ORDER OF ANOTHER COURT OF RECORD OF THIS
22 STATE, THE COURT IN WHICH THE PETITION IS FILED IMMEDIATELY SHALL
23 CAUSE NOTICE OF THE FILING OF THE PETITION TO BE SERVED UPON THE
24 PROSECUTING ATTORNEY FOR THE COUNTY IN WHICH THE OTHER COURT IS
25 SITUATED, PERSONALLY OR BY REGISTERED MAIL. IMMEDIATELY UPON
26 RECEIVING THE NOTICE, THE PROSECUTING ATTORNEY SHALL PREPARE AND
27 FILE THE PLEADINGS, PETITIONS, NOTICES, OR ORDERS NECESSARY TO

1 BRING THE MATTER BEFORE THE OTHER COURT FOR HEARING AND
2 DISPOSITION, CONSISTENT WITH THE POWERS OF THAT COURT, AS MAY BE
3 FOR THE BEST INTERESTS OF THE CHILD. PENDING ACTION BY THE OTHER
4 COURT IN REGARD TO THE MATTER, THE DOMESTIC RELATIONS COURT WITH
5 WHICH THE PETITION IS FILED SHALL HAVE JURISDICTION TO MAKE A
6 TEMPORARY ORDER PERTAINING TO THE CHILD'S CARE OR CUSTODY, WHICH
7 MAY BE ADVISABLE OR NECESSARY FOR THE PROTECTION OF THE CHILD.

8 SEC. 9604. (1) IF, DURING THE PENDENCY OF A CRIMINAL CHARGE
9 AGAINST A PERSON IN ANY OTHER COURT, IT IS ASCERTAINED THAT THE
10 PERSON WAS LESS THAN 17 YEARS OF AGE AT THE TIME OF THE COMMIS-
11 SION OF THE OFFENSE, THE COURT HAVING GENERAL CRIMINAL JURISDIC-
12 TION SHALL TRANSFER THE CASE WITHOUT DELAY, TOGETHER WITH ALL THE
13 PAPERS, DOCUMENTS, AND TESTIMONY CONNECTED WITH THE CASE, TO THE
14 DOMESTIC RELATIONS COURT FOR THE COUNTY IN WHICH THE OTHER COURT
15 IS SITUATED OR IN WHICH THE PERSON RESIDES.

16 (2) THE COURT HAVING GENERAL CRIMINAL JURISDICTION AND
17 MAKING THE TRANSFER SHALL ORDER THE CHILD TO BE TAKEN IMMEDIATELY
18 TO THE PLACE OF DETENTION DESIGNATED BY THE DOMESTIC RELATIONS
19 COURT OR TO THAT COURT ITSELF, OR RELEASE THE CHILD IN THE CUS-
20 TODY OF SOME SUITABLE PERSON TO APPEAR BEFORE THE DOMESTIC RELA-
21 TIONS COURT AT A TIME DESIGNATED. THE DOMESTIC RELATIONS COURT
22 SHALL PROCEED TO HEAR AND DISPOSE OF THE CASE IN THE SAME MANNER
23 AS IF THE CASE HAD BEEN INSTITUTED IN THE DOMESTIC RELATIONS
24 COURT IN THE FIRST INSTANCE.

25 SEC. 9605. WHEN AN ORDER AFFECTING THE WELFARE OF A CHILD
26 IS ENTERED UNDER THIS CHAPTER BY THE COURT IN A CASE IN WHICH THE
27 CHILD IS SUBJECT TO THE PRIOR OR CONTINUING ORDER OF ANY OTHER

1 COURT OF THIS STATE, A NOTICE SHALL BE FILED IN THE OTHER COURT
2 AND A COPY OF THE NOTICE SHALL BE SERVED PERSONALLY OR BY REGIS-
3 TERED MAIL UPON THE PARENTS, GUARDIAN, OR PERSONS IN LOCO PAREN-
4 TIS AND UPON THE PROSECUTING ATTORNEY OF THE COUNTY IN WHICH THE
5 OTHER COURT IS LOCATED. THE NOTICES SHALL NOT DISCLOSE AN ALLE-
6 GATION OR FINDING OF FACT SET FORTH IN THE PETITION OR ORDER, NOR
7 THE ACTUAL PERSON OR INSTITUTION TO WHOM CUSTODY IS CHANGED. THE
8 FACTS MAY BE DISCLOSED DIRECTLY TO THE PROSECUTING ATTORNEY AND
9 SHALL BE DISCLOSED ON REQUEST OF THE PROSECUTING ATTORNEY OR BY
10 ORDER OF THE OTHER COURT, BUT SHALL BE CONSIDERED AS CONFIDENTIAL
11 INFORMATION, THE DISCLOSURE OF WHICH WILL BE SUBJECT TO THE SAME
12 REGULATIONS IN OTHER JUVENILE MATTERS.

13 SEC. 9606. (1) EXCEPT AS OTHERWISE PROVIDED IN
14 SUBSECTION (2), IF THE COURT HAS EXERCISED JURISDICTION OVER A
15 CHILD UNDER SECTION 9602(2) OR (3), JURISDICTION SHALL CONTINUE
16 FOR A PERIOD OF 2 YEARS BEYOND THE MAXIMUM AGE OF JURISDICTION
17 CONFERRED UNDER THE APPLICABLE SUBDIVISIONS OF SECTION 9602,
18 UNLESS RELEASED SOONER BY ORDER OF THE COURT.

19 (2) IF THE COURT HAS EXERCISED JURISDICTION OVER A CHILD
20 UNDER SECTION 9602(2)(A) FOR AN OFFENSE WHICH, IF COMMITTED BY AN
21 ADULT, WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 72,
22 83, 84, 88, 89, 91, 316, 317, 349, 520B, 520C, 520D, 520G, 529,
23 OR 530 OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS
24 OF 1931, BEING SECTIONS 750.72, 750.83, 750.84, 750.88, 750.89,
25 750.91, 750.316, 750.317, 750.349, 750.520B, 750.520C, 750.520D,
26 750.520G, 750.529, AND 750.530 OF THE MICHIGAN COMPILED LAWS, OR
27 SECTION 7401(2)(A)(i) OR 7403(2)(A)(i) OF THE PUBLIC HEALTH CODE,

1 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401
2 AND 333.7403 OF THE MICHIGAN COMPILED LAWS, JURISDICTION MAY BE
3 CONTINUED UNTIL THE CHILD IS 21 YEARS OF AGE UNDER SECTION
4 9630B.

5 (3) AS USED IN THIS CHAPTER, "CHILD", "MINOR" OR ANY OTHER
6 TERM SIGNIFYING A PERSON UNDER THE AGE OF 18 SHALL BE CONSTRUED
7 TO APPLY TO A PERSON 18 YEARS OF AGE OR OLDER CONCERNING WHOM
8 PROCEEDINGS ARE COMMENCED IN THE COURT PURSUANT TO SECTION 9602
9 AND OVER WHOM THE COURT HAS CONTINUING JURISDICTION PURSUANT TO
10 SUBSECTION (1).

11 SEC. 9607. (1) WHEN A CHILD IS ACCUSED OF AN ACT, THE
12 NATURE OF WHICH CONSTITUTES A VIOLATION OF THE MICHIGAN VEHICLE
13 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS
14 257.1 TO 257.923 OF THE MICHIGAN COMPILED LAWS, OR OF A PROVISION
15 OF AN ORDINANCE SUBSTANTIALLY CORRESPONDING TO ANY PROVISION OF
16 ACT NO. 300 OF THE PUBLIC ACTS OF 1949, THE FOLLOWING PROCEDURE
17 SHALL APPLY, ANY OTHER PROVISION OF THIS CHAPTER
18 NOTWITHSTANDING:

19 (A) NO PETITION SHALL BE REQUIRED, BUT THE COURT MAY ACT
20 UPON A COPY OF THE WRITTEN CITATION TO APPEAR GIVEN THE ACCUSED
21 CHILD AS REQUIRED BY SECTION 728 OF THE MICHIGAN VEHICLE CODE,
22 ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.728 OF
23 THE MICHIGAN COMPILED LAWS.

24 (B) THE PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN OF THE
25 CHILD MAY BE REQUIRED TO ATTEND A HEARING CONDUCTED IN ACCORDANCE
26 WITH THIS SECTION WHEN NOTIFIED BY THE COURT, WITHOUT ADDITIONAL

1 SERVICE OF PROCESS OR DELAY; HOWEVER, THE COURT MAY EXTEND THE
2 TIME FOR SUCH APPEARANCE.

3 (C) IF, AFTER HEARING THE CASE, THE COURT FINDS THE ACCUSA-
4 TION TO BE TRUE, THE COURT MAY DISPOSE OF THE CASE IN ACCORDANCE
5 WITH SECTION 9629.

6 (D) WITHIN 14 DAYS AFTER ENTRY OF A COURT ORDER OF DISPOSI-
7 TION FOR A CHILD FOUND TO BE WITHIN THE PROVISIONS OF THIS CHAP-
8 TER, THE COURT SHALL PREPARE AND FORWARD AN ABSTRACT OF THE
9 RECORD OF THE COURT FOR THE CASE IN ACCORDANCE WITH SECTION 732
10 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
11 1949, BEING SECTION 257.732 OF THE MICHIGAN COMPILED LAWS.

12 (E) THIS SECTION SHALL NOT BE CONSTRUED AS LIMITING THE DIS-
13 CRETION OF THE COURT TO RESTRICT THE DRIVING PRIVILEGES OF A
14 CHILD AS A TERM OR CONDITION OF PROBATION.

15 (2) IF A CHILD IS ACCUSED OF AN ACT, THE NATURE OF WHICH
16 CONSTITUTES A CIVIL INFRACTION UNDER ACT NO. 300 OF THE PUBLIC
17 ACTS OF 1949, OR OF A PROVISION OF AN ORDINANCE SUBSTANTIALLY
18 CORRESPONDING TO A CIVIL INFRACTION UNDER ACT NO. 300 OF THE
19 PUBLIC ACTS OF 1949, SECTION 741 OF ACT NO. 300 OF THE PUBLIC
20 ACTS OF 1949, BEING SECTION 257.741 OF THE MICHIGAN COMPILED
21 LAWS, SHALL APPLY.

22 SEC. 9608. (1) IF A CHILD WHO HAS ATTAINED THE AGE OF 15
23 YEARS IS ACCUSED OF AN ACT WHICH, IF COMMITTED BY AN ADULT, WOULD
24 BE A FELONY, THE JUDGE OF THE DOMESTIC RELATIONS COURT OF THE
25 COUNTY WHERE THE OFFENSE IS ALLEGED TO HAVE BEEN COMMITTED MAY
26 WAIVE JURISDICTION PURSUANT TO THIS SECTION UPON MOTION OF THE
27 PROSECUTING ATTORNEY. AFTER WAIVER, IT SHALL BE LAWFUL TO TRY

1 THE CHILD IN THE COURT HAVING GENERAL CRIMINAL JURISDICTION OF
2 THE OFFENSE.

3 (2) BEFORE CONDUCTING A HEARING ON THE MOTION TO WAIVE
4 JURISDICTION, THE COURT SHALL GIVE NOTICE OF THE HEARING IN THE
5 MANNER PROVIDED BY SUPREME COURT RULE TO THE CHILD AND THE PROSE-
6 CUTING ATTORNEY AND, IF ADDRESSES ARE KNOWN, TO THE CHILD'S PAR-
7 ENTS OR GUARDIANS. THE NOTICE SHALL STATE CLEARLY THAT A WAIVER
8 OF JURISDICTION TO A COURT OF GENERAL CRIMINAL JURISDICTION HAS
9 BEEN REQUESTED AND THAT, IF GRANTED, THE CHILD CAN BE PROSECUTED
10 FOR THE ALLEGED OFFENSE AS THOUGH HE OR SHE WERE AN ADULT.

11 (3) BEFORE THE COURT WAIVES JURISDICTION, THE COURT SHALL
12 DETERMINE ON THE RECORD IF THERE IS PROBABLE CAUSE TO BELIEVE
13 THAT AN OFFENSE HAS BEEN COMMITTED WHICH IF COMMITTED BY AN ADULT
14 WOULD BE A FELONY AND IF THERE IS PROBABLE CAUSE TO BELIEVE THAT
15 THE CHILD COMMITTED THE OFFENSE. BEFORE A CHILD MAY WAIVE A
16 PROBABLE CAUSE HEARING UNDER THIS SUBSECTION, THE COURT SHALL
17 INFORM THE CHILD THAT A WAIVER OF THIS SUBSECTION WAIVES THE PRE-
18 LIMINARY EXAMINATION REQUIRED BY CHAPTER VI OF THE CODE OF CRIMI-
19 NAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SEC-
20 TIONS 766.1 TO 766.22 OF THE MICHIGAN COMPILED LAWS.

21 (4) UPON A SHOWING OF PROBABLE CAUSE PURSUANT TO SUBSECTION
22 (3), THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE BEST
23 INTERESTS OF THE CHILD AND THE PUBLIC WOULD BE SERVED BY GRANTING
24 A WAIVER OF JURISDICTION TO THE COURT OF GENERAL CRIMINAL
25 JURISDICTION. IN MAKING THE DETERMINATION, THE COURT SHALL CON-
26 sider THE FOLLOWING CRITERIA GIVING EACH WEIGHT AS APPROPRIATE TO
27 THE CIRCUMSTANCES:

1 (A) THE PRIOR RECORD AND CHARACTER OF THE CHILD, HIS OR HER
2 PHYSICAL AND MENTAL MATURITY, AND HIS OR HER PATTERN OF LIVING.

3 (B) THE SERIOUSNESS OF THE OFFENSE.

4 (C) WHETHER THE OFFENSE IS PART OF A REPETITIVE PATTERN OF
5 OFFENSES WHICH WOULD LEAD TO 1 OF THE FOLLOWING DETERMINATIONS:

6 (i) THE CHILD IS NOT AMENABLE TO TREATMENT.

7 (ii) THAT DESPITE THE CHILD'S POTENTIAL FOR TREATMENT, THE
8 NATURE OF THE CHILD'S DELINQUENT BEHAVIOR IS LIKELY TO DISRUPT
9 THE REHABILITATION OF OTHER CHILDREN IN THE TREATMENT PROGRAM.

10 (D) WHETHER, DESPITE THE CHILD'S POTENTIAL FOR TREATMENT,
11 THE NATURE OF THE CHILD'S DELINQUENT BEHAVIOR IS LIKELY TO RENDER
12 THE CHILD DANGEROUS TO THE PUBLIC IF RELEASED AT THE AGE OF 19 OR
13 21.

14 (E) WHETHER THE CHILD IS MORE LIKELY TO BE REHABILITATED BY
15 THE SERVICES AND FACILITIES AVAILABLE IN ADULT PROGRAMS AND PRO-
16 CEDURES THAN IN JUVENILE PROGRAMS AND PROCEDURES.

17 (F) WHETHER IT IS IN THE BEST INTERESTS OF THE PUBLIC WEL-
18 FARE AND THE PROTECTION OF THE PUBLIC SECURITY THAT THE CHILD
19 STAND TRIAL AS AN ADULT OFFENDER.

20 (5) IF LEGAL COUNSEL HAS NOT BEEN RETAINED OR APPOINTED TO
21 REPRESENT THE CHILD, THE COURT SHALL ADVISE THE CHILD AND HIS OR
22 HER PARENTS, GUARDIAN, CUSTODIAN, OR GUARDIAN AD LITEM OF THE
23 CHILD'S RIGHT TO REPRESENTATION AND APPOINT LEGAL COUNSEL. IF
24 THE COURT APPOINTS LEGAL COUNSEL, THE JUDGE MAY ASSESS THE COST
25 OF PROVIDING LEGAL COUNSEL AS COSTS AGAINST THE CHILD OR THOSE
26 RESPONSIBLE FOR HIS OR HER SUPPORT, OR BOTH, IF THE PERSONS TO BE
27 ASSESSED ARE FINANCIALLY ABLE TO COMPLY.

1 (6) LEGAL COUNSEL SHALL HAVE ACCESS TO RECORDS OR REPORTS
2 PROVIDED AND RECEIVED BY THE JUDGE AS A BASIS FOR DECISION IN
3 PROCEEDINGS FOR WAIVER OF JURISDICTION. A CONTINUANCE SHALL BE
4 GRANTED AT LEGAL COUNSEL'S REQUEST IF ANY REPORT, INFORMATION OR
5 RECOMMENDATION, NOT PREVIOUSLY AVAILABLE, IS INTRODUCED OR DEVEL-
6 OPED AT THE HEARING AND THE INTERESTS OF JUSTICE REQUIRE A
7 CONTINUANCE.

8 (7) THE COURT SHALL ENTER A WRITTEN ORDER EITHER GRANTING OR
9 DENYING THE MOTION TO WAIVE JURISDICTION, AND THE COURT SHALL
10 STATE ON THE RECORD OR IN A WRITTEN OPINION THE COURT'S FINDINGS
11 OF FACT AND CONCLUSIONS OF LAW FORMING THE BASIS FOR ENTRY OF THE
12 ORDER. IF JURISDICTION OVER A CHILD IS WAIVED, A TRANSCRIPT OF
13 THE COURT'S FINDINGS OR A COPY OF THE WRITTEN OPINION SHALL BE
14 SENT TO THE COURT OF GENERAL CRIMINAL JURISDICTION.

15 (8) IF THE COURT DOES NOT WAIVE JURISDICTION, A TRANSCRIPT
16 OF THE COURT'S FINDINGS OR, IF A WRITTEN OPINION IS PREPARED, A
17 COPY OF THE WRITTEN OPINION SHALL BE SENT TO THE PROSECUTOR,
18 CHILD, OR CHILD'S ATTORNEY UPON REQUEST.

19 (9) IF THE COURT WAIVES JURISDICTION, THE CHILD SHALL BE
20 ARRAIGNED ON AN INFORMATION FILED BY THE PROSECUTOR IN THE COURT
21 OF GENERAL CRIMINAL JURISDICTION. THE PROBABLE CAUSE FINDING
22 UNDER SUBSECTION (3) SHALL SATISFY THE REQUIREMENTS OF AND BE
23 CONSIDERED THE EQUIVALENT OF THE PRELIMINARY EXAMINATION REQUIRED
24 BY CHAPTER VI OF ACT NO. 175 OF THE PUBLIC ACTS OF 1927.

25 SEC. 9609. THE COURT SHALL NOT HAVE JURISDICTION OVER A
26 CHILD AFTER HE OR SHE BECOMES 18 YEARS OF AGE, EXCEPT AS PROVIDED
27 IN SECTION 9606. A COMMITMENT OF A CHILD TO A PRIVATE OR PUBLIC

1 INSTITUTION OR AGENCY SHALL NOT BE VALID AFTER THE CHILD HAS
2 REACHED THE AGE BEYOND WHICH THE COURT DOES NOT HAVE CONTINUING
3 JURISDICTION PURSUANT TO SECTION 9606. A COMMITMENT TO A PRIVATE
4 OR INCORPORATED INSTITUTION OR AGENCY SHALL NOT DIVEST THE COURT
5 OF JURISDICTION UNLESS THE CHILD IS ADOPTED IN A MANNER PROVIDED
6 BY LAW.

7 SEC. 9611. THE COURT MAY APPOINT A REGISTRAR OF THE COURT.
8 THE REGISTRAR SHALL PREPARE PETITIONS FOR INVESTIGATION, SUMMONS,
9 WRITS, AND OTHER PAPERS NECESSARY TO ADMINISTER THIS CHAPTER, AND
10 SHALL PERFORM CLERICAL DUTIES ASSIGNED BY THE COURT.

11 SEC. 9612. (1) THE OFFICE OF COUNTY AGENT IS CREATED. THE
12 COUNTY AGENT SHALL BE AN OFFICER OF THE COURT, UNDER THE GENERAL
13 SUPERVISION OF THE JUDGES OF THE COURT, AND SHALL SERVE AT THEIR
14 PLEASURE.

15 (2) THE COUNTY AGENT SHALL ORGANIZE, DIRECT, AND DEVELOP THE
16 CHILD WELFARE WORK OF THE COURT IF AUTHORIZED BY THE JUDGE. THE
17 COUNTY AGENT, WITH THE APPROVAL OF THE COURT, SHALL MAKE INVESTI-
18 GATIONS AND REPORTS ON CHILDREN OR FAMILIES WITHIN THE COUNTY AS
19 MAY BE REQUESTED BY THE STATE DEPARTMENT OF SOCIAL SERVICES OR BY
20 THE SUPERINTENDENT OF A STATE INSTITUTION RELATIVE TO THE WELFARE
21 OF A CHILD. THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL ASSIST
22 IN THE WORK OF THE COUNTY AGENTS AND ASSISTANTS AS PROVIDED IN
23 SECTION 115D OF THE SOCIAL WELFARE ACT, ACT NO. 280 OF THE PUBLIC
24 ACTS OF 1939, BEING SECTION 400.115D OF THE MICHIGAN COMPILED
25 LAWS. AN ASSISTANT COUNTY AGENT SHALL PERFORM DUTIES ASSIGNED TO
26 THE ASSISTANT BY THE COUNTY AGENT.

1 SEC. 9613. (1) THE COURT MAY APPOINT ANY SUITABLE PERSON OF
2 GOOD CHARACTER AND QUALIFIED TRAINING OR EXPERIENCE, OTHER THAN
3 THE COUNTY AGENT OR ASSISTANTS, TO ACT AS PROBATION OFFICER. A
4 PROBATION OFFICER SHALL RECEIVE COMPENSATION THE COUNTY BOARD OF
5 COMMISSIONERS APPROPRIATES FOR THAT PURPOSE. AT THE DISCRETION
6 OF THE JUDGE, A PROBATION OFFICER MAY PERFORM COUNTY AGENT
7 DUTIES.

8 (2) THE COURT MAY ALSO APPOINT OTHER PROBATION OFFICERS WHO
9 SHALL NOT RECEIVE COMPENSATION FROM THE COUNTY TREASURY FOR THE
10 DUTIES PERFORMED.

11 (3) THE COURT SHALL NOTIFY THE STATE DEPARTMENT OF SOCIAL
12 SERVICES OF THE APPOINTMENT OF EACH PAID PROBATION OFFICER MADE
13 UNDER THIS SECTION.

14 (4) A PROBATION OFFICER SHALL HOLD OFFICE DURING THE PLEA-
15 SURE OF THE COURT AND SHALL REPORT TO THE COURT UPON ALL CASES
16 UNDER THE OFFICER'S CARE.

17 SEC. 9614. (1) EXCEPT AS OTHERWISE PROVIDED IN
18 SUBSECTION (2), THE JUDGE OF THE DOMESTIC RELATIONS COURT MAY
19 DESIGNATE A PROBATION OFFICER OR COUNTY AGENT TO ACT AS REFEREE
20 IN TAKING THE TESTIMONY OF WITNESSES AND HEARING THE STATEMENTS
21 OF PARTIES UPON THE HEARING OF PETITIONS ALLEGING THAT A CHILD IS
22 WITHIN THE PROVISIONS OF THIS CHAPTER, IF THERE IS NO OBJECTION
23 BY PARTIES IN INTEREST. THE PROBATION OFFICER OR COUNTY AGENT
24 DESIGNATED TO ACT AS REFEREE SHALL DO ALL OF THE FOLLOWING:

25 (A) TAKE AND SUBSCRIBE THE OATH OF OFFICE PROVIDED BY THE
26 CONSTITUTION.

1 (B) ADMINISTER OATHS AND EXAMINE WITNESSES.

2 (C) IF A CASE REQUIRES A HEARING AND THE TAKING OF
3 TESTIMONY, MAKE A WRITTEN SIGNED REPORT TO THE JUDGE OF PROBATE
4 CONTAINING A SUMMARY OF THE TESTIMONY TAKEN AND A RECOMMENDATION
5 FOR THE COURT'S FINDINGS AND DISPOSITION.

6 (2) IF A CHILD IS BEFORE THE COURT UNDER SECTION 9602(2)(A),
7 A PROBATION OFFICER OR COUNTY AGENT WHO IS NOT LICENSED TO PRAC-
8 TICE LAW IN THIS STATE SHALL NOT BE DESIGNATED TO ACT AS A REF-
9 EREE IN ANY HEARING FOR THE CHILD, EXCEPT THE PRELIMINARY INQUIRY
10 OR PRELIMINARY HEARING. THIS SUBSECTION DOES NOT APPLY TO A PRO-
11 BATION OFFICER OR COUNTY AGENT WHO HAS BEEN DESIGNATED TO ACT AS
12 A REFEREE BY THE PROBATE JUDGE BEFORE JANUARY 1, 1988 AND WHO IS
13 ACTING AS A REFEREE AS OF JANUARY 1, 1988.

14 SEC. 9621. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), IF A
15 PERSON GIVES INFORMATION TO THE COURT THAT A CHILD IS WITHIN SEC-
16 TION 9602(2) TO (6), A PRELIMINARY INQUIRY MAY BE MADE TO DETER-
17 MINE WHETHER THE INTERESTS OF THE PUBLIC OR OF THE CHILD REQUIRE
18 THAT FURTHER ACTION BE TAKEN. IF IT APPEARS THAT FORMAL JURIS-
19 DICTION SHOULD BE ACQUIRED, THE COURT SHALL AUTHORIZE A PETITION
20 TO BE FILED.

21 (2) ONLY THE PROSECUTING ATTORNEY MAY FILE A PETITION
22 REQUESTING THE COURT TO TAKE JURISDICTION OF A CHILD ALLEGEDLY
23 WITHIN SECTION 9602(2)(A). IF THE PROSECUTING ATTORNEY SUBMITS A
24 PETITION REQUESTING THE COURT TO TAKE JURISDICTION OF A CHILD
25 ALLEGEDLY WITHIN SECTION 9602(2)(A) AND IT APPEARS THAT FORMAL
26 JURISDICTION SHOULD BE ACQUIRED, THE COURT SHALL AUTHORIZE A
27 PETITION TO BE FILED.

1 (3) THE PETITION DESCRIBED IN SUBSECTIONS (1) AND (2) SHALL
2 BE VERIFIED AND MAY BE UPON INFORMATION AND BELIEF. THE PETITION
3 SHALL SET FORTH PLAINLY THE FACTS THAT BRING THE CHILD WITHIN
4 THIS CHAPTER AND SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

5 (A) THE NAME, BIRTH DATE, AND ADDRESS OF THE CHILD.

6 (B) THE NAME AND ADDRESS OF THE CHILD'S PARENTS.

7 (C) THE NAME AND ADDRESS OF THE CHILD'S LEGAL GUARDIAN, IF
8 THERE IS ONE.

9 (D) THE NAME AND ADDRESS OF EACH PERSON HAVING CUSTODY OR
10 CONTROL OF THE CHILD.

11 (E) THE NAME AND ADDRESS OF THE CHILD'S NEAREST KNOWN RELA-
12 TIVE, IF NO PARENT OR GUARDIAN CAN BE FOUND.

13 (4) IF ANY OF THE FACTS REQUIRED BY SUBSECTION (3) ARE NOT
14 KNOWN TO THE PETITIONER, THE PETITION SHALL SO STATE. IF THE
15 CHILD ATTAINS HIS OR HER SEVENTEENTH BIRTHDAY AFTER THE FILING OF
16 THE PETITION, THE JURISDICTION OF THE COURT SHALL CONTINUE BEYOND
17 THE CHILD'S SEVENTEENTH BIRTHDAY, AND THE COURT SHALL HAVE
18 AUTHORITY TO HEAR AND DISPOSE OF THE PETITION IN ACCORDANCE WITH
19 THIS CHAPTER.

20 (5) AT THE TIME A PETITION IS AUTHORIZED, THE COURT SHALL
21 EXAMINE THE COURT FILE TO DETERMINE IF A CHILD HAS HAD FINGER-
22 PRINTS TAKEN AS REQUIRED BY SECTION 3 OF ACT NO. 289 OF THE
23 PUBLIC ACTS OF 1925, BEING SECTION 28.243 OF THE MICHIGAN
24 COMPILED LAWS. IF A CHILD HAS NOT HAD HIS OR HER FINGERPRINTS
25 TAKEN, THE COURT SHALL DO EITHER OF THE FOLLOWING:

1 (A) ORDER THE CHILD TO SUBMIT HIMSELF OR HERSELF TO THE
2 POLICE AGENCY THAT ARRESTED OR OBTAINED THE WARRANT FOR THE
3 ARREST OF THE CHILD SO THE CHILD'S FINGERPRINTS CAN BE TAKEN.

4 (B) ORDER THE CHILD COMMITTED TO THE CUSTODY OF THE SHERIFF
5 FOR THE TAKING OF THE CHILD'S FINGERPRINTS.

6 (6) A PETITION OR OTHER COURT RECORD MAY BE AMENDED AT ANY
7 STAGE OF THE PROCEEDINGS, AS THE ENDS OF JUSTICE MAY REQUIRE.

8 (7) IF THE JUVENILE DIVERSION ACT, ACT NO. 13 OF THE PUBLIC
9 ACTS OF 1988, BEING SECTIONS 722.821 TO 722.831 OF THE MICHIGAN
10 COMPILED LAWS, IS COMPLIED WITH AND IT APPEARS THAT COURT SERV-
11 ICES CAN BE USED IN THE PREVENTION OF DELINQUENCY WITHOUT FORMAL
12 JURISDICTION, THE COURT MAY OFFER COURT SERVICES TO CHILDREN, AS
13 PROVIDED IN SECTION 9602(8), WITHOUT A PETITION BEING
14 AUTHORIZED.

15 SEC. 9622. (1) AFTER A PETITION IS FILED AND AFTER FURTHER
16 INVESTIGATION AS DIRECTED BY THE COURT, IN THE COURSE OF WHICH
17 THE COURT MAY ORDER THE CHILD TO BE EXAMINED BY A PHYSICIAN, DEN-
18 TIST, PSYCHOLOGIST, OR PSYCHIATRIST, THE COURT MAY DISMISS THE
19 PETITION OR MAY ISSUE A SUMMONS RECITING BRIEFLY THE SUBSTANCE OF
20 THE PETITION, AND REQUIRING THE PERSON WHO HAS THE CUSTODY OR
21 CONTROL OF THE CHILD, OR WITH WHOM THE CHILD MAY BE, TO APPEAR
22 PERSONALLY AND BRING THE CHILD BEFORE THE COURT AT A TIME AND
23 PLACE STATED. THE COURT MAY EXCUSE, BUT NOT RESTRICT, A CHILD
24 FROM ATTENDING THE HEARING. IF THE PERSON SUMMONED IS OTHER THAN
25 THE PARENT OR GUARDIAN OF THE CHILD, THE PARENTS OR GUARDIAN, OR
26 BOTH, EXCEPT AS PROVIDED IN SECTION 9623, SHALL ALSO BE NOTIFIED,
27 BY PERSONAL SERVICE BEFORE THE HEARING, OF THE PETITION AND OF

1 THE TIME AND PLACE APPOINTED FOR THE HEARING. SUMMONS MAY BE
2 ISSUED REQUIRING THE APPEARANCE OF A PERSON WHOSE PRESENCE, IN
3 THE OPINION OF THE COURT, IS NECESSARY.

4 (2) AN INTERESTED PARTY WHO VOLUNTARILY APPEARS IN THE PRO-
5 CEEDINGS, BY WRITING, MAY WAIVE SERVICE OF PROCESS OR NOTICE OF
6 HEARING.

7 SEC. 9623. (1) SERVICE OF SUMMONS MAY BE MADE ANYWHERE IN
8 THE STATE PERSONALLY BY THE DELIVERY OF TRUE COPIES OF THE SUM-
9 MONS TO THE PERSONS SUMMONED. IF THE COURT IS SATISFIED THAT IT
10 IS IMPRACTICABLE TO SERVE PERSONALLY THE SUMMONS OR THE NOTICE
11 PROVIDED FOR IN SECTION 9622 THE COURT MAY ORDER SERVICE BY REG-
12 ISTERED MAIL ADDRESSED TO THEIR LAST KNOWN ADDRESSES, OR BY PUB-
13 LICATION, OR BOTH. JURISDICTION IS CONFERRED IF PERSONAL SERVICE
14 IS EFFECTED NOT LESS THAN 72 HOURS BEFORE THE DATE OF HEARING;
15 REGISTERED MAIL IS MAILED NOT LESS THAN 5 DAYS BEFORE THE DATE OF
16 HEARING IF WITHIN THE STATE OR 14 DAYS IF OUTSIDE THE STATE; OR
17 PUBLICATION IS MADE ONCE IN A NEWSPAPER PRINTED AND CIRCULATED IN
18 THE COUNTY IN WHICH THE COURT IS LOCATED AT LEAST 1 WEEK BEFORE
19 THE TIME FIXED IN THE SUMMONS OR NOTICE FOR THE HEARING.

20 (2) SERVICE OF A SUMMONS, NOTICE, OR ORDER REQUIRED BY THIS
21 CHAPTER MAY BE MADE BY A PEACE OFFICER OR BY ANY OTHER SUITABLE
22 PERSON DESIGNATED BY THE COURT. THE COURT MAY AUTHORIZE THE PAY-
23 MENT OF NECESSARY TRAVELING EXPENSES INCURRED BY A PERSON SUM-
24 MONED OR OTHERWISE REQUIRED TO APPEAR AT THE TIME OF HEARING OF A
25 CASE COMING WITHIN THIS CHAPTER. THE EXPENSES AND THE EXPENSES
26 OF MAKING SERVICE, IF APPROVED BY THE COURT, SHALL BE PAID BY THE
27 COUNTY TREASURER FROM THE GENERAL FUND OF THE COUNTY.

1 (3) IF A PERSON SUMMONED, AS PROVIDED IN THIS SECTION, FAILS
2 WITHOUT REASONABLE CAUSE TO APPEAR BEFORE THE COURT, THAT PERSON
3 MAY BE PROCEEDED AGAINST FOR CONTEMPT OF COURT AND PUNISHED
4 ACCORDINGLY.

5 SEC. 9623A. (1) AS USED IN THIS SECTION AND SECTIONS 9630D,
6 9631, 9632, 9632A, AND 9632B:

7 (A) "AGENCY" MEANS A PUBLIC OR PRIVATE ORGANIZATION, INSTI-
8 TUTION, OR FACILITY RESPONSIBLE PURSUANT TO COURT ORDER OR CON-
9 TRACTUAL ARRANGEMENT FOR THE CARE AND SUPERVISION OF A CHILD.

10 (B) "FOSTER CARE" MEANS CARE PROVIDED TO A CHILD IN A FOSTER
11 FAMILY HOME, FOSTER FAMILY GROUP HOME, OR CHILD CARING INSTITU-
12 TION LICENSED OR APPROVED UNDER ACT NO. 116 OF THE PUBLIC ACTS OF
13 1973, BEING SECTIONS 722.111 TO 722.128 OF THE MICHIGAN COMPILED
14 LAWS, OR CARE PROVIDED TO A CHILD IN A RELATIVE'S HOME PURSUANT
15 TO AN ORDER BY THE COURT.

16 (2) IF A CHILD IS ALLEGED TO HAVE COME WITHIN THE PROVISIONS
17 OF SECTION 9602(2), THE COURT MAY AUTHORIZE A PETITION TO BE
18 FILED AT THE CONCLUSION OF THE PRELIMINARY HEARING OR INQUIRY.
19 THE PETITION MAY BE AUTHORIZED UPON A SHOWING OF PROBABLE CAUSE
20 THAT 1 OR MORE OF THE ALLEGATIONS IN THE PETITION ARE TRUE AND
21 FALL WITHIN THE PROVISIONS OF SECTION 9602(2).

22 (3) IF A PETITION UNDER SUBSECTION (2) IS AUTHORIZED, THE
23 COURT MAY RELEASE THE CHILD IN THE CUSTODY OF EITHER OF THE
24 CHILD'S PARENTS, GUARDIAN, OR CUSTODIAN UNDER SUCH REASONABLE
25 TERMS AND CONDITIONS AS ARE NECESSARY FOR EITHER THE PHYSICAL
26 HEALTH OR MENTAL WELL-BEING OF THE CHILD.

1 (4) IF A PETITION UNDER SUBSECTION (2) IS AUTHORIZED, THE
2 COURT MAY ORDER PLACEMENT OF THE CHILD WITH SOMEONE OTHER THAN A
3 PARENT IF THE COURT AFTER HEARING DETERMINES THAT BOTH OF THE
4 FOLLOWING CONDITIONS EXIST:

5 (A) CUSTODY OF THE CHILD WITH A PARENT, GUARDIAN, OR CUSTO-
6 DIAN PRESENTS A SUBSTANTIAL RISK OF HARM TO THE CHILD'S LIFE,
7 PHYSICAL HEALTH, OR MENTAL WELL-BEING AND NO PROVISION OF SERVICE
8 OR OTHER ARRANGEMENT EXCEPT REMOVAL OF THE CHILD IS REASONABLY
9 AVAILABLE TO ADEQUATELY SAFEGUARD THE CHILD FROM SUCH RISK.

10 (B) CONDITIONS OF CUSTODY OF THE CHILD AWAY FROM A PARENT,
11 GUARDIAN, OR CUSTODIAN ARE ADEQUATE TO SAFEGUARD THE CHILD'S
12 HEALTH AND WELFARE.

13 (5) IF THE COURT ORDERS PLACEMENT OF THE CHILD OUTSIDE THE
14 CHILD'S HOME, THE COURT SHALL INFORM THE PARTIES OF ALL OF THE
15 FOLLOWING:

16 (A) THAT THE AGENCY HAS THE RESPONSIBILITY TO PREPARE AN
17 INITIAL SERVICES PLAN WITHIN 30 DAYS OF THE CHILD'S PLACEMENT.

18 (B) THE GENERAL ELEMENTS OF AN INITIAL SERVICES PLAN AS
19 REQUIRED BY THE RULES PROMULGATED PURSUANT TO ACT NO. 116 OF THE
20 PUBLIC ACTS OF 1973, BEING SECTIONS 722.111 TO 722.128 OF THE
21 MICHIGAN COMPILED LAWS.

22 (C) THAT WITHOUT A COURT ORDER PARTICIPATION IN AN INITIAL
23 SERVICES PLAN IS VOLUNTARY.

24 (6) IN DETERMINING PLACEMENT OF A CHILD PENDING TRIAL, THE
25 COURT SHALL ORDER THE CHILD PLACED IN THE MOST FAMILY-LIKE SET-
26 TING AVAILABLE CONSISTENT WITH THE NEEDS OF THE CHILD.

1 (7) UNLESS VISITATION, EVEN IF SUPERVISED, WOULD BE HARMFUL
2 TO THE CHILD, THE CHILD'S PARENT SHALL BE PERMITTED TO VISIT
3 FREQUENTLY WITH THE CHILD.

4 (8) UPON THE MOTION OF ANY PARTY, THE COURT SHALL REVIEW
5 CUSTODY AND PLACEMENT ORDERS AND INITIAL SERVICES PLANS PENDING
6 TRIAL AND MAY MODIFY THOSE ORDERS AND PLANS AS THE COURT CONSID-
7 ERS PURSUANT TO THIS SECTION ARE IN THE BEST INTERESTS OF THE
8 CHILD.

9 SEC. 9624. (1) ANY LOCAL POLICE OFFICER, SHERIFF OR DEPUTY
10 SHERIFF, STATE POLICE OFFICER, COUNTY AGENT OR PROBATION OFFICER
11 OF ANY COURT OF RECORD MAY, WITHOUT THE ORDER OF THE COURT, IMME-
12 DIATELY TAKE INTO CUSTODY ANY CHILD WHO IS FOUND VIOLATING ANY
13 LAW OR ORDINANCE, OR WHOSE SURROUNDINGS ARE SUCH AS TO ENDANGER
14 HIS OR HER HEALTH, MORALS, OR WELFARE. IF THE OFFICER OR COUNTY
15 AGENT TAKES A CHILD COMING WITHIN THE PROVISIONS OF THIS CHAPTER
16 INTO CUSTODY, HE OR SHE SHALL IMMEDIATELY ATTEMPT TO NOTIFY THE
17 PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN. WHILE AWAITING THE
18 ARRIVAL OF THE PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN, A CHILD
19 UNDER THE AGE OF 17 YEARS TAKEN INTO CUSTODY UNDER THE PROVISIONS
20 OF THIS CHAPTER SHALL NOT BE HELD IN ANY DETENTION FACILITY
21 UNLESS THE CHILD IS COMPLETELY ISOLATED SO AS TO PREVENT ANY
22 VERBAL, VISUAL, OR PHYSICAL CONTACT WITH ANY ADULT PRISONER.
23 UNLESS THE CHILD REQUIRES IMMEDIATE DETENTION AS PROVIDED FOR IN
24 THIS ACT, THE OFFICER SHALL ACCEPT THE WRITTEN PROMISE OF THE
25 PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN, TO BRING THE CHILD TO
26 THE COURT AT A TIME FIXED THEREIN. THE CHILD SHALL THEN BE

1 RELEASED TO THE CUSTODY OF THE PARENT OR PARENTS, GUARDIAN, OR
2 CUSTODIAN.

3 (2) IF A CHILD IS NOT RELEASED UNDER SUBSECTION (1), THE
4 CHILD AND HIS OR HER PARENTS, GUARDIAN, OR CUSTODIAN, IF THEY CAN
5 BE LOCATED, SHALL IMMEDIATELY BE BROUGHT BEFORE THE COURT FOR A
6 PRELIMINARY HEARING ON THE STATUS OF THE CHILD, AND AN ORDER
7 SIGNED BY A JUDGE OF PROBATE OR A REFEREE AUTHORIZING THE FILING
8 OF A COMPLAINT SHALL BE ENTERED OR THE CHILD SHALL BE RELEASED TO
9 HIS OR HER PARENT OR PARENTS, GUARDIAN, OR CUSTODIAN.

10 (3) IF A COMPLAINT IS AUTHORIZED UNDER SUBSECTION (2), THE
11 ORDER SHALL STATE WHERE THE CHILD IS TO BE PLACED, PENDING INVES-
12 TIGATION AND HEARING, WHICH PLACEMENT MAY BE IN ANY OF THE
13 FOLLOWING:

14 (A) IN THE HOME OF THE CHILD'S PARENT, GUARDIAN, OR
15 CUSTODIAN.

16 (B) IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER SEC-
17 TION 9602(2), IN A SUITABLE FOSTER CARE HOME SUBJECT TO THE
18 COURT'S SUPERVISION. IF A CHILD IS WITHIN THE COURT'S JURISDIC-
19 TION UNDER SECTION 9602(3), THE COURT SHALL NOT PLACE A CHILD IN
20 A FOSTER CARE HOME SUBJECT TO THE COURT'S SUPERVISION.

21 (C) IN A CHILD CARE INSTITUTION OR CHILD PLACING AGENCY
22 LICENSED BY THE STATE DEPARTMENT OF SOCIAL SERVICES TO RECEIVE
23 FOR CARE CHILDREN WITHIN THE JURISDICTION OF THE COURT.

24 (D) IN A SUITABLE PLACE OF DETENTION.

25 SEC. 9625. (1) IN THE CASE OF A CHILD CONCERNING WHOM A
26 COMPLAINT HAS BEEN MADE OR A PETITION OR SUPPLEMENTAL PETITION OR
27 PETITION FOR REVOCATION OF PROBATION HAS BEEN FILED PURSUANT TO

1 THIS CHAPTER, THE COURT MAY ORDER THE CHILD, PENDING THE HEARING,
2 DETAINED IN A FACILITY AS THE COURT SHALL DESIGNATE. THE COURT
3 MAY RELEASE THE CHILD, PENDING THE HEARING, IN THE CUSTODY OF A
4 PARENT, GUARDIAN, OR CUSTODIAN, TO BE BROUGHT BEFORE THE COURT AT
5 THE TIME DESIGNATED.

6 (2) CUSTODY, PENDING HEARING, IS LIMITED TO THE FOLLOWING
7 CHILDREN:

8 (A) THOSE WHOSE HOME CONDITIONS MAKE IMMEDIATE REMOVAL
9 NECESSARY.

10 (B) THOSE WHO HAVE A RECORD OF UNEXCUSED FAILURES TO APPEAR
11 AT JUVENILE COURT PROCEEDINGS.

12 (C) THOSE WHO HAVE RUN AWAY FROM HOME.

13 (D) THOSE WHO HAVE FAILED TO REMAIN IN A DETENTION OR NONSE-
14 CURE FACILITY OR PLACEMENT IN VIOLATION OF A COURT ORDER.

15 (E) THOSE WHOSE OFFENSES ARE SO SERIOUS THAT RELEASE WOULD
16 ENDANGER PUBLIC SAFETY.

17 (3) A CHILD TAKEN INTO CUSTODY PURSUANT TO SECTION
18 9602(2)(B) TO (D) OR SUBSECTION (2)(C), WHO IS NOT UNDER THE
19 JURISDICTION OF THE COURT PURSUANT TO SECTION 9602(2)(A), SHALL
20 NOT BE DETAINED IN ANY SECURE FACILITY DESIGNED TO PHYSICALLY
21 RESTRICT THE MOVEMENTS AND ACTIVITIES OF ALLEGED OR ADJUDICATED
22 JUVENILE OFFENDERS UNLESS THE COURT FINDS THAT THE CHILD WILL-
23 FULLY VIOLATED A COURT ORDER AND THE COURT FINDS, AFTER A HEARING
24 AND ON THE RECORD, THAT THERE IS NOT A LESS RESTRICTIVE ALTERNA-
25 TIVE MORE APPROPRIATE TO THE NEEDS OF THE CHILD.

26 (4) A CHILD TAKEN INTO CUSTODY PURSUANT TO SECTION 9602(3)
27 OR SUBSECTION (2)(A) SHALL NOT BE DETAINED IN ANY SECURE FACILITY

1 DESIGNED TO PHYSICALLY RESTRICT THE MOVEMENTS AND ACTIVITIES OF
2 ALLEGED OR ADJUDICATED JUVENILE OFFENDERS OR IN A CELL OR OTHER
3 SECURE AREA OF ANY SECURE FACILITY DESIGNED TO INCARCERATE
4 ADULTS.

5 (5) A CHILD TAKEN INTO CUSTODY PURSUANT TO SECTION
6 9602(2)(B) TO (D) OR SUBSECTION (2)(C) WHO IS NOT UNDER THE
7 JURISDICTION OF THE COURT PURSUANT TO THE PROVISIONS OF SECTION
8 9602(2)(A) FOR AN OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD
9 BE A FELONY SHALL NOT BE DETAINED IN A CELL OR OTHER SECURE AREA
10 OF ANY SECURE FACILITY DESIGNED TO INCARCERATE ADULTS.

11 SEC. 9626. (1) IF A CHILD UNDER THE AGE OF 17 YEARS IS
12 TAKEN INTO CUSTODY OR DETAINED, THE CHILD SHALL NOT BE CONFINED
13 IN ANY POLICE STATION, PRISON, JAIL, LOCK-UP, OR REFORMATORY, OR
14 BE TRANSPORTED WITH, OR COMPELLED OR PERMITTED TO ASSOCIATE OR
15 MINGLE WITH, CRIMINAL OR DISSOLUTE PERSONS. HOWEVER, EXCEPT AS
16 OTHERWISE PROVIDED IN SECTION 9625(3), (4), AND (5), A CHILD 15
17 YEARS OF AGE OR OLDER WHOSE HABITS OR CONDUCT ARE CONSIDERED A
18 MENACE TO OTHER CHILDREN, OR WHO MAY NOT OTHERWISE BE SAFELY
19 DETAINED, MAY, ON ORDER OF THE COURT, BE PLACED IN A JAIL OR
20 OTHER PLACE OF DETENTION FOR ADULTS, BUT IN A ROOM OR WARD SEPA-
21 RATE FROM ADULTS, AND FOR A PERIOD NOT TO EXCEED 30 DAYS, UNLESS
22 LONGER DETENTION IS NECESSARY FOR THE SERVICE OF PROCESS.

23 (2) THE COUNTY BOARD OF COMMISSIONERS IN EACH COUNTY OR
24 COUNTIES MAY CONTRACT TOGETHER FOR THE DIAGNOSIS, TREATMENT,
25 CARE, TRAINING, AND DETENTION OF CHILDREN IN A CHILD CARE HOME TO
26 BE CONDUCTED AS AN AGENCY OF THE COURT OR COUNTY IF THE HOME OR
27 FACILITY MEETS LICENSING STANDARDS ESTABLISHED BY THE STATE

1 DEPARTMENT OF SOCIAL SERVICES. THE COURT OR A COURT APPROVED
2 AGENCY MAY ARRANGE FOR THE BOARDING OF CHILDREN BY ANY OF THE
3 FOLLOWING:

4 (A) IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER SEC-
5 TION 9602(2), IN A SUITABLE FOSTER CARE HOME SUBJECT TO THE
6 COURT'S SUPERVISION. IF A CHILD IS WITHIN THE COURT'S JURISDIC-
7 TION UNDER SECTION 9602(3), THE COURT SHALL NOT PLACE A CHILD IN
8 A FOSTER CARE HOME SUBJECT TO THE COURT'S SUPERVISION.

9 (B) IN A CHILD CARE INSTITUTION OR CHILD PLACING AGENCY
10 LICENSED BY THE STATE DEPARTMENT OF SOCIAL SERVICES TO RECEIVE
11 FOR CARE CHILDREN WITHIN THE JURISDICTION OF THE COURT.

12 (C) IF IN A ROOM OR WARD, SEPARATE AND APART FROM ADULT
13 CRIMINALS, IN THE COUNTY JAIL IN CASES OF CHILDREN OVER 17 YEARS
14 OF AGE WITHIN THE JURISDICTION OF THE COURT.

15 (3) IF A DETENTION HOME IS ESTABLISHED AS AN AGENCY OF THE
16 COURT, THE JUDGE MAY APPOINT A SUPERINTENDENT OR MATRON AND OTHER
17 NECESSARY EMPLOYEES FOR THE HOME WHO SHALL RECEIVE COMPENSATION
18 AS SHALL BE PROVIDED BY THE COUNTY BOARD OF COMMISSIONERS OF THE
19 COUNTY. THIS SECTION DOES NOT ALTER OR DIMINISH THE LEGAL
20 RESPONSIBILITY OF THE STATE DEPARTMENT OF SOCIAL SERVICES TO
21 RECEIVE JUVENILES COMMITTED BY THE COURTS.

22 (4) IF THE COURT UNDER SUBSECTION (2) ARRANGES FOR THE BOARD
23 OF CHILDREN TEMPORARILY DETAINED IN PRIVATE HOMES OR IN A CHILD
24 CARE INSTITUTION OR CHILD PLACING AGENCY, A REASONABLE SUM, TO BE
25 FIXED BY THE COURT, FOR THE BOARD OF THE CHILDREN SHALL BE PAID
26 BY THE COUNTY TREASURER OUT OF THE GENERAL FUND OF THE COUNTY.

1 SEC. 9627. (1) THE COURT MAY CONDUCT HEARINGS IN AN
2 INFORMAL MANNER AND MAY ADJOURN THE HEARING FROM TIME TO TIME.
3 STENOGRAPHIC NOTES OR OTHER TRANSCRIPT OF THE HEARING SHALL BE
4 TAKEN.

5 (2) IN ALL HEARINGS UNDER THIS CHAPTER, ANY PERSON INTER-
6 ESTED IN THE HEARING MAY DEMAND A JURY OF 6 OR THE JUDGE OF THE
7 COURT ON HIS OR HER OWN MOTION MAY ORDER A JURY OF 6 TO TRY THE
8 CASE. THE JURY SHALL BE SUMMONED AND IMPANELED IN ACCORDANCE
9 WITH CHAPTER 13 OF THE REVISED JUDICATURE ACT OF 1961, ACT
10 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.1300 TO
11 600.1376 OF THE MICHIGAN COMPILED LAWS.

12 (3) A PARENT, GUARDIAN, OR OTHER CUSTODIAN OF A CHILD HELD
13 UNDER THIS CHAPTER HAS THE RIGHT TO GIVE BOND OR OTHER SECURITY
14 FOR THE APPEARANCE OF THE CHILD AT THE HEARING OF THE CASE.

15 (4) THE PROSECUTING ATTORNEY SHALL APPEAR FOR THE PEOPLE
16 WHEN REQUESTED BY THE COURT, AND IN A PROCEEDING UNDER SECTION
17 9602(2)(A), THE PROSECUTING ATTORNEY SHALL APPEAR IF THE PROCEED-
18 ING REQUIRES A HEARING AND THE TAKING OF TESTIMONY.

19 (5) IN A PROCEEDING UNDER SECTION 9602(3), UPON REQUEST OF
20 THE DEPARTMENT OF SOCIAL SERVICES OR AN AGENT OF THE DEPARTMENT
21 UNDER CONTRACT WITH THE DEPARTMENT, THE PROSECUTING ATTORNEY
22 SHALL SERVE AS A LEGAL CONSULTANT TO THE DEPARTMENT OR THE
23 DEPARTMENT'S AGENT AT ALL STAGES OF THE PROCEEDING. IF IN A PRO-
24 CEEDING UNDER SECTION 9602(3) THE PROSECUTING ATTORNEY DOES NOT
25 APPEAR ON BEHALF OF THE DEPARTMENT OR THE DEPARTMENT'S AGENT, THE
26 DEPARTMENT MAY CONTRACT WITH AN ATTORNEY OF ITS CHOICE FOR LEGAL
27 REPRESENTATION.

1 (6) UPON MOTION OF ANY PARTY OR VICTIM, IN A CASE BROUGHT
2 PURSUANT TO THIS CHAPTER, THE COURT MAY CLOSE THE HEARING TO MEM-
3 BERS OF THE GENERAL PUBLIC DURING THE TESTIMONY OF A CHILD WIT-
4 NESS OR VICTIM IF THE COURT FINDS THAT CLOSING THE HEARING IS
5 NECESSARY TO PROTECT THE WELFARE OF THE CHILD WITNESS OR VICTIM.
6 IN DETERMINING WHETHER CLOSING THE HEARING IS NECESSARY TO PRO-
7 TECT THE WELFARE OF THE CHILD WITNESS OR VICTIM, THE COURT SHALL
8 CONSIDER THE FOLLOWING:

9 (A) THE AGE OF THE CHILD WITNESS OR VICTIM.

10 (B) THE PSYCHOLOGICAL MATURITY OF THE CHILD WITNESS OR
11 VICTIM.

12 (C) THE NATURE OF THE PROCEEDING.

13 (D) THE DESIRE OF THE CHILD WITNESS OR HIS OR HER FAMILY OR
14 GUARDIAN OR THE DESIRE OF THE VICTIM TO HAVE THE TESTIMONY TAKEN
15 IN A ROOM CLOSED TO THE PUBLIC.

16 (7) AS USED IN SUBSECTION (6), "CHILD WITNESS" DOES NOT
17 INCLUDE A CHILD AGAINST WHOM A PROCEEDING IS BROUGHT UNDER SEC-
18 TION 9602(2)(A).

19 SEC. 9628. IN A CASE IN WHICH A RECORD OF A HEARING IS KEPT
20 BY A RECORDING DEVICE, A TRANSCRIPTION NEED NOT BE MADE OF THE
21 HEARING IN THE ABSENCE OF A REQUEST BY AN INTERESTED PARTY. THE
22 RECORDING OF THE HEARING SHALL BE STORED BY THE COURT AS A PER-
23 MANENT RECORD OF THE HEARING.

24 SEC. 9629. (1) IF THE COURT FINDS THAT A CHILD CONCERNING
25 WHOM A PETITION HAS BEEN FILED IS NOT WITHIN THIS CHAPTER, THE
26 COURT SHALL ENTER AN ORDER DISMISSING THE PETITION. EXCEPT AS
27 OTHERWISE PROVIDED IN SUBSECTION (15), IF THE COURT FINDS THAT A

1 CHILD IS WITHIN THIS CHAPTER, THE COURT MAY ENTER ANY OF THE
2 FOLLOWING ORDERS OF DISPOSITION WHICH IS APPROPRIATE FOR THE WEL-
3 FARE OF THE CHILD AND SOCIETY IN VIEW OF THE FACTS PROVEN AND
4 ASCERTAINED:

5 (A) WARN THE CHILD OR THE CHILD'S PARENTS, GUARDIAN, OR CUS-
6 TODIAN AND DISMISS THE PETITION.

7 (B) PLACE THE CHILD ON PROBATION, OR UNDER SUPERVISION IN
8 THE CHILD'S OWN HOME OR IN THE HOME OF AN ADULT WHO IS RELATED TO
9 THE CHILD. AS USED IN THIS SUBDIVISION "RELATED" MEANS ANY OF
10 THE FOLLOWING RELATIONSHIPS, BY MARRIAGE, BLOOD, OR ADOPTION:
11 PARENT, GRANDPARENT, BROTHER, SISTER, STEPPARENT, STEPSISTER,
12 STEPBROTHER, UNCLE, OR AUNT. THE PROBATION OR SUPERVISION SHALL
13 BE UPON SUCH TERMS AND CONDITIONS, INCLUDING REASONABLE RULES FOR
14 THE CONDUCT OF THE PARENTS, GUARDIAN, OR CUSTODIAN, IF ANY,
15 DESIGNED FOR THE PHYSICAL, MENTAL, OR MORAL WELL-BEING AND BEHAV-
16 IOR OF THE CHILD, AS THE COURT DETERMINES.

17 (C) IF A CHILD IS WITHIN THE COURT'S JURISDICTION UNDER SEC-
18 TION 9602(2)(A), PLACE THE CHILD IN A SUITABLE FOSTER CARE HOME
19 SUBJECT TO THE COURT'S SUPERVISION. IF A CHILD IS WITHIN THE
20 COURT'S JURISDICTION UNDER SECTION 9602(3), THE COURT SHALL NOT
21 PLACE A CHILD IN A FOSTER CARE HOME SUBJECT TO THE COURT'S
22 SUPERVISION.

23 (D) PLACE THE CHILD IN OR COMMIT THE CHILD TO A PRIVATE
24 INSTITUTION OR AGENCY APPROVED OR LICENSED BY THE STATE DEPART-
25 MENT OF SOCIAL SERVICES FOR THE CARE OF CHILDREN OF SIMILAR AGE,
26 SEX, AND CHARACTERISTICS.

1 (E) COMMIT THE CHILD TO A PUBLIC INSTITUTION, COUNTY
2 FACILITY, INSTITUTION OPERATED AS AN AGENCY OF THE COURT OR
3 COUNTY, OR AGENCY AUTHORIZED BY LAW TO RECEIVE CHILDREN OF SIMI-
4 LAR AGE, SEX, AND CHARACTERISTICS. IN A PLACEMENT UNDER SUBDIVI-
5 SION (D) OR A COMMITMENT UNDER THIS SUBDIVISION, EXCEPT TO A
6 STATE INSTITUTION, THE RELIGIOUS AFFILIATION OF THE CHILD SHALL
7 BE PROTECTED BY PLACEMENT OR COMMITMENT TO A PRIVATE
8 CHILD-PLACING OR CHILD-CARING AGENCY OR INSTITUTION, IF
9 AVAILABLE. THE COURT, IN EVERY ORDER OF COMMITMENT UNDER THIS
10 SUBDIVISION TO A STATE INSTITUTION OR AGENCY DESCRIBED IN THE
11 YOUTH REHABILITATION SERVICES ACT, ACT NO. 150 OF THE PUBLIC ACTS
12 OF 1974, BEING SECTIONS 803.301 TO 803.309 OF THE MICHIGAN
13 COMPILED LAWS OR IN ACT NO. 220 OF THE PUBLIC ACTS OF 1935, BEING
14 SECTIONS 400.201 TO 400.214 OF THE MICHIGAN COMPILED LAWS, SHALL
15 NAME THE SUPERINTENDENT OF THE INSTITUTION TO WHICH THE CHILD IS
16 COMMITTED AS A SPECIAL GUARDIAN TO RECEIVE BENEFITS DUE THE CHILD
17 FROM THE GOVERNMENT OF THE UNITED STATES, AND THE BENEFITS SHALL
18 BE USED TO THE EXTENT NECESSARY TO PAY FOR THE PORTIONS OF THE
19 COST OF CARE IN THE INSTITUTION WHICH THE PARENT OR PARENTS ARE
20 FOUND UNABLE TO PAY.

21 (F) PROVIDE THE CHILD WITH MEDICAL, DENTAL, SURGICAL, OR
22 OTHER HEALTH CARE, IN A LOCAL HOSPITAL IF AVAILABLE, OR ELSE-
23 WHERE, MAINTAINING AS MUCH AS POSSIBLE A LOCAL PHYSICIAN-PATIENT
24 RELATIONSHIP, AND WITH CLOTHING AND OTHER INCIDENTAL ITEMS AS THE
25 COURT CONSIDERS NECESSARY.

26 (G) ORDER THE PARENTS, GUARDIAN, CUSTODIAN, OR ANY OTHER
27 PERSON TO REFRAIN FROM CONTINUING CONDUCT WHICH, IN THE OPINION

1 OF THE COURT, HAS CAUSED OR TENDED TO CAUSE THE CHILD TO COME
2 WITHIN OR TO REMAIN UNDER THIS CHAPTER, OR WHICH OBSTRUCTS PLACE-
3 MENT OR COMMITMENT OF THE CHILD PURSUANT TO AN ORDER UNDER THIS
4 SECTION.

5 (2) AN ORDER OF DISPOSITION PLACING A CHILD IN OR COMMITTING
6 A CHILD TO CARE OUTSIDE OF THE CHILD'S OWN HOME AND UNDER STATE
7 OR COURT SUPERVISION SHALL CONTAIN A PROVISION FOR THE REIMBURSE-
8 MENT BY THE CHILD, PARENT, GUARDIAN, OR CUSTODIAN TO THE COURT
9 FOR THE COST OF CARE OR SERVICE. THE ORDER SHALL BE REASONABLE,
10 TAKING INTO ACCOUNT BOTH THE INCOME AND RESOURCES OF THE CHILD,
11 PARENT, GUARDIAN, OR CUSTODIAN. THE AMOUNT MAY BE BASED UPON THE
12 GUIDELINES AND MODEL SCHEDULE CREATED UNDER SUBSECTION (6). THE
13 REIMBURSEMENT PROVISION SHALL APPLY DURING THE ENTIRE PERIOD THE
14 CHILD REMAINS IN CARE OUTSIDE OF THE CHILD'S OWN HOME AND UNDER
15 STATE OR COURT SUPERVISION, UNLESS THE CHILD IS IN THE PERMANENT
16 CUSTODY OF THE COURT. THE COURT SHALL PROVIDE FOR THE COLLECTION
17 OF ALL AMOUNTS ORDERED TO BE REIMBURSED, AND THE MONEY COLLECTED
18 SHALL BE ACCOUNTED FOR AND REPORTED TO THE COUNTY BOARD OF
19 COMMISSIONERS. COLLECTIONS TO COVER DELINQUENT ACCOUNTS OR TO
20 PAY THE BALANCE DUE ON REIMBURSEMENT ORDERS MAY BE MADE AFTER A
21 CHILD IS RELEASED OR DISCHARGED FROM CARE OUTSIDE THE CHILD'S OWN
22 HOME AND UNDER STATE OR COURT SUPERVISION. TWENTY-FIVE PERCENT
23 OF ALL AMOUNTS COLLECTED PURSUANT TO AN ORDER ENTERED UNDER THIS
24 SUBSECTION SHALL BE CREDITED TO THE APPROPRIATE FUND OF THE
25 COUNTY TO OFFSET THE ADMINISTRATIVE COST OF COLLECTIONS. THE
26 BALANCE OF ALL AMOUNTS COLLECTED PURSUANT TO AN ORDER ENTERED
27 UNDER THIS SUBSECTION SHALL BE DIVIDED IN THE SAME RATIO IN WHICH

1 THE COUNTY, STATE, AND FEDERAL GOVERNMENT PARTICIPATE IN THE COST
2 OF CARE OUTSIDE THE CHILD'S OWN HOME AND UNDER STATE OR COURT
3 SUPERVISION. THE COURT MAY ALSO COLLECT BENEFITS PAID FOR THE
4 COST OF CARE OF A COURT WARD FROM THE GOVERNMENT OF THE UNITED
5 STATES. MONEY COLLECTED FOR CHILDREN PLACED WITH OR COMMITTED TO
6 THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL BE ACCOUNTED FOR
7 AND REPORTED ON AN INDIVIDUAL CHILD BASIS.

8 (3) AN ORDER OF DISPOSITION PLACING A CHILD IN THE CHILD'S
9 OWN HOME UNDER SUBSECTION (1)(B) MAY CONTAIN A PROVISION FOR THE
10 REIMBURSEMENT BY THE CHILD, PARENT, GUARDIAN, OR CUSTODIAN TO THE
11 COURT FOR THE COST OF SERVICE. IF AN ORDER IS ENTERED UNDER THIS
12 SUBSECTION, AMOUNTS DUE SHALL BE DETERMINED AND TREATED IN THE
13 SAME MANNER PROVIDED FOR AN ORDER ENTERED UNDER SUBSECTION (2).

14 (4) AN ORDER DIRECTED TO A PARENT OR A PERSON OTHER THAN THE
15 CHILD SHALL NOT BE EFFECTUAL AND BINDING ON THE PARENT OR OTHER
16 PERSON UNLESS OPPORTUNITY FOR HEARING HAS BEEN GIVEN PURSUANT TO
17 ISSUANCE OF SUMMONS OR NOTICE AS PROVIDED IN SECTIONS 9622 AND
18 9623, AND UNTIL A COPY OF THE ORDER, BEARING THE SEAL OF THE
19 COURT, IS SERVED ON THE PARENT OR OTHER PERSON, PERSONALLY OR BY
20 FIRST CLASS MAIL, TO THE PARENT'S OR OTHER PERSON'S LAST KNOWN
21 ADDRESS, AS PROVIDED IN SECTION 9623.

22 (5) IF THE COURT APPOINTS AN ATTORNEY TO REPRESENT A CHILD,
23 PARENT, GUARDIAN, OR CUSTODIAN, AN ORDER ENTERED UNDER THIS SEC-
24 TION MAY REQUIRE THE CHILD, PARENT, GUARDIAN, OR CUSTODIAN TO
25 REIMBURSE THE COURT FOR ATTORNEY FEES.

26 (6) THE OFFICE OF THE STATE COURT ADMINISTRATOR, UNDER THE
27 SUPERVISION AND DIRECTION OF THE SUPREME COURT AND IN

1 CONSULTATION WITH THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL
2 CREATE GUIDELINES AND A MODEL SCHEDULE WHICH MAY BE USED BY THE
3 COURT IN DETERMINING THE ABILITY OF THE CHILD, PARENT, GUARDIAN,
4 OR CUSTODIAN TO PAY FOR CARE AND ANY COSTS OF SERVICE ORDERED
5 UNDER SUBSECTION (2) OR (3). THE GUIDELINES AND MODEL SCHEDULE
6 SHALL TAKE INTO ACCOUNT BOTH THE INCOME AND RESOURCES OF THE
7 CHILD, PARENT, GUARDIAN, OR CUSTODIAN.

8 (7) IF THE COURT FINDS THAT A CHILD HAS VIOLATED ANY MUNICI-
9 PAL ORDINANCE OR STATE OR FEDERAL LAW, AND THE COURT HAS PLACED
10 THE CHILD ON PROBATION, THE COURT MAY, AS A CONDITION OF PROBA-
11 TION, REQUIRE THE CHILD TO DO EITHER OF THE FOLLOWING:

12 (A) BOTH OF THE FOLLOWING:

13 (i) PAY RESTITUTION TO THE VICTIM.

14 (ii) ENGAGE IN COMMUNITY SERVICE OR WITH THE VICTIM'S CON-
15 SENT PERFORM SERVICES FOR THE VICTIM.

16 (B) SEEK AND MAINTAIN PAID PART-TIME OR FULL-TIME EMPLOYMENT
17 AND PAY RESTITUTION TO THE VICTIM FROM THE EARNINGS OF THAT PAID
18 PART-TIME OR FULL-TIME EMPLOYMENT.

19 (8) IF THE COURT IMPOSES RESTITUTION AS PART OF A SENTENCE
20 OF PROBATION, THE FOLLOWING SHALL APPLY:

21 (A) THE COURT SHALL NOT REQUIRE A CHILD TO PAY RESTITUTION
22 UNLESS THE CHILD IS OR WILL BE ABLE TO PAY ALL OR PART OF THE
23 RESTITUTION DURING THE TERM OF HIS OR HER PROBATION. IN DETER-
24 MINING THE AMOUNT AND METHOD OF PAYMENT OF RESTITUTION, THE COURT
25 SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE CHILD AND
26 THE BURDEN THAT THE PAYMENT OF RESTITUTION WILL IMPOSE, WITH DUE

1 REGARD TO ANY OTHER MORAL OR LEGAL FINANCIAL OBLIGATIONS THAT THE
2 CHILD MAY HAVE.

3 (B) THE AMOUNT OF RESTITUTION A COURT ORDERS A CHILD TO PAY
4 UNDER SUBSECTION (7)(B) SHALL NOT EXCEED 30% OF THE NET INCOME
5 PER PAY PERIOD FROM THE CHILD'S PAID PART-TIME OR FULL-TIME
6 EMPLOYMENT.

7 (C) A CHILD WHO IS REQUIRED TO PAY RESTITUTION AND WHO IS
8 NOT IN INTENTIONAL DEFAULT OF THE PAYMENT OF RESTITUTION MAY
9 PETITION THE COURT, OR AN ADULT ACTING ON THE CHILD'S BEHALF MAY
10 PETITION THE COURT, FOR A MODIFICATION OF THE AMOUNT OF RESTITU-
11 TION OWED OR FOR A CANCELLATION OF ANY UNPAID PORTION OF THE
12 RESTITUTION.

13 (D) THE COURT SHALL CANCEL ALL OR PART OF THE AMOUNT OF RES-
14 TITUTION DUE IF IT APPEARS TO THE SATISFACTION OF THE COURT THAT
15 PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST HARDSHIP ON THE
16 CHILD.

17 (E) IF THE COURT CANCELS ALL OR A PART OF THE AMOUNT OF RES-
18 TITUTION, THE COURT MAY MODIFY THE TERMS AND CONDITIONS OF PROBA-
19 TION TO REQUIRE THE CHILD TO ENGAGE IN COMMUNITY SERVICE.

20 (9) IF A CHILD IS REQUIRED TO PAY RESTITUTION AS PART OF THE
21 SENTENCE OF PROBATION, THE COURT SHALL PROVIDE FOR PAYMENT TO BE
22 MADE IN SPECIFIED INSTALLMENTS AND WITHIN A SPECIFIED PERIOD OF
23 TIME.

24 (10) IF THE COURT FINDS THAT THE CHILD IS IN INTENTIONAL
25 DEFAULT OF THE PAYMENT OF RESTITUTION, A COURT MAY REVOKE OR
26 ALTER THE TERMS AND CONDITIONS OF PROBATION FOR NONPAYMENT OF
27 RESTITUTION.

1 (11) IF A CHILD WHO IS ORDERED TO ENGAGE IN COMMUNITY
2 SERVICE INTENTIONALLY REFUSES TO PERFORM THE REQUIRED COMMUNITY
3 SERVICE, THE COURT MAY REVOKE OR ALTER THE TERMS AND CONDITIONS
4 OF PROBATION.

5 (12) IF THE CHILD IS UNABLE TO PAY ALL OF THE RESTITUTION
6 ORDERED, AFTER NOTICE TO THE CHILD'S CUSTODIAL PARENT AND AN
7 OPPORTUNITY FOR THE PARENT TO BE HEARD, THE COURT MAY ORDER THE
8 CUSTODIAL PARENT TO PAY ALL OR PART OF THE UNPAID PORTION OF THE
9 RESTITUTION ORDERED. THE AMOUNT OF RESTITUTION THE PARENT IS
10 ORDERED TO PAY UNDER THIS SUBSECTION SHALL NOT EXCEED \$2,500.00.

11 (13) IF THE COURT ORDERS THE CUSTODIAL PARENT TO PAY RESTI-
12 TUTION UNDER SUBSECTION (12), THE COURT SHALL TAKE INTO ACCOUNT
13 THE FINANCIAL RESOURCES OF THE PARENT AND THE BURDEN THAT THE
14 PAYMENT OF RESTITUTION WILL IMPOSE, WITH DUE REGARD TO ANY OTHER
15 MORAL OR LEGAL FINANCIAL OBLIGATIONS THAT THE PARENT MAY HAVE.
16 IF A PARENT IS REQUIRED TO PAY RESTITUTION UNDER SUBSECTION (12),
17 THE COURT SHALL PROVIDE FOR PAYMENT TO BE MADE IN SPECIFIED
18 INSTALLMENTS AND WITHIN A SPECIFIED PERIOD OF TIME.

19 (14) A PARENT WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER
20 SUBSECTION (12) MAY PETITION THE COURT FOR A MODIFICATION OF THE
21 AMOUNT OF RESTITUTION OWED OR FOR A CANCELLATION OF ANY UNPAID
22 PORTION OF THE RESTITUTION. THE COURT SHALL CANCEL ALL OR PART
23 OF THE AMOUNT OF RESTITUTION DUE, IF IT APPEARS TO THE SATISFAC-
24 TION OF THE COURT THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A
25 MANIFEST HARDSHIP ON THE PARENT.

26 (15) THE COURT SHALL NOT ENTER AN ORDER OF DISPOSITION FOR A
27 JUVENILE OFFENSE AS DEFINED IN SECTION 1A OF ACT NO. 289 OF THE

1 PUBLIC ACTS OF 1925, BEING SECTION 28.241A OF THE MICHIGAN
2 COMPILED LAWS, UNTIL THE COURT HAS EXAMINED THE COURT FILE AND
3 HAS DETERMINED THAT THE CHILD'S FINGERPRINTS HAVE BEEN TAKEN AS
4 REQUIRED BY SECTION 3 OF ACT NO. 289 OF THE PUBLIC ACTS OF 1925,
5 BEING SECTION 28.243 OF THE MICHIGAN COMPILED LAWS. IF A CHILD
6 HAS NOT HAD HIS OR HER FINGERPRINTS TAKEN, THE COURT SHALL DO
7 EITHER OF THE FOLLOWING:

8 (A) ORDER THE CHILD TO SUBMIT HIMSELF OR HERSELF TO THE
9 POLICE AGENCY THAT ARRESTED OR OBTAINED THE WARRANT FOR THE
10 ARREST OF THE CHILD SO THE CHILD'S FINGERPRINTS CAN BE TAKEN.

11 (B) ORDER THE CHILD COMMITTED TO THE CUSTODY OF THE SHERIFF
12 FOR THE TAKING OF THE CHILD'S FINGERPRINTS.

13 (16) UPON DISPOSITION OR DISMISSAL OF A JUVENILE OFFENSE,
14 THE CLERK OF THE COURT ENTERING THE DISPOSITION OR DISMISSAL
15 SHALL IMMEDIATELY ADVISE THE DEPARTMENT OF STATE POLICE OF THE
16 DISPOSITION OR DISMISSAL ON FORMS APPROVED BY THE STATE COURT
17 ADMINISTRATOR. THE REPORT TO THE DEPARTMENT OF STATE POLICE
18 SHALL INCLUDE INFORMATION AS TO THE FINDING OF THE JUDGE OR JURY
19 AND A SUMMARY OF THE DISPOSITION IMPOSED.

20 SEC. 9630. WHEN THE COURT ENTERS A REIMBURSEMENT ORDER
21 UNDER SECTION 9629 AND THE PARENT OR OTHER ADULT LEGALLY RESPON-
22 SIBLE FOR THE CARE OF THE CHILD FAILS OR REFUSES TO OBEY AND PER-
23 FORM THE ORDER, AND HAS BEEN FOUND GUILTY OF CONTEMPT OF COURT
24 FOR THE FAILURE OR REFUSAL, THE COURT MAKING THE ORDER, AFTER
25 PROPER NOTICE AND HEARING, MAY ORDER AN ASSIGNMENT TO THE COUNTY
26 OR STATE OF THE SALARY, WAGES, OR OTHER INCOME OF THE PERSON
27 RESPONSIBLE FOR THE CARE OF THE CHILD, WHICH ASSIGNMENT SHALL

1 CONTINUE UNTIL THE SUPPORT IS PAID IN FULL. THE ORDER OF
2 ASSIGNMENT SHALL BE EFFECTIVE 1 WEEK AFTER SERVICE UPON THE
3 EMPLOYER OF A TRUE COPY OF THE ORDER BY PERSONAL SERVICE OR BY
4 REGISTERED MAIL. AFTER THE ORDER OF ASSIGNMENT TAKES EFFECT, THE
5 EMPLOYER SHALL WITHHOLD FROM THE EARNINGS DUE THE EMPLOYEE THE
6 AMOUNT SPECIFIED IN THE ORDER OF ASSIGNMENT FOR TRANSMITTAL TO
7 THE COUNTY OR STATE UNTIL NOTIFIED BY THE COURT THAT THE SUPPORT
8 ARREARAGE IS PAID IN FULL. AN EMPLOYER SHALL NOT USE THE ASSIGN-
9 MENT AS A BASIS, IN WHOLE OR IN PART, FOR THE DISCHARGE OF AN
10 EMPLOYEE OR FOR ANY OTHER DISCIPLINARY ACTION AGAINST AN
11 EMPLOYEE. COMPLIANCE BY AN EMPLOYER WITH THE ORDER OF ASSIGNMENT
12 OPERATES AS A DISCHARGE OF THE EMPLOYER'S LIABILITY TO THE
13 EMPLOYEE AS TO THAT PORTION OF THE EMPLOYEE'S EARNINGS SO
14 AFFECTED.

15 SEC. 9630A. (1) IF A CHILD IS COMMITTED UNDER
16 SECTION 9629(1)(E) FOR AN OFFENSE WHICH, IF COMMITTED BY AN
17 ADULT, WOULD BE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR
18 OR AN OFFENSE EXPRESSLY DESIGNATED BY LAW TO BE A FELONY, THE
19 COURT SHALL RETAIN JURISDICTION OVER THE CHILD.

20 (2) IF A CHILD IS COMMITTED UNDER SECTION 9629(1)(E) AND THE
21 CHILD WAS ADJUDICATED AS BEING IN THE COURT'S JURISDICTION UNDER
22 SECTION 9602(2), THE COURT SHALL RETAIN JURISDICTION OVER THE
23 CHILD. THIS SUBSECTION SHALL TAKE EFFECT JUNE 1, 1991.

24 (3) IF THE COURT HAS RETAINED JURISDICTION OVER A CHILD
25 UNDER THIS SECTION, THE COURT SHALL CONDUCT AN ANNUAL REVIEW OF
26 THE SERVICES BEING PROVIDED TO THE CHILD, THE CHILD'S PLACEMENT,
27 AND THE CHILD'S PROGRESS IN THAT PLACEMENT. IN CONDUCTING THIS

1 REVIEW, THE COURT SHALL EXAMINE THE CHILD'S ANNUAL REPORT
2 PREPARED PURSUANT TO SECTION 3 OF THE JUVENILE FACILITIES ACT.
3 THE COURT MAY ORDER CHANGES IN THE CHILD'S PLACEMENT OR TREATMENT
4 PLAN BASED ON THE REVIEW.

5 (4) IF THE COURT HAS RETAINED JURISDICTION OVER A CHILD
6 UNDER THIS SECTION, THE CHILD MAY BE RELEASED ONLY WITH THE
7 APPROVAL OF THE COURT. EXCEPT AS OTHERWISE PROVIDED IN
8 SECTION 9630B, THE CHILD SHALL BE AUTOMATICALLY RELEASED UPON
9 REACHING 19 YEARS OF AGE.

10 SEC. 9630B. (1) IF A CHILD IS COMMITTED UNDER
11 SECTION 9629(1)(E) FOR AN OFFENSE WHICH, IF COMMITTED BY AN
12 ADULT, WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 72,
13 83, 84, 88, 89, 91, 316, 317, 349, 520B, 520C, 520D, 520G, 529,
14 OR 530 OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS
15 OF 1931, BEING SECTIONS 750.72, 750.83, 750.84, 750.88, 750.89,
16 750.91, 750.316, 750.317, 750.349, 750.520B, 750.520C, 750.520D,
17 750.520G, 750.529, AND 750.530 OF THE MICHIGAN COMPILED LAWS, OR
18 SECTION 7401(2)(A)(i) OR 7403(2)(A)(i) OF THE PUBLIC HEALTH CODE,
19 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401
20 AND 333.7403 OF THE MICHIGAN COMPILED LAWS, THE COURT SHALL CON-
21 DUCT A REVIEW HEARING TO DETERMINE WHETHER THE CHILD HAS BEEN
22 REHABILITATED AND WHETHER THE CHILD PRESENTS A SERIOUS RISK TO
23 PUBLIC SAFETY. IF THE COURT DETERMINES THAT THE CHILD HAS NOT
24 BEEN REHABILITATED OR THAT THE CHILD PRESENTS A SERIOUS RISK TO
25 PUBLIC SAFETY, JURISDICTION OVER THE CHILD SHALL BE CONTINUED.
26 IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER ALL OF THE
27 FOLLOWING:

1 (A) THE EXTENT AND NATURE OF THE CHILD'S PARTICIPATION IN
2 EDUCATION, COUNSELING, OR WORK PROGRAMS.

3 (B) THE CHILD'S WILLINGNESS TO ACCEPT RESPONSIBILITY FOR
4 PRIOR BEHAVIOR.

5 (C) THE CHILD'S BEHAVIOR IN HIS OR HER CURRENT PLACEMENT.

6 (D) THE PRIOR RECORD AND CHARACTER OF THE CHILD AND HIS OR
7 HER PHYSICAL AND MENTAL MATURITY.

8 (E) THE CHILD'S POTENTIAL FOR VIOLENT CONDUCT AS DEMON-
9 STRATED BY PRIOR BEHAVIOR.

10 (F) THE RECOMMENDATIONS OF THE INSTITUTION, AGENCY, OR
11 FACILITY CHARGED WITH THE CHILD'S CARE FOR THE CHILD'S RELEASE OR
12 CONTINUED CUSTODY.

13 (G) OTHER INFORMATION THE PROSECUTING ATTORNEY OR CHILD MAY
14 SUBMIT.

15 (2) A REVIEW HEARING SHALL BE SCHEDULED AND HELD, UNLESS
16 ADJOURNED FOR GOOD CAUSE, AS NEAR AS POSSIBLE TO, BUT BEFORE, THE
17 CHILD'S NINETEENTH BIRTHDAY. IF THE INSTITUTION, AGENCY, OR
18 FACILITY TO WHICH THE CHILD WAS COMMITTED BELIEVES THAT THE CHILD
19 HAS BEEN REHABILITATED AND THAT THE CHILD DOES NOT PRESENT A
20 SERIOUS RISK TO PUBLIC SAFETY, THE INSTITUTION, AGENCY, OR FACIL-
21 ITY MAY PETITION THE COURT TO CONDUCT A REVIEW HEARING AT ANY
22 TIME BEFORE THE CHILD BECOMES 19 YEARS OF AGE OR, IF THE COURT
23 HAS CONTINUED JURISDICTION UNDER SUBSECTION (1), AT ANY TIME
24 BEFORE THE CHILD BECOMES 21 YEARS OF AGE.

25 (3) NOT LESS THAN 14 DAYS BEFORE A REVIEW HEARING IS TO BE
26 CONDUCTED, THE PROSECUTING ATTORNEY, CHILD, AND, IF ADDRESSES ARE
27 KNOWN, THE CHILD'S PARENT OR GUARDIAN SHALL BE NOTIFIED. THE

1 NOTICE SHALL STATE THAT THE COURT MAY EXTEND JURISDICTION OVER
2 THE CHILD AND SHALL ADVISE THE CHILD AND THE CHILD'S PARENT OR
3 GUARDIAN OF THE RIGHT TO LEGAL COUNSEL. IF LEGAL COUNSEL HAS NOT
4 BEEN RETAINED OR APPOINTED TO REPRESENT THE CHILD, THE COURT
5 SHALL APPOINT LEGAL COUNSEL AND MAY ASSESS THE COST OF PROVIDING
6 COUNSEL AS COSTS AGAINST THE CHILD OR THOSE RESPONSIBLE FOR THE
7 CHILD'S SUPPORT, OR BOTH, IF THE PERSONS TO BE ASSESSED ARE
8 FINANCIALLY ABLE TO COMPLY.

9 (4) THE INSTITUTION, AGENCY, OR FACILITY CHARGED WITH THE
10 CARE OF THE CHILD SHALL PREPARE COMMITMENT REPORTS AS PROVIDED IN
11 SECTION 5 OF THE JUVENILE FACILITIES ACT, FOR USE BY THE COURT AT
12 A REVIEW HEARING HELD UNDER THIS SECTION.

13 SEC. 9630C. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A
14 PERSON WHO HAS BEEN ADJUDICATED OF NOT MORE THAN 1 JUVENILE
15 OFFENSE AND WHO HAS NO FELONY CONVICTIONS MAY FILE AN APPLICATION
16 WITH THE ADJUDICATING COURT FOR THE ENTRY OF AN ORDER SETTING
17 ASIDE THE ADJUDICATION. A PERSON MAY HAVE ONLY 1 ADJUDICATION
18 SET ASIDE UNDER THIS SECTION.

19 (2) A PERSON SHALL NOT APPLY TO HAVE SET ASIDE, NOR MAY A
20 JUDGE SET ASIDE, AN ADJUDICATION FOR AN OFFENSE WHICH IF COMMIT-
21 TED BY AN ADULT WOULD BE A FELONY FOR WHICH THE MAXIMUM PUNISH-
22 MENT IS LIFE IMPRISONMENT OR AN ADJUDICATION FOR A TRAFFIC
23 OFFENSE UNDER THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE
24 PUBLIC ACTS OF 1949, BEING SECTIONS 257.1 TO 257.923 OF THE
25 MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
26 SPONDING TO THAT ACT, WHICH VIOLATION INVOLVES THE OPERATION OF A

1 VEHICLE AND AT THE TIME OF THE VIOLATION IS A FELONY OR
2 MISDEMEANOR.

3 (3) AN APPLICATION SHALL NOT BE FILED UNTIL THE EXPIRATION
4 OF 5 YEARS FOLLOWING IMPOSITION OF THE DISPOSITION FOR THE ADJU-
5 DICATION WHICH THE APPLICANT SEEKS TO SET ASIDE, OR 5 YEARS FOL-
6 LOWING COMPLETION OF ANY TERM OF DETENTION FOR THAT ADJUDICATION,
7 OR WHEN THE PERSON BECOMES 24 YEARS OF AGE, WHICHEVER OCCURS
8 LATER.

9 (4) THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION
10 AND SHALL BE SIGNED UNDER OATH BY THE PERSON WHOSE ADJUDICATION
11 IS TO BE SET ASIDE:

12 (A) THE FULL NAME AND CURRENT ADDRESS OF THE APPLICANT.

13 (B) A CERTIFIED RECORD OF THE ADJUDICATION THAT IS TO BE SET
14 ASIDE.

15 (C) A STATEMENT THAT THE APPLICANT HAS NOT BEEN ADJUDICATED
16 OF A JUVENILE OFFENSE OTHER THAN THE ONE THAT IS SOUGHT TO BE SET
17 ASIDE AS A RESULT OF THIS APPLICATION.

18 (D) A STATEMENT THAT THE APPLICANT HAS NOT BEEN CONVICTED OF
19 ANY FELONY OFFENSE.

20 (E) A STATEMENT AS TO WHETHER THE APPLICANT HAS PREVIOUSLY
21 FILED AN APPLICATION TO SET ASIDE THIS OR ANY OTHER ADJUDICATION
22 AND, IF SO, THE DISPOSITION OF THE APPLICATION.

23 (F) A STATEMENT AS TO WHETHER THE APPLICANT HAS ANY OTHER
24 CRIMINAL CHARGE PENDING AGAINST HIM OR HER IN ANY COURT IN THE
25 UNITED STATES OR IN ANY OTHER COUNTRY.

1 (G) A CONSENT TO THE USE OF THE NONPUBLIC RECORD CREATED
2 UNDER SUBSECTION (13), TO THE EXTENT AUTHORIZED BY SUBSECTION
3 (13).

4 (5) THE APPLICANT SHALL SUBMIT A COPY OF THE APPLICATION AND
5 A COMPLETE SET OF FINGERPRINTS TO THE DEPARTMENT OF STATE
6 POLICE. THE DEPARTMENT OF STATE POLICE SHALL COMPARE THOSE FIN-
7 GERPRINTS WITH THE RECORDS OF THE DEPARTMENT, INCLUDING THE NON-
8 PUBLIC RECORD CREATED UNDER SUBSECTION (13), AND SHALL REPORT TO
9 THE COURT IN WHICH THE APPLICATION IS FILED THE INFORMATION CON-
10 TAINED IN THE DEPARTMENT'S RECORDS WITH RESPECT TO ANY PENDING
11 CHARGES AGAINST THE APPLICANT, ANY RECORD OF ADJUDICATION OR CON-
12 VICTION OF THE APPLICANT, AND THE SETTING ASIDE OF ANY ADJUDICA-
13 TION OR CONVICTION OF THE APPLICANT. THE COURT SHALL NOT ACT
14 UPON THE APPLICATION UNTIL THE DEPARTMENT OF STATE POLICE REPORTS
15 THE INFORMATION REQUIRED BY THIS SUBSECTION TO THE COURT.

16 (6) THE COPY OF THE APPLICATION SUBMITTED TO THE DEPARTMENT
17 OF STATE POLICE PURSUANT TO SUBSECTION (5) SHALL BE ACCOMPANIED
18 BY A FEE OF \$15.00 PAYABLE TO THE STATE OF MICHIGAN. THE DEPART-
19 MENT OF STATE POLICE SHALL USE THE FEE TO DEFRAY THE EXPENSES
20 INCURRED IN PROCESSING THE APPLICATION.

21 (7) A COPY OF THE APPLICATION SHALL BE SERVED UPON THE
22 ATTORNEY GENERAL AND, IF APPLICABLE, UPON THE OFFICE OF THE PROS-
23 ECUTING ATTORNEY WHO PROSECUTED THE OFFENSE. THE ATTORNEY GEN-
24 ERAL AND THE PROSECUTING ATTORNEY SHALL HAVE AN OPPORTUNITY TO
25 CONTEST THE APPLICATION.

1 (8) UPON THE HEARING OF THE APPLICATION, THE COURT MAY
2 REQUIRE THE FILING OF SUCH AFFIDAVITS AND THE TAKING OF SUCH
3 PROOFS AS IT CONSIDERS PROPER.

4 (9) EXCEPT AS PROVIDED IN SUBSECTION (10), IF THE COURT
5 DETERMINES THAT THE CIRCUMSTANCES AND BEHAVIOR OF THE APPLICANT
6 FROM THE DATE OF THE APPLICANT'S ADJUDICATION TO THE FILING OF
7 THE APPLICATION WARRANT SETTING ASIDE THE ADJUDICATION AND THAT
8 SETTING ASIDE THE ADJUDICATION IS CONSISTENT WITH THE PUBLIC WEL-
9 FARE, THE COURT MAY ENTER AN ORDER SETTING ASIDE THE
10 ADJUDICATION. EXCEPT AS PROVIDED IN SUBSECTION (10), THE SETTING
11 ASIDE OF AN ADJUDICATION UNDER THIS SECTION IS A PRIVILEGE AND
12 CONDITIONAL, AND IS NOT A RIGHT.

13 (10) NOTWITHSTANDING SUBSECTION (9), THE COURT SHALL SET
14 ASIDE THE ADJUDICATION OF A PERSON WHO WAS ADJUDICATED FOR AN
15 OFFENSE WHICH IF COMMITTED BY AN ADULT WOULD BE A VIOLATION OR AN
16 ATTEMPTED VIOLATION OF SECTION 413 OF THE MICHIGAN PENAL CODE,
17 ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.413 OF
18 THE MICHIGAN COMPILED LAWS, IF THE PERSON FILES AN APPLICATION
19 WITH THE COURT AND OTHERWISE MEETS THE REQUIREMENTS OF THIS
20 SECTION.

21 (11) UPON THE ENTRY OF AN ORDER UNDER THIS SECTION, THE
22 APPLICANT, FOR PURPOSES OF THE LAW, SHALL BE CONSIDERED NOT TO
23 HAVE BEEN PREVIOUSLY ADJUDICATED, EXCEPT AS PROVIDED IN SUBSEC-
24 TION (13) AND AS FOLLOWS:

25 (A) THE APPLICANT SHALL NOT BE ENTITLED TO THE REMISSION OF
26 ANY FINE, COSTS, OR OTHER SUMS OF MONEY PAID AS A CONSEQUENCE OF
27 AN ADJUDICATION THAT IS SET ASIDE.

1 (B) THIS SECTION DOES NOT AFFECT THE RIGHT OF THE APPLICANT
2 TO RELY UPON THE ADJUDICATION TO BAR SUBSEQUENT PROCEEDINGS FOR
3 THE SAME OFFENSE.

4 (C) THIS SECTION DOES NOT AFFECT THE RIGHT OF A VICTIM OF AN
5 OFFENSE TO PROSECUTE OR DEFEND A CIVIL ACTION FOR DAMAGES.

6 (D) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO
7 COMMENCE AN ACTION FOR DAMAGES FOR DETENTION UNDER THE DISPOSI-
8 TION WHICH THE APPLICANT SERVED BEFORE THE ADJUDICATION IS SET
9 ASIDE PURSUANT TO THIS SECTION.

10 (12) UPON THE ENTRY OF AN ORDER UNDER THIS SECTION, THE
11 COURT SHALL SEND A COPY OF THE ORDER TO THE ARRESTING AGENCY AND
12 THE DEPARTMENT OF STATE POLICE.

13 (13) THE DEPARTMENT OF STATE POLICE SHALL RETAIN A NONPUBLIC
14 RECORD OF THE ORDER SETTING ASIDE AN ADJUDICATION AND OF THE
15 RECORD OF THE ARREST, FINGERPRINTS, ADJUDICATION, AND DISPOSITION
16 OF THE APPLICANT IN THE CASE TO WHICH THE ORDER APPLIES. EXCEPT
17 AS PROVIDED IN SUBSECTION (14), THIS NONPUBLIC RECORD SHALL BE
18 MADE AVAILABLE ONLY TO A COURT OF COMPETENT JURISDICTION, AN
19 AGENCY OF THE JUDICIAL BRANCH OF STATE GOVERNMENT, A LAW ENFORCE-
20 MENT AGENCY, A PROSECUTING ATTORNEY, THE ATTORNEY GENERAL, OR THE
21 GOVERNOR UPON REQUEST AND ONLY FOR THE FOLLOWING PURPOSES:

22 (A) FOR CONSIDERATION IN A LICENSING FUNCTION CONDUCTED BY
23 AN AGENCY OF THE JUDICIAL BRANCH OF STATE GOVERNMENT.

24 (B) FOR CONSIDERATION BY A LAW ENFORCEMENT AGENCY IF A
25 PERSON WHOSE ADJUDICATION HAS BEEN SET ASIDE APPLIES FOR EMPLOY-
26 MENT WITH THE LAW ENFORCEMENT AGENCY.

1 (C) TO SHOW THAT A PERSON WHO HAS FILED AN APPLICATION TO
2 SET ASIDE AN ADJUDICATION HAS PREVIOUSLY HAD AN ADJUDICATION SET
3 ASIDE PURSUANT TO THIS SECTION.

4 (D) FOR THE COURT'S CONSIDERATION IN DETERMINING THE SEN-
5 TENCE TO BE IMPOSED UPON CONVICTION FOR A SUBSEQUENT OFFENSE THAT
6 IS PUNISHABLE AS A FELONY OR BY IMPRISONMENT FOR MORE THAN 1
7 YEAR.

8 (E) FOR CONSIDERATION BY THE GOVERNOR, IF A PERSON WHOSE
9 ADJUDICATION HAS BEEN SET ASIDE APPLIES FOR A PARDON FOR ANOTHER
10 OFFENSE.

11 (14) A COPY OF THE NONPUBLIC RECORD CREATED UNDER SUBSECTION
12 (13) SHALL BE PROVIDED TO THE PERSON WHOSE ADJUDICATION IS SET
13 ASIDE UNDER THIS SECTION UPON PAYMENT OF A FEE DETERMINED AND
14 CHARGED BY THE DEPARTMENT OF STATE POLICE IN THE SAME MANNER AS
15 THE FEE PRESCRIBED IN SECTION 4 OF THE FREEDOM OF INFORMATION
16 ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15.234
17 OF THE MICHIGAN COMPILED LAWS.

18 (15) THE NONPUBLIC RECORD MAINTAINED UNDER SUBSECTION (13)
19 SHALL BE EXEMPT FROM DISCLOSURE UNDER ACT NO. 442 OF THE PUBLIC
20 ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN
21 COMPILED LAWS.

22 (16) A PERSON, OTHER THAN THE APPLICANT, WHO KNOWS OR SHOULD
23 HAVE KNOWN THAT AN ADJUDICATION WAS SET ASIDE UNDER THIS SECTION,
24 WHO DIVULGES, USES, OR PUBLISHES INFORMATION CONCERNING AN ADJU-
25 DICATION SET ASIDE UNDER THIS SECTION, EXCEPT AS PROVIDED IN SUB-
26 SECTION (13), IS GUILTY OF A MISDEMEANOR.

1 SEC. 9630D. (1) IF, IN A PROCEEDING UNDER SECTION 9602(3),
2 AN AGENCY ADVISES THE COURT AGAINST PLACING A CHILD IN THE
3 CUSTODY OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN, THE AGENCY
4 SHALL REPORT IN WRITING TO THE COURT WHAT EFFORTS WERE MADE TO
5 PREVENT THE CHILD'S REMOVAL FROM HIS OR HER HOME OR THE EFFORTS
6 MADE TO RECTIFY THE CONDITIONS THAT CAUSED THE CHILD'S REMOVAL
7 FROM HIS OR HER HOME. THE REPORT SHALL INCLUDE ALL OF THE
8 FOLLOWING:

9 (A) IF SERVICES WERE PROVIDED TO THE CHILD AND HIS OR HER
10 PARENT, GUARDIAN, OR CUSTODIAN, THE SERVICES, INCLUDING IN-HOME
11 SERVICES, THAT WERE PROVIDED.

12 (B) IF SERVICES WERE NOT PROVIDED TO THE CHILD AND HIS OR
13 HER PARENT, GUARDIAN, OR CUSTODIAN, THE REASONS WHY SERVICES WERE
14 NOT PROVIDED.

15 (C) LIKELY HARM TO THE CHILD IF THE CHILD WERE TO BE SEPA-
16 RATED FROM HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN.

17 (D) LIKELY HARM TO THE CHILD IF THE CHILD WERE TO BE
18 RETURNED TO HIS OR HER PARENT, GUARDIAN, OR CUSTODIAN.

19 (2) BEFORE THE COURT ENTERS AN ORDER OF DISPOSITION IN A
20 PROCEEDING UNDER SECTION 9602(3), THE AGENCY SHALL PREPARE A CASE
21 SERVICE PLAN WHICH SHALL BE AVAILABLE TO THE COURT AND ALL THE
22 PARTIES TO THE PROCEEDING.

23 (3) THE CASE SERVICE PLAN SHALL PROVIDE FOR PLACING THE
24 CHILD IN THE MOST FAMILY-LIKE SETTING AVAILABLE AND IN AS CLOSE
25 PROXIMITY TO THE CHILD'S PARENTS' HOME AS IS CONSISTENT WITH THE
26 BEST INTERESTS AND SPECIAL NEEDS OF THE CHILD. THE CASE SERVICE
27 PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

1 (A) THE TYPE OF HOME OR INSTITUTION IN WHICH THE CHILD IS TO
2 BE PLACED AND THE REASONS FOR THE SELECTED PLACEMENT.

3 (B) EFFORTS TO BE MADE BY THE CHILD'S PARENT TO ENABLE THE
4 CHILD TO RETURN TO HIS OR HER HOME.

5 (C) EFFORTS TO BE MADE BY THE AGENCY TO RETURN THE CHILD TO
6 HIS OR HER HOME.

7 (D) SCHEDULE OF SERVICES TO BE PROVIDED TO THE PARENT,
8 CHILD, AND IF THE CHILD IS TO BE PLACED IN FOSTER CARE, THE
9 FOSTER PARENT, TO FACILITATE THE CHILD'S RETURN TO HIS OR HER
10 HOME OR TO FACILITATE THE PERMANENT PLACEMENT OF THE CHILD.

11 (E) UNLESS VISITATION, EVEN IF SUPERVISED, WOULD BE HARMFUL
12 TO THE CHILD, A SCHEDULE FOR REGULAR AND FREQUENT VISITATION
13 BETWEEN THE CHILD AND HIS OR HER PARENT WHICH SHALL NOT BE LESS
14 THAN ONCE EVERY 7 DAYS.

15 (4) THE COURT SHALL CONSIDER THE CASE SERVICE PLAN AND THE
16 EVIDENCE OFFERED BEARING ON DISPOSITION BEFORE THE COURT ENTERS
17 AN ORDER OF DISPOSITION. THE ORDER OF DISPOSITION SHALL STATE
18 WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO PREVENT THE CHILD'S
19 REMOVAL FROM HIS OR HER HOME OR TO RECTIFY THE CONDITIONS THAT
20 CAUSED THE CHILD'S REMOVAL FROM HIS OR HER HOME. THE COURT MAY
21 ORDER COMPLIANCE WITH ALL OR ANY PART OF THE CASE SERVICE PLAN AS
22 THE COURT CONSIDERS NECESSARY.

23 (5) IF A CHILD CONTINUES IN PLACEMENT OUTSIDE OF THE CHILD'S
24 HOME, THE CASE SERVICE PLAN SHALL BE UPDATED AND REVISED AT
25 90-DAY INTERVALS AS REQUIRED BY THE RULES PROMULGATED PURSUANT TO
26 ACT NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SECTIONS 722.111 TO
27 722.128 OF THE MICHIGAN COMPILED LAWS. UPDATED AND REVISED CASE

1 SERVICE PLANS SHALL BE AVAILABLE TO THE COURT AND ALL THE PARTIES
2 TO THE PROCEEDING.

3 SEC. 9631. (1) SUBJECT TO SECTION 9633, IF A CHILD REMAINS
4 UNDER THE JURISDICTION OF THE COURT, A CAUSE MAY BE TERMINATED OR
5 AN ORDER MAY BE AMENDED OR SUPPLEMENTED, WITHIN THE AUTHORITY
6 GRANTED TO THE COURT IN SECTION 9629, AT ANY TIME AS THE COURT
7 CONSIDERS NECESSARY AND PROPER. AN AMENDED OR SUPPLEMENTED ORDER
8 SHALL BE REFERRED TO AS A "SUPPLEMENTAL ORDER OF DISPOSITION".

9 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3), (5),
10 (6), (8), (9), AND (10), IF A CHILD IS PLACED IN FOSTER CARE, THE
11 CAUSE SHALL BE REHEARD NOT MORE THAN 182 DAYS AFTER ENTRY OF THE
12 ORDER OF DISPOSITION. THE SHOWING SHALL BE RECORDED STENOGRAPHI-
13 CALLY AT A HEARING HELD BY THE JUDGE OR REFEREE. IF THE CHILD
14 REMAINS IN FOSTER CARE IN THE TEMPORARY CUSTODY OF THE COURT FOL-
15 LOWING THE HEARING, THE CAUSE SHALL BE FURTHER REHEARD NOT MORE
16 THAN 182 DAYS AFTER THE HEARING. IN CONDUCTING THE REVIEW HEAR-
17 ING, THE COURT SHALL REVIEW THE PERFORMANCE OF THE CHILD, THE
18 CHILD'S PARENT, GUARDIAN, OR CUSTODIAN, THE JUVENILE WORKER, AND
19 OTHER PERSONS PROVIDING ASSISTANCE TO THE CHILD AND HIS OR HER
20 FAMILY.

21 (3) IF, IN A PROCEEDING UNDER SECTION 9602(3), A CHILD IS
22 PLACED AND REMAINS IN FOSTER CARE, A REVIEW HEARING SHALL BE HELD
23 NOT MORE THAN 91 DAYS AFTER ENTRY OF THE ORDER OF DISPOSITION AND
24 EVERY 91 DAYS THEREAFTER FOR THE FIRST YEAR FOLLOWING THE ENTRY
25 OF THE ORDER OF DISPOSITION. AFTER THE FIRST YEAR FOLLOWING THE
26 ENTRY OF THE ORDER OF DISPOSITION, A REVIEW HEARING SHALL BE HELD
27 NOT MORE THAN 182 DAYS AFTER A PERMANENCY PLANNING HEARING HELD

1 PURSUANT TO SECTION 9632. UPON MOTION BY ANY PARTY OR IN THE
2 COURT'S DISCRETION, A REVIEW HEARING MAY BE ACCELERATED TO REVIEW
3 ANY ELEMENT OF THE CASE SERVICE PLAN PREPARED PURSUANT TO SECTION
4 9630D.

5 (4) NOTICE OF A REVIEW HEARING UNDER SUBSECTION (2) OR (3)
6 SHALL BE SERVED UPON ALL OF THE FOLLOWING:

7 (A) THE AGENCY. THE AGENCY SHALL ADVISE THE CHILD OF THE
8 HEARING IF THE CHILD IS 11 YEARS OF AGE OR OLDER.

9 (B) THE FOSTER PARENT OR CUSTODIAN OF THE CHILD.

10 (C) IF THE PARENTAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-
11 NATED, THE CHILD'S PARENTS.

12 (D) IF THE CHILD HAS A GUARDIAN, THE GUARDIAN FOR THE
13 CHILD.

14 (E) IF THE CHILD HAS A GUARDIAN AD LITEM, THE GUARDIAN AD
15 LITEM FOR THE CHILD.

16 (F) IF TRIBAL AFFILIATION HAS BEEN DETERMINED, THE ELECTED
17 LEADER OF THE INDIAN TRIBE.

18 (G) THE ATTORNEY FOR THE CHILD.

19 (H) IF THE CHILD IS 11 YEARS OF AGE OR OLDER, THE CHILD.

20 (I) OTHER PERSONS AS THE COURT MAY DIRECT.

21 (5) AT A REVIEW HEARING UNDER SUBSECTION (3), THE COURT
22 SHALL REVIEW ON THE RECORD THE COMPLIANCE WITH THE CASE SERVICE
23 PLAN PREPARED PURSUANT TO SECTION 9630D IN THE FOLLOWING AREAS:

24 (A) SERVICES PROVIDED OR OFFERED TO THE CHILD AND HIS OR HER
25 PARENT, GUARDIAN, OR CUSTODIAN AND WHETHER THE PARENT, GUARDIAN,
26 OR CUSTODIAN HAS COMPLIED WITH AND BENEFITED FROM THOSE
27 SERVICES.

1 (B) VISITATION WITH THE CHILD. IF VISITATION DID NOT OCCUR
2 OR WAS INFREQUENT, THE COURT SHALL DETERMINE WHY VISITATION DID
3 NOT OCCUR OR WAS INFREQUENT.

4 (6) AFTER REVIEW OF THE CASE SERVICE PLAN, THE COURT SHALL
5 DETERMINE THE EXTENT OF PROGRESS MADE TOWARD ALLEVIATING OR MITI-
6 GATING THE CONDITIONS THAT CAUSED THE CHILD TO BE PLACED IN
7 FOSTER CARE OR THAT CAUSED THE CHILD TO REMAIN IN FOSTER CARE.
8 THE COURT MAY MODIFY ANY PART OF THE CASE SERVICE PLAN INCLUDING,
9 BUT NOT LIMITED TO, THE FOLLOWING:

10 (A) PRESCRIBING ADDITIONAL SERVICES THAT ARE NECESSARY TO
11 RECTIFY THE CONDITIONS THAT CAUSED THE CHILD TO BE PLACED IN
12 FOSTER CARE OR TO REMAIN IN FOSTER CARE.

13 (B) PRESCRIBING ADDITIONAL ACTIONS TO BE TAKEN BY THE
14 PARENT, GUARDIAN, OR CUSTODIAN TO RECTIFY THE CONDITIONS THAT
15 CAUSED THE CHILD TO BE PLACED IN FOSTER CARE OR TO REMAIN IN
16 FOSTER CARE.

17 (7) AT A REVIEW HEARING UNDER SUBSECTION (2) OR (3), THE
18 COURT SHALL DETERMINE THE CONTINUING NECESSITY AND APPROPRIATE-
19 NESS OF THE CHILD'S PLACEMENT AND SHALL ORDER THE RETURN OF THE
20 CHILD TO THE CUSTODY OF THE PARENT, CONTINUE THE DISPOSITIONAL
21 ORDER, MODIFY THE DISPOSITIONAL ORDER, OR ENTER A NEW DISPOSI-
22 TIONAL ORDER.

23 (8) IF IN A PROCEEDING UNDER SECTION 9602(3) A CHILD IS
24 PLACED IN FOSTER CARE, THE COURT SHALL DETERMINE AT THE DISPOSI-
25 TIONAL HEARING AND EACH REVIEW HEARING WHETHER THE CAUSE SHOULD
26 BE REVIEWED BEFORE THE NEXT REVIEW HEARING REQUIRED BY SUBSECTION

1 (3). IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER, BUT
2 NOT BE LIMITED TO, BOTH OF THE FOLLOWING:

3 (A) THE PARENT'S ABILITY AND MOTIVATION TO MAKE NECESSARY
4 CHANGES TO PROVIDE A SUITABLE ENVIRONMENT FOR THE CHILD.

5 (B) WHETHER THERE IS A REASONABLE LIKELIHOOD THAT THE CHILD
6 MAY BE RETURNED TO HIS OR HER HOME PRIOR TO THE NEXT REVIEW HEAR-
7 ING REQUIRED BY SUBSECTION (3).

8 (9) UNLESS WAIVED, IF NOT LESS THAN 7 DAYS' NOTICE IS GIVEN
9 TO ALL PARTIES PRIOR TO THE RETURN OF A CHILD TO HIS OR HER HOME,
10 AND NO PARTY REQUESTS A HEARING WITHIN THE 7 DAYS, THE COURT MAY
11 ISSUE AN ORDER WITHOUT A HEARING PERMITTING THE AGENCY TO RETURN
12 THE CHILD TO HIS OR HER HOME.

13 (10) AN AGENCY REPORT FILED WITH THE COURT SHALL BE ACCESSI-
14 BLE TO ALL PARTIES TO THE ACTION AND SHALL BE OFFERED INTO
15 EVIDENCE.

16 SEC. 9632. (1) IF A CHILD REMAINS IN FOSTER CARE AND PAREN-
17 TAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMINATED, THE COURT SHALL
18 CONDUCT A PERMANENCY PLANNING HEARING NOT MORE THAN 364 DAYS
19 AFTER ENTRY OF THE ORDER OF DISPOSITION AND EVERY 364 DAYS THERE-
20 AFTER DURING THE CONTINUATION OF THE CHILD'S PLACEMENT IN FOSTER
21 CARE. A PERMANENCY PLANNING HEARING MAY BE COMBINED WITH A
22 REVIEW HEARING HELD UNDER SECTION 9631(3).

23 (2) A PERMANENCY PLANNING HEARING SHALL BE CONDUCTED TO
24 REVIEW THE STATUS OF THE CHILD AND THE PROGRESS BEING MADE TOWARD
25 THE CHILD'S RETURN HOME OR TO SHOW WHY THE CHILD SHOULD NOT BE
26 PLACED IN THE PERMANENT CUSTODY OF THE COURT.

1 (3) NOT LESS THAN 14 DAYS BEFORE A PERMANENCY PLANNING
2 HEARING, NOTICE OF THE HEARING AND A STATEMENT OF THE PURPOSES OF
3 THE HEARING SHALL BE SERVED UPON ALL OF THE FOLLOWING:

4 (A) THE AGENCY. THE AGENCY SHALL ADVISE THE CHILD OF THE
5 HEARING IF THE CHILD IS 11 YEARS OF AGE OR OLDER.

6 (B) THE FOSTER PARENT OR CUSTODIAN OF THE CHILD.

7 (C) IF THE PARENTAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMI-
8 NATED, THE CHILD'S PARENTS.

9 (D) IF THE CHILD HAS A GUARDIAN, THE GUARDIAN FOR THE
10 CHILD.

11 (E) IF THE CHILD HAS A GUARDIAN AD LITEM, THE GUARDIAN AD
12 LITEM FOR THE CHILD.

13 (F) IF TRIBAL AFFILIATION HAS BEEN DETERMINED, THE ELECTED
14 LEADER OF THE INDIAN TRIBE.

15 (G) THE ATTORNEY FOR THE CHILD.

16 (H) IF THE CHILD IS 11 YEARS OF AGE OR OLDER, THE CHILD.

17 (I) OTHER PERSONS AS THE COURT MAY DIRECT.

18 (4) IF PARENTAL RIGHTS TO THE CHILD HAVE NOT BEEN TERMINATED
19 AND THE COURT DETERMINES AT A PERMANENCY PLANNING HEARING THAT
20 THE RETURN OF THE CHILD TO HIS OR HER PARENT WOULD NOT CAUSE A
21 SUBSTANTIAL RISK OF HARM TO THE CHILD'S LIFE, PHYSICAL HEALTH, OR
22 MENTAL WELL-BEING, THE COURT SHALL ORDER THE CHILD RETURNED TO
23 HIS OR HER PARENT. IN DETERMINING WHETHER THE RETURN OF THE
24 CHILD WOULD CAUSE A SUBSTANTIAL RISK OF HARM TO THE CHILD, THE
25 COURT SHALL VIEW THE FAILURE OF THE PARENT TO SUBSTANTIALLY
26 COMPLY WITH THE TERMS AND CONDITIONS OF THE CASE SERVICE PLAN
27 PREPARED UNDER SECTION 9630D AS EVIDENCE THAT RETURN OF THE CHILD

1 TO HIS OR HER PARENT WOULD CAUSE A SUBSTANTIAL RISK OF HARM TO
2 THE CHILD'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING.

3 (5) IF THE COURT DETERMINES AT A PERMANENCY PLANNING HEARING
4 THAT THE CHILD SHOULD NOT BE RETURNED TO HIS OR HER PARENT, THE
5 AGENCY SHALL INITIATE PROCEEDINGS TO TERMINATE PARENTAL RIGHTS TO
6 THE CHILD NOT LATER THAN 42 DAYS AFTER THE PERMANENCY PLANNING
7 HEARING, UNLESS THE AGENCY DEMONSTRATES TO THE COURT THAT INITI-
8 ATING THE TERMINATION OF PARENTAL RIGHTS TO THE CHILD IS CLEARLY
9 NOT IN THE CHILD'S BEST INTERESTS.

10 (6) IF THE AGENCY DEMONSTRATES UNDER SUBSECTION (5) THAT
11 INITIATING THE TERMINATION OF PARENTAL RIGHTS TO THE CHILD IS
12 CLEARLY NOT IN THE CHILD'S BEST INTERESTS, THEN THE COURT SHALL
13 ORDER EITHER OF THE FOLLOWING ALTERNATIVE PLACEMENT PLANS:

14 (A) IF THE COURT DETERMINES THAT OTHER PERMANENT PLACEMENT
15 IS NOT POSSIBLE, THE CHILD'S PLACEMENT IN FOSTER CARE SHALL CON-
16 TINUE FOR A LIMITED PERIOD TO BE STATED BY THE COURT.

17 (B) IF THE COURT DETERMINES THAT IT IS IN THE CHILD'S BEST
18 INTERESTS, THE CHILD'S PLACEMENT IN FOSTER CARE SHALL CONTINUE ON
19 A LONG-TERM BASIS.

20 SEC. 9632A. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), IF A
21 CHILD REMAINS IN FOSTER CARE IN THE TEMPORARY CUSTODY OF THE
22 COURT FOLLOWING A REVIEW HEARING UNDER SECTION 9631(3) OR A PER-
23 MANENCY PLANNING HEARING UNDER SECTION 9632, UPON PETITION OF THE
24 PROSECUTING ATTORNEY, CHILD, OR AGENCY, THE COURT SHALL HOLD A
25 HEARING TO DETERMINE IF THE PARENTAL RIGHTS TO A CHILD SHOULD BE
26 TERMINATED AND, IF ALL PARENTAL RIGHTS TO THE CHILD ARE
27 TERMINATED, THE CHILD PLACED IN PERMANENT CUSTODY OF THE COURT.

1 (2) NOT LESS THAN 14 DAYS BEFORE A HEARING TO DETERMINE IF
2 THE PARENTAL RIGHTS TO A CHILD SHOULD BE TERMINATED, NOTICE OF
3 THE HEARING SHALL BE SERVED UPON ALL OF THE FOLLOWING:

4 (A) THE AGENCY. THE AGENCY SHALL ADVISE THE CHILD OF THE
5 HEARING IF THE CHILD IS 11 YEARS OF AGE OR OLDER.

6 (B) THE FOSTER PARENT OR CUSTODIAN OF THE CHILD.

7 (C) THE CHILD'S PARENTS.

8 (D) IF THE CHILD HAS A GUARDIAN, THE GUARDIAN FOR THE
9 CHILD.

10 (E) IF THE CHILD HAS A GUARDIAN AD LITEM, THE GUARDIAN AD
11 LITEM FOR THE CHILD.

12 (F) IF TRIBAL AFFILIATION HAS BEEN DETERMINED, THE ELECTED
13 LEADER OF THE INDIAN TRIBE.

14 (G) THE ATTORNEY FOR THE CHILD.

15 (H) IF THE CHILD IS 11 YEARS OF AGE OR OLDER, THE CHILD.

16 (I) THE PROSECUTOR.

17 (3) THE COURT MAY TERMINATE THE PARENTAL RIGHTS OF A PARENT
18 TO A CHILD IF THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE,
19 1 OR MORE OF THE FOLLOWING:

20 (A) THE CHILD HAS BEEN DESERTED UNDER EITHER OF THE FOLLOW-
21 ING CIRCUMSTANCES:

22 (i) IF THE PARENT OF A CHILD IS UNIDENTIFIABLE AND HAS
23 DESERTED THE CHILD FOR 28 OR MORE DAYS AND HAS NOT SOUGHT CUSTODY
24 OF THE CHILD DURING THAT PERIOD. FOR THE PURPOSES OF THIS SEC-
25 TION, A PARENT IS UNIDENTIFIABLE IF THE PARENT'S IDENTITY CANNOT
26 BE ASCERTAINED AFTER REASONABLE EFFORTS HAVE BEEN MADE TO LOCATE
27 AND IDENTIFY THE PARENT.

1 (ii) THE PARENT OF A CHILD HAS DESERTED THE CHILD FOR 91 OR
2 MORE DAYS AND HAS NOT SOUGHT CUSTODY OF THE CHILD DURING THAT
3 PERIOD.

4 (B) THE CHILD OR A SIBLING OF THE CHILD HAS SUFFERED PHYSI-
5 CAL INJURY OR PHYSICAL OR SEXUAL ABUSE UNDER EITHER OF THE FOL-
6 LOWING CIRCUMSTANCES:

7 (i) A PARENT'S ACT CAUSED THE PHYSICAL INJURY OR PHYSICAL OR
8 SEXUAL ABUSE AND THE COURT FINDS THAT THERE IS A REASONABLE LIKE-
9 LIHOOD THAT THE CHILD WILL SUFFER FROM INJURY OR ABUSE IN THE
10 FORESEEABLE FUTURE IF PLACED IN THE PARENT'S HOME.

11 (ii) A PARENT WHO HAD THE OPPORTUNITY TO PREVENT THE PHYSI-
12 CAL INJURY OR PHYSICAL OR SEXUAL ABUSE FAILED TO DO SO AND THE
13 COURT FINDS THAT THERE IS A REASONABLE LIKELIHOOD THAT THE CHILD
14 WILL SUFFER INJURY OR ABUSE IN THE FORESEEABLE FUTURE IF PLACED
15 IN THE PARENT'S HOME.

16 (C) THE PARENT WAS A RESPONDENT IN A PROCEEDING BROUGHT
17 UNDER THIS CHAPTER, 182 OR MORE DAYS HAVE ELAPSED SINCE THE ISSU-
18 ANCE OF AN INITIAL DISPOSITIONAL ORDER, AND THE COURT, BY CLEAR
19 AND CONVINCING EVIDENCE, FINDS EITHER OF THE FOLLOWING:

20 (i) THE CONDITIONS THAT LED TO THE ADJUDICATION CONTINUE TO
21 EXIST AND THERE IS NO REASONABLE LIKELIHOOD THAT THE CONDITIONS
22 WILL BE RECTIFIED WITHIN A REASONABLE TIME CONSIDERING THE AGE OF
23 THE CHILD.

24 (ii) OTHER CONDITIONS EXIST THAT CAUSE THE CHILD TO COME
25 WITHIN THE JURISDICTION OF THE COURT, THE PARENT HAS RECEIVED
26 RECOMMENDATIONS TO RECTIFY THOSE CONDITIONS, THE CONDITIONS HAVE
27 NOT BEEN RECTIFIED BY THE PARENT AFTER THE PARENT HAS RECEIVED

1 NOTICE, A HEARING, AND BEEN GIVEN A REASONABLE OPPORTUNITY TO
2 RECTIFY THE CONDITIONS, AND THERE IS NO REASONABLE LIKELIHOOD
3 THAT THE CONDITIONS WILL BE RECTIFIED WITHIN A REASONABLE TIME
4 CONSIDERING THE AGE OF THE CHILD.

5 (D) THE PARENT, WITHOUT REGARD TO INTENT, FAILS TO PROVIDE
6 PROPER CARE OR CUSTODY FOR THE CHILD AND THERE IS NO REASONABLE
7 EXPECTATION THAT THE PARENT WILL BE ABLE TO PROVIDE PROPER CARE
8 AND CUSTODY WITHIN A REASONABLE TIME CONSIDERING THE AGE OF THE
9 CHILD.

10 (E) THE PARENT IS IMPRISONED FOR SUCH A PERIOD THAT THE
11 CHILD WILL BE DEPRIVED OF A NORMAL HOME FOR A PERIOD EXCEEDING 2
12 YEARS, AND THE PARENT HAS NOT PROVIDED FOR THE CHILD'S PROPER
13 CARE AND CUSTODY, AND THERE IS NO REASONABLE EXPECTATION THAT THE
14 PARENT WILL BE ABLE TO PROVIDE PROPER CARE AND CUSTODY WITHIN A
15 REASONABLE TIME CONSIDERING THE AGE OF THE CHILD.

16 (F) PARENTAL RIGHTS TO 1 OR MORE SIBLINGS OF THE CHILD HAVE
17 BEEN TERMINATED DUE TO SERIOUS AND CHRONIC NEGLECT OR PHYSICAL OR
18 SEXUAL ABUSE, AND PRIOR ATTEMPTS TO REHABILITATE THE PARENTS HAVE
19 BEEN UNSUCCESSFUL.

20 (4) IF A PETITION TO TERMINATE THE PARENTAL RIGHTS TO A
21 CHILD IS FILED, THE COURT MAY ENTER AN ORDER TERMINATING PARENTAL
22 RIGHTS UNDER SUBSECTION (3) AT THE INITIAL DISPOSITIONAL
23 HEARING.

24 SEC. 9632B. (1) IF A CHILD REMAINS IN FOSTER CARE FOLLOWING
25 THE TERMINATION OF PARENTAL RIGHTS TO THE CHILD, THE COURT SHALL
26 CONDUCT A HEARING NOT MORE THAN 182 DAYS AFTER THE TERMINATION OF
27 PARENTAL RIGHTS AND AT LEAST EVERY 182 DAYS THEREAFTER TO REVIEW

1 THE CHILD'S PLACEMENT IN FOSTER CARE AND THE PROGRESS BEING MADE
2 TOWARD THE CHILD'S ADOPTION OR OTHER PERMANENT PLACEMENT.

3 (2) THIS SECTION DOES NOT APPLY TO A COURT THAT IS PROVIDING
4 TO A CHILD WITHIN THE COURT'S JURISDICTION UNDER SECTION 9602(3)
5 FOSTER CARE HOME SERVICES SUBJECT TO THE COURT'S SUPERVISION.
6 HOWEVER, THIS SECTION DOES APPLY TO THAT COURT BEGINNING
7 JANUARY 1, 1990 OR WHEN THE COURT IS NO LONGER PROVIDING TO A
8 CHILD WITHIN THE COURT'S JURISDICTION UNDER SECTION 9602(3)
9 FOSTER CARE HOME SERVICES SUBJECT TO THE COURT'S SUPERVISION,
10 WHICHEVER OCCURS FIRST.

11 SEC. 9633. IN EACH CASE INVOLVING CUSTODY THE COURT SHALL
12 STATE IN THE ORDER FOR DISPOSITION OR A SUPPLEMENTAL ORDER OF
13 DISPOSITION WHETHER THE CHILD IS PLACED IN THE TEMPORARY OR PER-
14 MANENT CUSTODY OF THE COURT. IF THE CHILD IS PLACED IN THE TEM-
15 PORARY CUSTODY OF THE COURT, A SUPPLEMENTAL ORDER OF DISPOSITION
16 PROVIDING PERMANENT CUSTODY OR CONTAINING ANY OTHER ORDER OF DIS-
17 POSITION SHALL NOT BE MADE EXCEPT AT A HEARING HELD AFTER ISSU-
18 ANCE OF A SUMMONS OR NOTICE AS PROVIDED IN SECTIONS 9622 AND 9623
19 OR AT A REHEARING HELD AS PROVIDED BY SECTION 9631. IF THE CHILD
20 IS PLACED IN THE PERMANENT CUSTODY OF THE COURT, THE PARENTAL
21 RIGHTS ARE TERMINATED, THOUGH THE RIGHTS MAY BE REINSTATED BY A
22 SUPPLEMENTAL ORDER OF DISPOSITION AFTER REHEARING IS HELD PURSU-
23 ANT TO SECTION 9636.

24 SEC. 9636. AN INTERESTED PERSON, WHILE THE CHILD IS UNDER
25 THE JURISDICTION OF THE COURT, MAY FILE A PETITION, IN WRITING
26 AND UNDER OATH, FOR A REHEARING UPON THE MATTERS COMING WITHIN
27 THIS CHAPTER. AT THE REHEARING, THE COURT MAY AFFIRM, MODIFY, OR

1 SET ASIDE ANY ORDER REVIEWED. IF PARENTAL RIGHTS HAVE BEEN
2 TERMINATED BY AN ORDER ENTERED IN THE PROCEEDINGS AND CUSTODY OF
3 THE CHILD HAS BEEN REMOVED FROM THE PARENTS, GUARDIAN, OR OTHER
4 PERSON, THE PETITION FOR REHEARING SHALL BE FILED NOT LATER THAN
5 20 DAYS AFTER THE DATE OF ENTRY OF THE ORDER TERMINATING PARENTAL
6 RIGHTS, AND THE PETITION SHALL SET FORTH IN DETAIL THE PLACE,
7 MANNER, AND ALL OTHER INFORMATION REQUESTED BY THE COURT IN REF-
8 ERENCE TO THE PROPOSED FUTURE CUSTODY OF THE CHILD. THE REHEAR-
9 ING SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THIS
10 CHAPTER RELATIVE TO THE CONDUCT OF ORIGINAL HEARINGS. AT ANY
11 TIME THE COURT MAY ENTER AN ORDER FOR SUPPLEMENTAL DISPOSITION AS
12 LONG AS THE CHILD REMAINS UNDER THE JURISDICTION OF THE COURT.

13 SEC. 9638. A DISPOSITION OF A CHILD UNDER THIS CHAPTER OR
14 EVIDENCE GIVEN IN A CASE SHALL NOT BE LAWFUL OR PROPER EVIDENCE
15 AGAINST THE CHILD FOR ANY PURPOSE, IN A CIVIL, CRIMINAL, OR OTHER
16 CAUSE OR PROCEEDING IN A COURT, EXCEPT IN A SUBSEQUENT CASE
17 AGAINST THE SAME CHILD UNDER THIS CHAPTER.

18 SEC. 9640. (1) WHEN THE COURT PLACES A CHILD IN A PUBLIC OR
19 PRIVATE INSTITUTION OR AGENCY, THE COURT SHALL TRANSMIT, WITH THE
20 ORDER OF DISPOSITION OR SUPPLEMENTAL ORDER OF DISPOSITION, A SUM-
21 MARY OF ITS INFORMATION CONCERNING THE CHILD. THE CHILD MAY BE
22 PLACED IN THE CARE OF A COUNTY AGENT, PROBATION OFFICER, JUVENILE
23 MATRON, OR SOME OTHER RELIABLE PERSON DESIGNATED BY THE COURT TO
24 BE CONVEYED TO THE INSTITUTION. THE SAME COMPENSATION SHALL BE
25 PAID BY THE STATE FOR THE TRANSPORTATION OF THE CHILD AS IS PAID
26 TO COUNTY AGENTS IN LIKE CASES.

1 (2) WHEN THE COURT PLACES A CHILD IN A PRIVATE OR
2 INCORPORATED INSTITUTION OR AGENCY, THE COURT SHALL REQUIRE A
3 PROGRESS REPORT CONCERNING THE CHILD WHICH SHALL BE MADE NOT LESS
4 THAN ONCE EVERY 6 MONTHS AFTER THE DATE OF THE ORDER.

5 SEC. 9642. EXPENSES INCURRED IN CARRYING OUT THIS CHAPTER,
6 EXCEPT AS OTHERWISE MAY BE SPECIFICALLY PROVIDED BY LAW, SHALL BE
7 PAID UPON THE ORDER OF THE COURT BY THE COUNTY TREASURER FROM THE
8 GENERAL FUND OF THE COUNTY.

9 SEC. 9645. THE COURT MAY PUNISH FOR CONTEMPT OF COURT, PUR-
10 SUANT TO CHAPTER 17, A PERSON WHO WILLFULLY VIOLATES, NEGLECTS,
11 OR REFUSES TO OBEY AND PERFORM AN ORDER OR PROCESS THE COURT HAS
12 MADE OR ISSUED IN THE ENFORCEMENT OF THIS CHAPTER.

13 SEC. 9647. (1) THE COURT SHALL MAINTAIN RECORDS OF ALL
14 CASES BROUGHT BEFORE IT AND AS PROVIDED IN THE JUVENILE DIVERSION
15 ACT, ACT NO. 13 OF THE PUBLIC ACTS OF 1988, BEING SECTIONS
16 722.821 TO 722.831 OF THE MICHIGAN COMPILED LAWS. EXCEPT AS OTH-
17 ERWISE PROVIDED IN THIS SUBSECTION, RECORDS OF A CASE BROUGHT
18 BEFORE THE COURT SHALL BE OPEN TO THE GENERAL PUBLIC. DIVERSION
19 RECORDS SHALL BE OPEN ONLY AS PROVIDED IN ACT NO. 13 OF THE
20 PUBLIC ACTS OF 1988. EXCEPT AS OTHERWISE PROVIDED IN SECTION 48
21 OF THE CRIME VICTIM'S RIGHTS ACT, ACT NO. 87 OF THE PUBLIC ACTS
22 OF 1985, BEING SECTION 780.798 OF THE MICHIGAN COMPILED LAWS, IF
23 THE HEARING OF A CASE BROUGHT BEFORE THE COURT IS CLOSED PURSUANT
24 TO SECTION 9627, THE RECORDS OF THAT HEARING SHALL BE OPEN ONLY
25 BY ORDER OF THE COURT TO PERSONS HAVING A LEGITIMATE INTEREST.

26 (2) WHENEVER THE COURT ISSUES AN ORDER IN RESPECT TO
27 PAYMENTS BY A PARENT UNDER SECTION 9629(2), A COPY SHALL BE

1 MAILED TO THE DEPARTMENT OF TREASURY. ACTION TAKEN AGAINST
2 PARENTS OR ADULTS SHALL NOT BE RELEASED FOR PUBLICITY UNLESS THE
3 PARENTS OR ADULTS ARE ADJUDGED GUILTY OF CONTEMPT OF COURT. THE
4 COURT SHALL FURNISH THE DEPARTMENT OF SOCIAL SERVICES WITH
5 REPORTS OF THE ADMINISTRATION OF THE JUVENILE DIVISION IN A FORM
6 AS SHALL BE RECOMMENDED BY THE MICHIGAN ASSOCIATION OF PROBATE
7 AND JUVENILE COURT JUDGES. COPIES OF THESE REPORTS SHALL, UPON
8 REQUEST, BE MADE AVAILABLE TO OTHER STATE DEPARTMENTS BY THE
9 DEPARTMENT OF SOCIAL SERVICES.

10 Section 2. The following acts and parts of acts are
11 repealed:

12 (a) Act No. 288 of the Public Acts of 1939, being
13 sections 710.21 to 712A.28 of the Michigan Compiled Laws.

14 (b) Act No. 84 of the Public Acts of 1949, being
15 sections 720.601 to 720.608 of the Michigan Compiled Laws.

16 Section 3. (1) The files, records, and pending cases of the
17 circuit or probate court concerning cases over which jurisdiction
18 is transferred to the domestic relations court by this amendatory
19 act shall be transferred to the domestic relations court pursuant
20 to rules prescribed by the supreme court. The domestic relations
21 court shall have jurisdiction to hear and determine all cases
22 transferred under this section.

23 (2) An order of the probate or circuit court concerning a
24 case over which jurisdiction is transferred to the domestic rela-
25 tions court by this amendatory act entered before
26 January 1, 1990, in conformity with the law then in effect, is

1 not affected or impaired by the repeal provisions of enacting
2 section 2 of this amendatory act.

3 Section 4. This amendatory act shall take effect
4 January 1, 1990.

5 Section 5. This amendatory act shall not take effect unless
6 all of the following bills of the 85th Legislature are enacted
7 into law:

8 (a) Senate Bill No. ____ or House Bill No. 4570 (request
9 no. 01633'89).

10 (b) Senate Bill No. ____ or House Bill No. 4571 (request
11 no. 01634'89).

12 (c) Senate Bill No. ____ or House Bill No. 4572 (request
13 no. 01635'89).

14 (d) Senate Bill No. ____ or House Bill No. 4573 (request
15 no. 01636'89).

16 (e) Senate Bill No. ____ or House Bill No. 4574 (request
17 no. 01637'89).

18 (f) Senate Bill No. ____ or House Bill No. 4575 (request
19 no. 01638'89).

20 (g) Senate Bill No. ____ or House Bill No. 4576 (request
21 no. 01639'89).

22 (h) Senate Bill No. ____ or House Bill No. 4577 (request
23 no. 01640'89).

24 (i) Senate Bill No. ____ or House Bill No. 4578 (request
25 no. 01641'89).

26 (j) Senate Bill No. ____ or House Bill No. 4579 (request
27 no. 01642'89).

- 1 (k) Senate Bill No. _____ or House Bill No. 4580 (request
2 no. 01643'89).
- 3 (l) Senate Bill No. _____ or House Bill No. 4581 (request
4 no. 01644'89).
- 5 (m) Senate Bill No. _____ or House Bill No. 4582 (request
6 no. 01645'89).
- 7 (n) Senate Bill No. _____ or House Bill No. 4583 (request
8 no. 01646'89).
- 9 (o) Senate Bill No. _____ or House Bill No. 4584 (request
10 no. 01647'89).
- 11 (p) Senate Bill No. _____ or House Bill No. 4585 (request
12 no. 01648'89).
- 13 (q) Senate Bill No. _____ or House Bill No. 4586 (request
14 no. 01649'89).
- 15 (r) Senate Bill No. _____ or House Bill No. 4587 (request
16 no. 01650'89).
- 17 (s) Senate Bill No. _____ or House Bill No. 4588 (request
18 no. 01651'89).
- 19 (t) Senate Bill No. _____ or House Bill No. 4589 (request
20 no. 01652'89).
- 21 (u) Senate Bill No. _____ or House Bill No. 4590 (request
22 no. 01653'89).
- 23 (v) Senate Bill No. _____ or House Bill No. 4591 (request
24 no. 01654'89).
- 25 (w) Senate Bill No. _____ or House Bill No. 4592 (request
26 no. 01655'89).

1 (x) Senate Bill No. _____ or House Bill No. 4593 (request
2 no. 01656'89).

3 (y) Senate Bill No. _____ or House Bill No. 4594 (request
4 no. 01657'89).

5 (z) Senate Bill No. _____ or House Bill No. 4595 (request
6 no. 01658'89).

7 (aa) Senate Bill No. _____ or House Bill No. 4568 (request
8 no. 01659'89 a).

9 (bb) Senate Bill No. _____ or House Bill No. 4569 (request
10 no. 01659'89 b).