

1 regarding a case under section 2(b) of this chapter only for good
2 cause with factual findings on the record and not solely upon
3 stipulation of counsel or for the convenience of a party. In
4 addition to a factual finding of good cause, the court shall not
5 adjourn the hearing or grant a continuance unless 1 of the
6 following is also true:

7 (a) The motion for the adjournment or continuance is made in
8 writing not less than 14 days before the hearing.

9 (b) The court grants the adjournment or continuance upon its
10 own motion after taking into consideration the child's best
11 interests. An adjournment or continuance granted under this
12 subdivision ~~shall~~**must** not last more than 28 days unless the court
13 states on the record the specific reasons why a longer adjournment
14 or continuance is necessary.

15 (2) Except as otherwise provided in this subsection, in a
16 hearing other than a criminal trial under this chapter, a person
17 interested in the hearing may demand a jury of 6 individuals, or
18 the court, on its own motion, may order a jury of 6 individuals to
19 try the case. In a proceeding under section 2(h) of this chapter, a
20 jury ~~shall~~**must** not be demanded or ordered on a supplemental
21 petition alleging a violation of a personal protection order. In a
22 criminal trial, a jury may be demanded as provided by law. The jury
23 ~~shall~~**must** be summoned and impaneled in accordance with chapter 13
24 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1300 to
25 600.1376, and, in the case of a criminal trial, as provided in
26 chapter VIII of the code of criminal procedure, 1927 PA 175, MCL
27 768.1 to ~~768.36~~**768.51**.

28 (3) A parent, guardian, or other custodian of a juvenile held
29 under this chapter has the right to give bond or other security for



1 the appearance of the juvenile at the hearing of the case.

2 (4) The prosecuting attorney shall appear for the people when
3 requested by the court, and in a proceeding under section 2(a)(1)
4 of this chapter, the prosecuting attorney shall appear if the
5 proceeding requires a hearing and the taking of testimony.

6 (5) In a proceeding under section 2(b) of this chapter, upon
7 request of the ~~family independence agency~~ **department of health and**
8 **human services** or an agent of the ~~family independence agency~~
9 **department of health and human services** under contract with the
10 ~~family independence agency,~~ **department of health and human**
11 **services,** the prosecuting attorney shall serve as a legal
12 consultant to the ~~family independence agency~~ **department of health**
13 **and human services** or its agent at all stages of the proceeding. If
14 in a proceeding under section 2(b) of this chapter the prosecuting
15 attorney does not appear on behalf of the ~~family independence~~
16 ~~agency~~ **department of health and human services** or its agent, the
17 ~~family independence agency~~ **department of health and human services**
18 may contract with an attorney of its choice for legal
19 representation.

20 (6) A member of a local foster care review board established
21 under 1984 PA 422, MCL 722.131 to 722.139a, ~~shall~~ **must** be admitted
22 to a hearing under subsection (1).

23 (7) Upon motion of a party or a victim, the court may close
24 the hearing of a case brought under this chapter to members of the
25 general public during the testimony of a juvenile witness or the
26 victim if the court finds that closing the hearing is necessary to
27 protect the welfare of the juvenile witness or the victim. In
28 determining whether closing the hearing is necessary to protect the
29 welfare of the juvenile witness or the victim, the court shall



1 consider the following:

2 (a) The age of the juvenile witness or the victim.

3 (b) The nature of the proceeding.

4 (c) The desire of the juvenile witness, of the witness's
5 family or guardian, or of the victim to have the testimony taken in
6 a room closed to the public.

7 (8) As used in subsection (7), "juvenile witness" does not
8 include a juvenile against whom a proceeding is brought under
9 section 2(a)(1) of this chapter.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 5325 (request no.
14 01417'19) of the 100th Legislature is enacted into law.

