

HOUSE BILL NO. 6074

May 05, 2022, Introduced by Reps. Whiteford and Brann and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22 of chapter X and section 18 of chapter XIIA (MCL 710.22 and 712A.18), section 22 of chapter X as amended by 2004 PA 487 and section 18 of chapter XIIA as amended by 2020 PA 389.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X
2 Sec. 22. As used in this chapter:

1 (a) "Adoptee" means the individual who is to be adopted,
2 regardless of whether the individual is a child or an adult.

3 (b) "Adoption attorney" means an attorney acting as counsel in
4 an adoption proceeding or case.

5 (c) "Adult former sibling" means an individual who is 18 years
6 of age or older and is related to an adult adoptee either
7 biologically or through adoption by at least 1 common parent,
8 regardless of whether the adult former sibling ever lived in the
9 same household as the adult adoptee.

10 (d) "Agency placement" means a placement in which a child
11 placing agency, the department, or a court selects the adoptive
12 parent for the child and transfers physical custody of the child to
13 the prospective adoptive parent.

14 (e) "Applicant" means an individual or individuals who desire
15 to adopt a child and who have submitted an adoption application to
16 a child placing agency.

17 (f) "Attending practitioner" means a licensed physician or a
18 registered professional nurse certified as a nurse midwife by the
19 Michigan board of nursing.

20 (g) "Best interests of the adoptee" or "best interests of the
21 child" means the sum total of the following factors to be
22 considered, evaluated, and determined by the court to be applied to
23 give the adoptee permanence at the earliest possible date:

24 (i) The love, affection, and other emotional ties existing
25 between the adopting individual or individuals and the adoptee or,
26 in the case of a hearing under section 39 of this chapter, the
27 putative father and the adoptee.

28 (ii) The capacity and disposition of the adopting individual or
29 individuals or, in the case of a hearing under section 39 of this

1 chapter, the putative father to give the adoptee love, affection,
2 and guidance, and to educate and create a milieu that fosters the
3 religion, racial identity, and culture of the adoptee.

4 (iii) The capacity and disposition of the adopting individual or
5 individuals or, in the case of a hearing under section 39 of this
6 chapter, the putative father, to provide the adoptee with food,
7 clothing, education, permanence, medical care or other remedial
8 care recognized and permitted under the laws of this state in place
9 of medical care, and other material needs.

10 (iv) The length of time the adoptee has lived in a stable,
11 satisfactory environment, and the desirability of maintaining
12 continuity.

13 (v) The permanence as a family unit of the proposed adoptive
14 home, or, in the case of a hearing under section 39 of this
15 chapter, the home of the putative father.

16 (vi) The moral fitness of the adopting individual or
17 individuals or, in the case of a hearing under section 39 of this
18 chapter, of the putative father.

19 (vii) The mental and physical health of the adopting individual
20 or individuals or, in the case of a hearing under section 39 of
21 this chapter, of the putative father, and of the adoptee.

22 (viii) The home, school, and community record of the adoptee.

23 (ix) The reasonable preference of the adoptee, if the adoptee
24 is 14 years of age or less and if the court considers the adoptee
25 to be of sufficient age to express a preference.

26 (x) The ability and willingness of the adopting individual or
27 individuals to adopt the adoptee's siblings.

28 (xi) Any other factor considered by the court to be relevant to
29 a particular adoption proceeding, or to a putative father's request

1 for child custody.

2 (h) "Born out of wedlock" means a child conceived and born to
3 a woman who was not married from the conception to the date of
4 birth of the child, or a child whom the court has determined to be
5 a child born during a marriage but not the issue of that marriage.

6 (i) "Central adoption registry" means the registry established
7 by the department under section 27b of this chapter to control the
8 release of identifying adoption information.

9 (j) "Child" means an individual less than 18 years of age.

10 (k) "Child placing agency" means a private organization
11 licensed under 1973 PA 116, MCL 722.111 to 722.128, to place
12 children for adoption.

13 (l) "Consent" means a document in which all parental rights
14 over a specific child are voluntarily relinquished to the court for
15 placement with a specific adoptive parent.

16 (m) "Court" means the family division of circuit court of this
17 state, or if the context requires, the court having jurisdiction
18 over adoption in another state or country.

19 (n) "Department" means the ~~family independence~~
20 ~~agency.~~ **department of health and human services.**

21 (o) "Direct placement" means a placement in which a parent or
22 guardian selects an adoptive parent for a child, other than a
23 stepparent or an individual related to the child within the fifth
24 degree by marriage, blood, or adoption, and transfers physical
25 custody of the child to the prospective adoptive parent.

26 (p) "Formal placement" means a placement that is approved by
27 the court under section 51 of this chapter.

28 (q) "Person" means an individual, partnership, corporation,
29 association, governmental entity, or other legal entity.

1 (r) "Petitioner", except as used in section 68b of this
2 chapter, means the individual or individuals who file an adoption
3 petition with the court.

4 (s) "Placement" or "to place" means selection of an adoptive
5 parent for a child and transfer of physical custody of the child to
6 a prospective adoptive parent ~~according to~~ **in compliance with** this
7 chapter.

8 (t) "Relative" means ~~an individual who is related to the child~~
9 ~~within the fifth degree by marriage, blood, or adoption.~~ **that term**
10 **as defined in section 13a of chapter XIIA.**

11 (u) "Release" means a document in which all parental rights
12 over a specific child are voluntarily relinquished to the
13 department or to a child placing agency.

14 (v) "Rescission petition" means a petition filed by an adult
15 adoptee and his or her parent whose rights have been terminated to
16 rescind the adoption in which a stepparent acquired parental rights
17 and to restore parental rights of that parent according to section
18 66 of this chapter.

19 (w) "Suitable to be a parent of an adoptee" means a conclusion
20 that there is no specific concern with respect to an individual
21 that would suggest that placement of any child, or a particular
22 child, in the home of the individual would pose a risk of harm to
23 the physical or psychological well-being of the child.

24 (x) "Temporary placement" means a placement that occurs before
25 court approval under section 51 of this chapter and that meets the
26 requirements of section 23d of this chapter.

27 (y) "Within the fifth degree by marriage, blood, or adoption"
28 means any of the following relationships: parent, step-parent,
29 grandparent, step-grandparent, brother, step-brother, sister, step-

1 sister, uncle, step-uncle, aunt, step-aunt, first cousin, step-
 2 first cousin, great aunt, step-great aunt, great uncle, step-great
 3 uncle, great grandparent, step-great grandparent, first cousin once
 4 removed, step-first cousin once removed, great great grandparent,
 5 step-great great grandparent, great great uncle, step-great great
 6 uncle, great great aunt, step-great great aunt, great great great
 7 grandparent, or step-great great great grandparent.

8 CHAPTER XIIA

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

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

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

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

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

27 (d) Except as otherwise provided in this subdivision, place
28 the juvenile in or commit the juvenile to a private institution or
29 agency approved or licensed by the department's division of child

1 welfare licensing for the care of juveniles of similar age, sex,
2 and characteristics. If the juvenile is not a ward of the court,
3 the court shall commit the juvenile to the department or, if the
4 county is a county juvenile agency, to that county juvenile agency
5 for placement in or commitment to an institution or agency as the
6 department or county juvenile agency determines is most
7 appropriate, subject to any initial level of placement the court
8 designates.

9 (e) Except as otherwise provided in this subdivision, commit
10 the juvenile to a public institution, county facility, institution
11 operated as an agency of the court or county, or agency authorized
12 by law to receive juveniles of similar age, sex, and
13 characteristics. If the juvenile is not a ward of the court, the
14 court shall commit the juvenile to the department or, if the county
15 is a county juvenile agency, to that county juvenile agency for
16 placement in or commitment to an institution or facility as the
17 department or county juvenile agency determines is most
18 appropriate, subject to any initial level of placement the court
19 designates. In a placement under subdivision (d) or a commitment
20 under this subdivision, except to a state institution or a county
21 juvenile agency, the juvenile's religious affiliation must be
22 protected by placement or commitment to a private child placing or
23 child caring agency or institution, if available. Except for
24 commitment to the department or a county juvenile agency, **in** an
25 order of commitment under this subdivision to a state institution
26 or agency described in the youth rehabilitation services act, 1974
27 PA 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to
28 400.214, the court shall name the superintendent of the institution
29 where the juvenile is committed as a special guardian to receive

1 benefits due the juvenile from the government of the United States.
2 An order of commitment under this subdivision to the department or
3 a county juvenile agency must name that agency as a special
4 guardian to receive those benefits. The benefits received by the
5 special guardian must be used to the extent necessary to pay for
6 the portions of the cost of care in the institution or facility
7 that the parent or parents are found unable to pay.

8 (f) Provide the juvenile with medical, dental, surgical, or
9 other health care, in a local hospital if available, or elsewhere,
10 maintaining as much as possible a local physician-patient
11 relationship, and with clothing and other incidental items the
12 court determines are necessary.

13 (g) Order the parents, guardian, custodian, or any other
14 person to refrain from continuing conduct that the court determines
15 has caused or tended to cause the juvenile to come within or to
16 remain under this chapter or that obstructs placement or commitment
17 of the juvenile by an order under this section.

18 (h) Appoint a guardian under section 5204 of the estates and
19 protected individuals code, 1998 PA 386, MCL 700.5204, in response
20 to a petition filed with the court by a person interested in the
21 juvenile's welfare. If the court appoints a guardian as authorized
22 by this subdivision, it may dismiss the petition under this
23 chapter.

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

25 (j) If the court finds that a juvenile has violated a
26 municipal ordinance or a state or federal law, order the juvenile
27 to pay a civil fine in the amount of the civil or penal fine
28 provided by the ordinance or law. Money collected from fines levied
29 under this subsection must be distributed as provided in section 29

1 of this chapter.

2 (k) If the court finds that the juvenile has violated a court
3 order under section 2(a)(2) to (4) of this chapter, order the
4 juvenile to be placed in a secure facility. A court order under
5 this subdivision must state all of the following:

6 (i) The court order the juvenile violated.

7 (ii) The factual basis for determining that there was
8 reasonable cause to believe that the juvenile violated the court
9 order.

10 (iii) The court's finding of fact to support a determination
11 that there is no appropriate less restrictive alternative placement
12 available considering the best interests of the juvenile.

13 (iv) The length of time, not to exceed 7 days, that the
14 juvenile may remain in the secure facility and the plan for the
15 juvenile's release from the facility.

16 (v) That the order may not be renewed or extended.

17 (l) For a second or subsequent violation of a court order under
18 section 2(a)(2) to (4) of this chapter, issue a second or
19 subsequent order under subdivision (k), but only if the court finds
20 both of the following:

21 (i) The juvenile violated a court order after the date that the
22 court issued the first order under subdivision (k).

23 (ii) The court has procedures in place to ensure that a
24 juvenile held in a secure facility by a court order is not in
25 custody more than 7 days or the length of time authorized by the
26 court, whichever is shorter.

27 (m) If a juvenile is within the court's jurisdiction under
28 section 2(a)(1) of this chapter, order the juvenile's parent or
29 guardian to personally participate in treatment reasonably

1 available in the parent's or guardian's location.

2 (n) If a juvenile is within the court's jurisdiction under
3 section 2(a)(1) of this chapter, place the juvenile in and order
4 the juvenile to complete satisfactorily a program of training in a
5 juvenile boot camp established by the department under the juvenile
6 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
7 in that act. If the county is a county juvenile agency, the court
8 shall commit the juvenile to that county juvenile agency for
9 placement in the program under that act. Upon receiving a report of
10 satisfactory completion of the program from the department, the
11 court shall authorize the juvenile's release from placement in the
12 juvenile boot camp. Following satisfactory completion of the
13 juvenile boot camp program, the juvenile shall complete an
14 additional period of not less than 120 days or more than 180 days
15 of intensive supervised community reintegration in the juvenile's
16 local community. To place or commit a juvenile under this
17 subdivision, the court shall determine all of the following:

18 (i) Placement in a juvenile boot camp will benefit the
19 juvenile.

20 (ii) The juvenile is physically able to participate in the
21 program.

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

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

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

27 (vi) If the court must commit the juvenile to a county juvenile
28 agency, the county juvenile agency is able to place the juvenile in
29 a juvenile boot camp program.

1 (o) If the court entered a judgment of conviction under
2 section 2d of this chapter, enter any disposition under this
3 section or, if the court determines that the best interests of the
4 public would be served, impose any sentence upon the juvenile that
5 could be imposed upon an adult convicted of the offense for which
6 the juvenile was convicted. If the juvenile is convicted of a
7 violation or conspiracy to commit a violation of section
8 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,
9 the court may impose the alternative sentence permitted under that
10 section if the court determines that the best interests of the
11 public would be served. The court may delay imposing a sentence of
12 imprisonment under this subdivision for a period not longer than
13 the period during which the court has jurisdiction over the
14 juvenile under this chapter by entering an order of disposition
15 delaying imposition of sentence and placing the juvenile on
16 probation upon the terms and conditions it considers appropriate,
17 including any disposition under this section. If the court delays
18 imposing sentence under this section, section 18i of this chapter
19 applies. If the court imposes sentence, it shall enter a judgment
20 of sentence. If the court imposes a sentence of imprisonment, the
21 juvenile shall receive credit against the sentence for time served
22 before sentencing. In determining whether to enter an order of
23 disposition or impose a sentence under this subdivision, the court
24 shall consider all of the following factors, giving greater weight
25 to the seriousness of the offense and the juvenile's prior record:

26 (i) The seriousness of the offense in terms of community
27 protection, including, but not limited to, the existence of any
28 aggravating factors recognized by the sentencing guidelines, the
29 use of a firearm or other dangerous weapon, and the impact on any

1 victim.

2 (ii) The juvenile's culpability in committing the offense,
3 including, but not limited to, the level of the juvenile's
4 participation in planning and carrying out the offense and the
5 existence of any aggravating or mitigating factors recognized by
6 the sentencing guidelines.

7 (iii) The juvenile's prior record of delinquency including, but
8 not limited to, any record of detention, any police record, any
9 school record, or any other evidence indicating prior delinquent
10 behavior.

11 (iv) The juvenile's programming history, including, but not
12 limited to, the juvenile's past willingness to participate
13 meaningfully in available programming.

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

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

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

1 psychological evaluation or counseling, or both, to determine the
2 appropriateness and the conditions of parenting time.

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

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

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

27 (4) An order directed to a parent or a person other than the
28 juvenile is not effective and binding on the parent or other person
29 unless opportunity for hearing is given by issuance of summons or

1 notice as provided in sections 12 and 13 of this chapter and until
2 a copy of the order, bearing the seal of the court, is served on
3 the parent or other person as provided in section 13 of this
4 chapter.

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

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

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

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

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

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

29 (9) If the court finds that the juvenile is in intentional

1 default of the payment of restitution, a court may, as provided in
2 section 30 of this chapter, revoke or alter the terms and
3 conditions of probation for nonpayment of restitution. If a
4 juvenile who is ordered to engage in community service
5 intentionally refuses to perform the required community service,
6 the court may revoke or alter the terms and conditions of
7 probation.

8 (10) The court shall not enter an order of disposition for a
9 juvenile offense as defined in section 1a of 1925 PA 289, MCL
10 28.241a, or a judgment of sentence for a conviction until the court
11 has examined the court file and has determined that the juvenile's
12 biometric data have been collected and forwarded as required by
13 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
14 fingerprints have been taken and forwarded as required by the sex
15 offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.736~~.
16 **28.730**. If a juvenile's biometric data have not been collected or a
17 juvenile has not had his or her fingerprints taken, the court shall
18 do either of the following:

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

24 (b) Order the juvenile committed to the sheriff's custody for
25 collecting and forwarding the juvenile's biometric data and taking
26 and forwarding the juvenile's fingerprints.

27 (11) Upon final disposition, conviction, acquittal, or
28 dismissal of an offense within the court's jurisdiction under
29 section 2(a)(1) of this chapter, using forms approved by the state

1 court administrator, the clerk of the court entering the final
2 disposition, conviction, acquittal, or dismissal shall immediately
3 advise the department of state police of that final disposition,
4 conviction, acquittal, or dismissal as required by section 3 of
5 1925 PA 289, MCL 28.243. The report to the department of state
6 police must include information as to the finding of the judge or
7 jury and a summary of the disposition or sentence imposed.

8 (12) If the court enters an order of disposition based on an
9 act that is a juvenile offense as defined in section 1 of 1989 PA
10 196, MCL 780.901, the court shall order the juvenile to pay the
11 assessment as provided in that act. If the court enters a judgment
12 of conviction under section 2d of this chapter for an offense that
13 is a felony, misdemeanor, or ordinance violation, the court shall
14 order the juvenile to pay the assessment as provided in ~~that~~
15 ~~act.~~ **1989 PA 196, MCL 780.901 to 780.911.**

16 (13) If the court has entered an order of disposition or a
17 judgment of conviction for a listed offense as defined in section 2
18 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
19 court, the department, or the county juvenile agency shall register
20 the juvenile or accept the juvenile's registration as provided in
21 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
22 ~~28.736.~~ **28.730.**

23 (14) If the court enters an order of disposition placing a
24 juvenile in a juvenile boot camp program, or committing a juvenile
25 to a county juvenile agency for placement in a juvenile boot camp
26 program, and the court receives from the department a report that
27 the juvenile has failed to perform satisfactorily in the program,
28 that the juvenile does not meet the program's requirements or is
29 medically unable to participate in the program for more than 25

1 days, that there is no opening in a juvenile boot camp program, or
2 that the county juvenile agency is unable to place the juvenile in
3 a juvenile boot camp program, the court shall release the juvenile
4 from placement or commitment and enter an alternative order of
5 disposition. A juvenile must not be placed in a juvenile boot camp
6 under an order of disposition more than once, except that a
7 juvenile returned to the court for a medical condition, because
8 there was no opening in a juvenile boot camp program, or because
9 the county juvenile agency was unable to place the juvenile in a
10 juvenile boot camp program may be placed again in the juvenile boot
11 camp program after the medical condition is corrected, an opening
12 becomes available, or the county juvenile agency is able to place
13 the juvenile.

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

26 (16) The court shall not impose a sentence of imprisonment in
27 the county jail under subsection ~~(1)(m)~~ **(1)(o)** unless the present
28 county jail facility for the juvenile's imprisonment meets all
29 requirements under federal law and regulations for housing

1 juveniles. The court shall not impose the sentence until it
2 consults with the sheriff to determine when the sentence will begin
3 to ensure that space will be available for the juvenile.

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

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

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

20 Enacting section 1. This amendatory act does not take effect
21 unless House Bill No. 5974 of the 101st Legislature is enacted into
22 law.