

1 juvenile **who is** under 18 years of age **and** who is found within the
2 county if 1 or more of the following apply:

3 (1) Except as otherwise provided in this sub-subdivision, the
4 juvenile has violated any municipal ordinance or law of ~~the~~**this**
5 state or of the United States. If the court enters into an
6 agreement under section 2e of this chapter, the court has
7 jurisdiction over a juvenile who committed a civil infraction as
8 provided in that section. The court has jurisdiction over a
9 juvenile 14 years of age or older who is charged with a specified
10 juvenile violation only if the prosecuting attorney files a
11 petition in the court instead of authorizing a complaint and
12 warrant. As used in this sub-subdivision, "specified juvenile
13 violation" means 1 or more of the following:

14 (A) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
15 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
16 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
17 750.349, 750.520b, 750.529, 750.529a, and 750.531.

18 (B) A violation of section 84 or 110a(2) of the Michigan penal
19 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
20 armed with a dangerous weapon. As used in this paragraph,
21 "dangerous weapon" means 1 or more of the following:

22 (i) A loaded or unloaded firearm, whether operable or
23 inoperable.

24 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
25 club, or other object specifically designed or customarily carried
26 or possessed for use as a weapon.

27 (iii) An object that is likely to cause death or bodily injury
28 when used as a weapon and that is used as a weapon or carried or
29 possessed for use as a weapon.

1 (iv) An object or device that is used or fashioned in a manner
2 to lead a person to believe the object or device is an object or
3 device described in subparagraphs (i) to (iii).

4 (C) A violation of section 186a of the Michigan penal code,
5 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
6 from a juvenile facility, but only if the juvenile facility from
7 which the individual escaped or attempted to escape was 1 of the
8 following:

9 (i) A high-security or medium-security facility operated by the
10 department or a county juvenile agency.

11 (ii) A high-security facility operated by a private agency
12 under contract with the department or a county juvenile agency.

13 (D) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
14 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

15 (E) An attempt to commit a violation described in paragraphs
16 (A) to (D).

17 (F) Conspiracy to commit a violation described in paragraphs
18 (A) to (D).

19 (G) Solicitation to commit a violation described in paragraphs
20 (A) to (D).

21 (H) A lesser included offense of a violation described in
22 paragraphs (A) to (G) if the individual is charged with a violation
23 described in paragraphs (A) to (G).

24 (I) Another violation arising out of the same transaction as a
25 violation described in paragraphs (A) to (G) if the individual is
26 charged with a violation described in paragraphs (A) to (G).

27 (2) The juvenile has deserted ~~his or her~~ **the juvenile's** home
28 without sufficient cause, and the court finds on the record that
29 the juvenile has been placed or refused alternative placement or

1 the juvenile and the juvenile's parent, guardian, or custodian have
2 exhausted or refused family counseling.

3 (3) The juvenile is repeatedly disobedient to the reasonable
4 and lawful commands of ~~his or her~~ **the juvenile's** parents, guardian,
5 or custodian, and the court finds on the record by clear and
6 convincing evidence that court-accessed services are necessary.

7 (4) The juvenile willfully and repeatedly absents himself or
8 herself from school or other learning program intended to meet the
9 juvenile's educational needs, or repeatedly violates rules and
10 regulations of the school or other learning program, and the court
11 finds on the record that the juvenile, the juvenile's parent,
12 guardian, or custodian, and school officials or learning program
13 personnel have met on the juvenile's educational problems and
14 educational counseling and alternative agency help have been
15 sought. As used in this sub-subdivision only, "learning program"
16 means an organized educational program that is appropriate, given
17 the age, intelligence, ability, and psychological limitations of a
18 juvenile, in the subject areas of reading, spelling, mathematics,
19 science, history, civics, writing, and English grammar.

20 (b) Jurisdiction in proceedings concerning a juvenile under 18
21 years of age found within the county:

22 (1) Whose parent or other person legally responsible for the
23 care and maintenance of the juvenile, when able to do so, neglects
24 or refuses to provide proper or necessary support, education,
25 medical, surgical, or other care necessary for ~~his or her~~ **the**
26 **juvenile's** health or morals, who is subject to a substantial risk
27 of harm to ~~his or her~~ **the juvenile's** mental well-being, who is
28 abandoned by ~~his or her~~ **the juvenile's** parents, guardian, or other
29 custodian, or who is without proper custody or guardianship. As

1 used in this sub-subdivision:

2 (A) "Education" means learning based on an organized
3 educational program that is appropriate, given the age,
4 intelligence, ability, and psychological limitations of a juvenile,
5 in the subject areas of reading, spelling, mathematics, science,
6 history, civics, writing, and English grammar.

7 (B) "Neglect" means that term as defined in section 2 of the
8 child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

9 (C) "Without proper custody or guardianship" does not mean a
10 parent has placed the juvenile with another person who is legally
11 responsible for the care and maintenance of the juvenile and who is
12 able to and does provide the juvenile with proper care and
13 maintenance.

14 (2) Whose home or environment, by reason of neglect, cruelty,
15 drunkenness, criminality, or depravity on the part of a parent,
16 guardian, nonparent adult, or other custodian, is an unfit place
17 for the juvenile to live in. As used in this sub-subdivision,
18 "neglect" means that term as defined in section 2 of the child
19 abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

20 (3) If the juvenile is dependent and is in danger of
21 substantial physical or psychological harm. The juvenile may be
22 found to be dependent when any of the following ~~occurs~~:**occur**:

23 (A) The juvenile is homeless or not domiciled with a parent or
24 other legally responsible person.

25 (B) The juvenile has repeatedly run away from home and is
26 beyond the control of a parent or other legally responsible person.

27 (C) The juvenile is alleged to have committed a commercial
28 sexual activity as that term is defined in section 462a of the
29 Michigan penal code, 1931 PA 328, MCL 750.462a or a delinquent act

1 that is the result of force, fraud, coercion, or manipulation
2 exercised by a parent or other adult.

3 (D) The juvenile's custodial parent or legally responsible
4 person has died or has become permanently incapacitated and no
5 appropriate parent or legally responsible person is willing and
6 able to provide care for the juvenile.

7 (E) **The juvenile is without proper or necessary support, care,**
8 **or services due to the juvenile's special medical, mental health,**
9 **educational, or social needs through no fault of the juvenile's**
10 **parents, guardian, or other custodian. As used in this sub-**
11 **subdivision, "no fault" means that the court finds that the parent,**
12 **custodian, or legal guardian has sought state and local assistance**
13 **and resources and is still unable to provide the support or get the**
14 **care or services needed by the juvenile.**

15 (4) Whose parent has substantially failed, without good cause,
16 to comply with a limited guardianship placement plan described in
17 section 5205 of the estates and protected individuals code, 1998 PA
18 386, MCL 700.5205, regarding the juvenile.

19 (5) Whose parent has substantially failed, without good cause,
20 to comply with a court-structured plan described in section 5207 or
21 5209 of the estates and protected individuals code, 1998 PA 386,
22 MCL 700.5207 and 700.5209, regarding the juvenile.

23 (6) If the juvenile has a guardian under the estates and
24 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
25 and the juvenile's parent meets both of the following criteria:

26 (A) The parent, having the ability to support or assist in
27 supporting the juvenile, has failed or neglected, without good
28 cause, to provide regular and substantial support for the juvenile
29 for 2 years or more before the filing of the petition or, if a

1 support order has been entered, has failed to substantially comply
2 with the order for 2 years or more before the filing of the
3 petition. As used in this sub-subdivision, "neglect" means that
4 term as defined in section 2 of the child abuse and neglect
5 prevention act, 1982 PA 250, MCL 722.602.

6 (B) The parent, having the ability to visit, contact, or
7 communicate with the juvenile, has regularly and substantially
8 failed or neglected, without good cause, to do so for 2 years or
9 more before the filing of the petition. As used in this sub-
10 subdivision, "neglect" means that term as defined in section 2 of
11 the child abuse and neglect prevention act, 1982 PA 250, MCL
12 722.602.

13 If a petition is filed in the court alleging that a juvenile
14 is within the provisions of this subdivision and the custody of
15 that juvenile is subject to the prior or continuing order of
16 another court of record of this state, the manner of notice to the
17 other court of record and the authority of the court to proceed is
18 governed by rule of the supreme court.

19 (c) Jurisdiction over juveniles under 18 years of age,
20 jurisdiction of whom has been waived to the family division of
21 circuit court by a circuit court under a provision in a temporary
22 order for custody of juveniles based upon a complaint for divorce
23 or upon a motion related to a complaint for divorce by the
24 prosecuting attorney, in a divorce judgment dissolving a marriage
25 between the juvenile's parents, or by an amended judgment relative
26 to the juvenile's custody in a divorce.

27 (d) If the court finds on the record that voluntary services
28 have been exhausted or refused, concurrent jurisdiction in
29 proceedings concerning a juvenile between ~~the ages of~~ 17 and 18

1 **years of age** found within the county who is 1 or more of the
2 following:

3 (1) Repeatedly addicted to the use of drugs or the intemperate
4 use of alcoholic liquors.

5 (2) Repeatedly associating with criminal, dissolute, or
6 disorderly persons.

7 (3) Found of ~~his or her~~ **the juvenile's** own free will and
8 knowledge in a house of prostitution, assignation, or ill-fame.

9 (4) Repeatedly associating with thieves, prostitutes, pimps,
10 or procurers.

11 (5) Willfully disobedient to the reasonable and lawful
12 commands of ~~his or her~~ **the juvenile's** parents, guardian, or other
13 custodian and in danger of becoming morally depraved.

14 If a juvenile is brought before the court in a county other
15 than that in which the juvenile resides, before a hearing and with
16 the consent of the judge of the court in the county of residence,
17 the court may enter an order transferring jurisdiction of the
18 matter to the court of the county of residence. Consent to transfer
19 jurisdiction is not required if the county of residence is a county
20 juvenile agency and satisfactory proof of residence is furnished to
21 the court of the county of residence. The order does not constitute
22 a legal settlement in this state that is required for the purpose
23 of section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
24 The order and a certified copy of the proceedings in the
25 transferring court must be delivered to the court of the county of
26 residence. A case designated as a case in which the juvenile must
27 be tried in the same manner as an adult under section 2d of this
28 chapter may be transferred for venue or for juvenile disposition,
29 but must not be transferred on grounds of residency. If the case is

1 not transferred, the court having jurisdiction of the offense shall
2 try the case.

3 (e) Authority to establish or assist in developing a program
4 or programs within the county to prevent delinquency and provide
5 services to act upon reports submitted to the court related to the
6 behavior of a juvenile who does not require formal court
7 jurisdiction but otherwise falls within subdivision (a). These
8 services must be used only if the juvenile and ~~his or her~~ **the**
9 **juvenile's** parents, guardian, or custodian voluntarily accepts
10 them.

11 (f) If the court operates a detention home for juveniles
12 within the court's jurisdiction under subdivision (a)(1), authority
13 to place a juvenile within that home pending trial if the juvenile
14 is within the circuit court's jurisdiction under section 606 of the
15 revised judicature act of 1961, 1961 PA 236, MCL 600.606, and if
16 the circuit court orders the family division of circuit court in
17 the same county to place the juvenile in that home. The family
18 division of circuit court shall comply with that order.

19 (g) Authority to place a juvenile in a county jail under
20 section 27a of chapter IV of the code of criminal procedure, 1927
21 PA 175, MCL 764.27a, if the court designates the case under section
22 2d of this chapter as a case in which the juvenile is to be tried
23 in the same manner as an adult and the court determines there is
24 probable cause to believe that the offense was committed and
25 probable cause to believe the juvenile committed that offense.

26 (h) Jurisdiction over a proceeding under section 2950 or 2950a
27 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
28 and 600.2950a, in which a minor less than 18 years of age is the
29 respondent, or a proceeding to enforce a valid foreign protection

1 order issued against a respondent who is a minor less than 18 years
2 of age. A personal protection order must not be issued against a
3 respondent who is a minor less than 10 years of age. Venue for an
4 initial action under section 2950 or 2950a of the revised
5 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, is
6 proper in the county of residence of either the petitioner or
7 respondent. If the respondent does not live in this state, venue
8 for the initial action is proper in the petitioner's county of
9 residence.

10 ~~(i) In a proceeding under this chapter concerning a juvenile's~~
11 ~~care and supervision, the court may issue orders affecting a party~~
12 ~~as necessary. This subdivision does not apply after May 1, 2018. As~~
13 ~~used in this subdivision, "party" means 1 of the following:~~

14 ~~(i) In a delinquency proceeding, the petitioner and juvenile.~~

15 ~~(ii) In a child protective proceeding, the petitioner,~~
16 ~~department, child, respondent, parent, guardian, or legal~~
17 ~~custodian, and any licensed child caring institution or child~~
18 ~~placing agency under contract with the department to provide for a~~
19 ~~juvenile's care and supervision.~~

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