

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 483**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 24 and 36 of chapter X and sections 13a, 18,
and 18f of chapter XIIA (MCL 710.24, 710.36, 712A.13a, 712A.18, and
712A.18f), section 24 of chapter X as amended by 2014 PA 531,
section 36 of chapter X as amended by 1996 PA 409, section 13a of
chapter XIIA as amended by 2015 PA 228, section 18 of chapter XIIA
as amended by 2011 PA 295, and section 18f of chapter XIIA as
amended by 2012 PA 115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER X

2

Sec. 24. (1) Except as otherwise provided in this section, if

3

a person desires to adopt a child or an adult and to bestow upon

1 the adoptee his or her family name, or to adopt a child or an adult
2 without a name change, with the intent to make the adoptee his or
3 her heir, that person, together with his ~~wife or her husband~~, **OR**
4 **HER SPOUSE**, if married, shall file a petition with the court of the
5 county in which the petitioner resides, where the adoptee is found
6 or, where the parent's parental rights were terminated or are
7 pending termination. If both parents' parental rights were
8 terminated at different times and in different courts, a petition
9 filed under this section shall be filed in the court of the county
10 where parental rights were first terminated. If there has been a
11 temporary placement of the child, the petition for adoption shall
12 be filed with the court that received the report described in
13 section 23d(2) of this chapter.

14 (2) Notwithstanding any other provision in this section, the
15 court may allow either of the following to occur:

16 (a) A married individual to adopt an adult without his or her
17 spouse joining in the petition if all of the interested parties
18 consent.

19 (b) A married individual to adopt without his or her spouse
20 joining in the petition if the failure of the other spouse to join
21 in the petition or to consent to the adoption is excused by the
22 court for good cause shown or in the best interest of the child.

23 (3) In an adoption proceeding in which there is more than 1
24 applicant, the petition for adoption shall be filed with the court
25 of the county where the parent's parental rights were terminated or
26 are pending termination. If both parents' parental rights were
27 terminated at different times and in different courts, a petition

1 filed under this section shall be filed in the court of the county
2 where parental rights were first terminated.

3 (4) The petition for adoption shall be verified by each
4 petitioner and shall contain the following information:

5 (a) The name, date and place of birth, and place of residence
6 of each petitioner, including the maiden name of the adopting
7 mother.

8 (b) Except as otherwise provided in subsection (7), the name,
9 date and place of birth, and place of residence if known of the
10 adoptee.

11 (c) The relationship, if any, of the adoptee to the
12 petitioner.

13 (d) The full name by which the adoptee shall be known after
14 adoption.

15 (e) The full description of the property, if any, of the
16 adoptee.

17 (f) Unless the rights of the parents have been terminated by a
18 court of competent jurisdiction or except as otherwise provided in
19 subsection (7), the names of the parents of the adoptee and the
20 place of residence of each living parent if known.

21 (g) Except as otherwise provided in subsection (7), the name
22 and place of residence of the guardian of the person or estate of
23 the adoptee, if any has been appointed.

24 (5) In a direct placement, the petitioner shall attach to the
25 petition a verified statement certifying that the petitioner has
26 been informed of the availability of counseling services and
27 whether the petitioner has received counseling.

1 (6) Except as otherwise provided in this subsection, in a
2 direct placement, the petitioner shall attach a copy of a
3 preplacement assessment of the petitioner completed or updated
4 within 1 year before the petition is filed with a finding that the
5 petitioner is suitable to be a parent of an adoptee, copies of all
6 other preplacement assessments of the petitioner, if any others
7 have been completed, and a verified statement stating that no
8 preplacement assessments of the petitioner have been completed
9 other than those attached to the petition and explaining any
10 preplacement assessments of the petitioner that have been initiated
11 but not completed. If the petitioner is seeking review of a
12 preplacement assessment under section 23f(8) of this chapter, the
13 petitioner may comply with this subsection by attaching a copy of
14 that preplacement assessment and a copy of the application for
15 review, together with copies of all other preplacement assessments
16 and the verified statement required by this section.

17 (7) In a direct placement in which the parties have elected
18 not to exchange identifying information, the information required
19 by subsection (4)(f) and (g) and the surname and place of residence
20 of the adoptee required under subsection (4)(b) may be omitted. The
21 attorney or child placing agency assisting in the adoption shall
22 file a verified statement containing the omitted information.

23 Sec. 36. (1) If a child is claimed to be born out of wedlock
24 and the mother executes or proposes to execute a release or consent
25 relinquishing her rights to the child or joins in a petition for
26 adoption filed by her ~~husband~~, **SPOUSE**, and the release or consent
27 of the natural father cannot be obtained, the judge shall hold a

1 hearing as soon as practical to determine whether the child was
2 born out of wedlock, to determine the identity of the father, and
3 to determine or terminate the rights of the father as provided in
4 this section and sections 37 and 39 of this chapter.

5 (2) Proof of service of a notice of intent to release or
6 consent or the putative father's verified acknowledgment of notice
7 of intent to release or consent shall be filed with the court, if
8 the notice was given to the putative father. The court shall
9 request the vital records division of the department ~~of public~~
10 ~~health~~ to send to the court a copy of any notice of intent to claim
11 paternity of the particular child ~~which~~ **THAT** the division has
12 received.

13 (3) Notice of the hearing shall be served upon the following:

14 (a) A putative father who has timely filed a notice of intent
15 to claim paternity as provided in section 33 or 34 of this chapter.

16 (b) A putative father who was not served a notice of intent to
17 release or consent at least 30 days before the expected date of
18 confinement specified in the notice of intent to release or
19 consent.

20 (c) Any other male who was not served ~~pursuant~~ **ACCORDING** to
21 section 34(1) of this chapter with a notice of intent to release or
22 consent and who the court has reason to believe may be the father
23 of the child.

24 (4) The notice of hearing shall inform the putative father
25 that his failure to appear at the hearing ~~shall constitute~~
26 **CONSTITUTES** a denial of his interest in custody of the child, which
27 denial shall result in the court's termination of his rights to the

1 child.

2 (5) Proof of service of the notice of hearing required by
3 subsection (3) shall be filed with the court. A verified
4 acknowledgment of service by the party to be served is proof of
5 personal service. Notice of the hearing shall not be required if
6 the putative father is present at the hearing. A waiver of notice
7 of hearing by a person entitled to receive it is sufficient.

8 (6) The court shall receive evidence as to the identity of the
9 father of the child. Based upon the evidence received, the court
10 shall enter a finding identifying the father or declaring that the
11 identity of the father cannot be determined.

12 (7) If the court finds that the father of the child is a
13 person who did not receive either a timely notice of intent to
14 release or consent pursuant to section 34(1) of this chapter or a
15 notice required ~~pursuant to~~ **UNDER** subsection (3), and who has
16 neither waived his right to notice of hearing nor is present at the
17 hearing, the court shall adjourn further proceedings until that
18 person is served with a notice of hearing.

19 CHAPTER XIIA

20 Sec. 13a. (1) As used in this section and sections 2, 6b, 13b,
21 17c, 17d, 18f, 19, 19a, 19b, and 19c of this chapter:

22 (a) "Agency" means a public or private organization,
23 institution, or facility that is performing the functions under
24 part D of title IV of the social security act, 42 USC 651 to 669b,
25 or that is responsible under court order or contractual arrangement
26 for a juvenile's care and supervision.

27 (b) "Agency case file" means the current file from the agency

1 providing direct services to the child, that can include the child
2 protective services file if the child has not been removed from the
3 home or the department or contract agency foster care file as
4 ~~defined~~**PROVIDED** under 1973 PA 116, MCL 722.111 to 722.128.

5 (c) "Attorney" means, if appointed to represent a child in a
6 proceeding under section 2(b) or (c) of this chapter, an attorney
7 serving as the child's legal advocate in a traditional attorney-
8 client relationship with the child, as governed by the Michigan
9 rules of professional conduct. An attorney defined under this
10 subdivision owes the same duties of undivided loyalty,
11 confidentiality, and zealous representation of the child's
12 expressed wishes as the attorney would to an adult client. For the
13 purpose of a notice required under these sections, attorney
14 includes a child's lawyer-guardian ad litem.

15 (d) "Case service plan" means the plan developed by an agency
16 and prepared under section 18f of this chapter that includes
17 services to be provided by and responsibilities and obligations of
18 the agency and activities, responsibilities, and obligations of the
19 parent. The case service plan may be referred to using different
20 names than case service plan including, but not limited to, a
21 parent/agency agreement or a parent/agency treatment plan and
22 service agreement.

23 (e) "Foster care" means care provided to a juvenile in a
24 foster family home, foster family group home, or child caring
25 institution licensed or approved under 1973 PA 116, MCL 722.111 to
26 722.128, or care provided to a juvenile in a relative's home under
27 a court order.

1 (f) "Guardian ad litem" means an individual whom the court
2 appoints to assist the court in determining the child's best
3 interests. A guardian ad litem does not need to be an attorney.

4 (g) "Lawyer-guardian ad litem" means an attorney appointed
5 under section 17c of this chapter. A lawyer-guardian ad litem
6 represents the child, and has the powers and duties, as set forth
7 in section 17d of this chapter. The provisions of section 17d of
8 this chapter also apply to a lawyer-guardian ad litem appointed
9 under each of the following:

10 (i) Section 5213 or 5219 of the estates and protected
11 individuals code, 1998 PA 386, MCL 700.5213 and 700.5219.

12 (ii) Section 4 of the child custody act of 1970, 1970 PA 91,
13 MCL 722.24.

14 (iii) Section 10 of the child protection law, 1975 PA 238, MCL
15 722.630.

16 (h) "Nonparent adult" means a person who is 18 years of age or
17 older and who, regardless of the person's domicile, meets all of
18 the following criteria in relation to a child over whom the court
19 takes jurisdiction under this chapter:

20 (i) Has substantial and regular contact with the child.

21 (ii) Has a close personal relationship with the child's parent
22 or with a person responsible for the child's health or welfare.

23 (iii) Is not the child's parent or a person otherwise related
24 to the child by blood or affinity to the third degree.

25 (i) "Permanent foster family agreement" means an agreement for
26 a child 14 years old or older to remain with a particular foster
27 family until the child is 18 years old under standards and

1 requirements established by the department, which agreement is
2 among all of the following:

3 (i) The child.

4 (ii) If the child is a temporary ward, the child's family.

5 (iii) The foster family.

6 (iv) The child placing agency responsible for the child's care
7 in foster care.

8 (j) "Relative" means an individual who is at least 18 years of
9 age and related to the child by blood, marriage, or adoption, as
10 grandparent, great-grandparent, great-great-grandparent, aunt or
11 uncle, great-aunt or great-uncle, great-great-aunt or great-great-
12 uncle, sibling, stepsibling, nephew or niece, first cousin or first
13 cousin once removed, and the spouse of any of the above, even after
14 the marriage has ended by death or divorce. A stepparent, ex-
15 stepparent, or the parent who shares custody of a half-sibling
16 shall be considered a relative for the purpose of placement.
17 Notification to the stepparent, ex-stepparent, or the parent who
18 shares custody of a half-sibling is required as described in
19 section 4a of the foster care and adoption services act, 1994 PA
20 203, MCL 722.954a. A child may be placed with the parent of a man
21 whom the court has found probable cause to believe is the putative
22 father if there is no man with legally established rights to the
23 child. A placement with the parent of a putative father under this
24 subdivision is not ~~to be construed as a finding of paternity or to~~
25 **AND DOES NOT** confer legal standing on the putative father.

26 (k) "Sex offenders registration act" means the sex offenders
27 registration act, 1994 PA 295, MCL 28.721 to 28.736.

1 (1) "Sibling" means a child who is related through birth or
2 adoption by at least 1 common parent. Sibling includes that term as
3 defined by the American Indian or Alaskan native child's tribal
4 code or custom.

5 (2) If a juvenile is alleged to be within the provisions of
6 section 2(b) of this chapter, the court may authorize a petition to
7 be filed at the conclusion of the preliminary hearing or inquiry.
8 The court may authorize the petition upon a showing of probable
9 cause that 1 or more of the allegations in the petition are true
10 and fall within the provisions of section 2(b) of this chapter. If
11 a petition is before the court because the department is required
12 to submit the petition under section 17 of the child protection
13 law, 1975 PA 238, MCL 722.637, the court shall hold a hearing on
14 the petition within 24 hours or on the next business day after the
15 petition is submitted, at which hearing the court shall consider at
16 least the matters governed by subsections (4) and (5).

17 (3) Except as provided in subsections (5) and (6), if a
18 petition under subsection (2) is authorized, the court may release
19 the juvenile in the custody of either of the juvenile's parents or
20 the juvenile's guardian or custodian under reasonable terms and
21 conditions necessary for either the juvenile's physical health or
22 mental well-being.

23 (4) The court may order a parent, guardian, custodian,
24 nonparent adult, or other person residing in a child's home to
25 leave the home and, except as the court orders, not to subsequently
26 return to the home if all of the following take place:

27 (a) A petition alleging abuse of the child by the parent,

1 guardian, custodian, nonparent adult, or other person is authorized
2 under subsection (2).

3 (b) The court after a hearing finds probable cause to believe
4 the parent, guardian, custodian, nonparent adult, or other person
5 committed the abuse.

6 (c) The court finds on the record that the presence in the
7 home of the person alleged to have committed the abuse presents a
8 substantial risk of harm to the child's life, physical health, or
9 mental well-being.

10 (5) If a petition alleges abuse by a person described in
11 subsection (4), regardless of whether the court orders the alleged
12 abuser to leave the child's home under subsection (4), the court
13 shall not leave the child in or return the child to the child's
14 home or place the child with a person not licensed under 1973 PA
15 116, MCL 722.111 to 722.128, unless the court finds that the
16 conditions of custody at the placement and with the individual with
17 whom the child is placed are adequate to safeguard the child from
18 the risk of harm to the child's life, physical health, or mental
19 well-being.

20 (6) If a court finds a parent is required by court order to
21 register under the sex offenders registration act, the department
22 may, but is not required to, make reasonable efforts to reunify the
23 child with the parent. The court may order reasonable efforts to be
24 made by the department.

25 (7) In determining whether to enter an order under subsection
26 (4), the court may consider whether the parent who is to remain in
27 the juvenile's home is married to the person to be removed or has a

1 legal right to retain possession of the home.

2 (8) An order entered under subsection (4) may also contain 1
3 or more of the following terms or conditions:

4 (a) The court may require the alleged abusive parent to pay
5 appropriate support to maintain a suitable home environment for the
6 juvenile during the duration of the order.

7 (b) The court may order the alleged abusive person, according
8 to terms the court may set, to surrender to a local law enforcement
9 agency any firearms or other potentially dangerous weapons the
10 alleged abusive person owns, possesses, or uses.

11 (c) The court may include any reasonable term or condition
12 necessary for the juvenile's physical or mental well-being or
13 necessary to protect the juvenile.

14 (9) The court may order placement of the child in foster care
15 if the court finds all of the following conditions:

16 (a) Custody of the child with the parent presents a
17 substantial risk of harm to the child's life, physical health, or
18 mental well-being.

19 (b) No provision of service or other arrangement except
20 removal of the child is reasonably available to adequately
21 safeguard the child from risk as described in subdivision (a).

22 (c) Continuing the child's residence in the home is contrary
23 to the child's welfare.

24 (d) Consistent with the circumstances, reasonable efforts were
25 made to prevent or eliminate the need for removal of the child.

26 (e) Conditions of child custody away from the parent are
27 adequate to safeguard the child's health and welfare.

1 (10) If the court orders placement of the juvenile outside the
2 juvenile's home, the court shall inform the parties of the
3 following:

4 (a) That the agency has the responsibility to prepare an
5 initial services plan within 30 days of the juvenile's placement.

6 (b) The general elements of an initial services plan as
7 required by the rules promulgated under 1973 PA 116, MCL 722.111 to
8 722.128.

9 (c) That participation in the initial services plan is
10 voluntary without a court order.

11 (11) Before or within 7 days after a child is placed in a
12 relative's home, the department shall perform a criminal record
13 check and central registry clearance. If the child is placed in the
14 home of a relative, the court shall order a home study to be
15 performed and a copy of the home study to be submitted to the court
16 not more than 30 days after the placement.

17 (12) In determining placement of a juvenile pending trial, the
18 court shall order the juvenile placed in the most family-like
19 setting available consistent with the juvenile's needs.

20 (13) If a juvenile is removed from ~~his or her home,~~ **THE**
21 **PARENT'S CUSTODY AT ANY TIME,** the court shall permit the juvenile's
22 parent to have **REGULAR AND** frequent parenting time with the
23 juvenile. ~~If parenting time, even if supervised, may be harmful to~~
24 ~~the juvenile, the~~ **PARENTING TIME BETWEEN THE JUVENILE AND HIS OR**
25 **HER PARENT SHALL NOT BE LESS THAN 1 TIME EVERY 7 DAYS UNLESS THE**
26 **COURT DETERMINES EITHER THAT EXIGENT CIRCUMSTANCES REQUIRE LESS**
27 **FREQUENT PARENTING TIME OR THAT PARENTING TIME, EVEN IF SUPERVISED,**

1 MAY BE HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL HEALTH, OR MENTAL
2 WELL-BEING. IF THE COURT DETERMINES THAT PARENTING TIME, EVEN IF
3 SUPERVISED, MAY BE HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL HEALTH,
4 OR MENTAL WELL-BEING, THE COURT MAY SUSPEND PARENTING TIME UNTIL
5 THE RISK OF HARM NO LONGER EXISTS. THE court ~~shall~~ MAY order the
6 ~~child~~ JUVENILE to have a psychological evaluation or counseling, or
7 both, to determine the appropriateness and the conditions of
8 parenting time. ~~The court may suspend parenting time while the~~
9 ~~psychological evaluation or counseling is conducted.~~

10 (14) REASONABLE EFFORTS SHALL BE MADE TO DO THE FOLLOWING:

11 (A) PLACE SIBLINGS REMOVED FROM THEIR HOME IN THE SAME FOSTER
12 CARE, KINSHIP GUARDIANSHIP, OR ADOPTIVE PLACEMENT, UNLESS THE
13 SUPERVISING AGENCY DOCUMENTS THAT A JOINT PLACEMENT WOULD BE
14 CONTRARY TO THE SAFETY OR WELL-BEING OF ANY OF THE SIBLINGS.

15 (B) IN THE CASE OF SIBLINGS REMOVED FROM THEIR HOME WHO ARE
16 NOT JOINTLY PLACED, PROVIDE FOR VISITATION, AT LEAST MONTHLY, OR
17 OTHER ONGOING INTERACTION BETWEEN THE SIBLINGS, UNLESS THE
18 SUPERVISING AGENCY DOCUMENTS THAT VISITATION, AT LEAST MONTHLY, OR
19 OTHER ONGOING INTERACTION WOULD BE CONTRARY TO THE SAFETY OR WELL-
20 BEING OF ANY OF THE SIBLINGS.

21 (15) IF THE SUPERVISING AGENCY DOCUMENTS THAT VISITATION OR
22 OTHER CONTACT IS CONTRARY TO THE SAFETY OR WELL-BEING OF ANY OF THE
23 SIBLINGS AND TEMPORARILY SUSPENDS VISITATION OR CONTACT, THE
24 SUPERVISING AGENCY SHALL REPORT ITS DETERMINATION TO THE COURT FOR
25 CONSIDERATION AT THE NEXT REVIEW HEARING.

26 (16) IF THE SUPERVISING AGENCY TEMPORARILY SUSPENDS VISITATION
27 OR CONTACT, THE COURT SHALL REVIEW THE DECISION AND DETERMINE

1 WHETHER SIBLING VISITATION OR CONTACT WILL BE BENEFICIAL TO THE
2 SIBLINGS. IF SO, THE COURT SHALL ORDER SIBLING VISITATION OR
3 CONTACT TO THE EXTENT REASONABLE.

4 (17) ~~(14)~~—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 considers
7 under this section are in the juvenile's best interests.

8 (18) ~~(15)~~—The court shall include in an order placing a child
9 in foster care an order directing the release of information
10 concerning the child in accordance with this subsection. If a child
11 is placed in foster care, within 10 days after receipt of a written
12 request, the agency shall provide the person who is providing the
13 foster care with copies of all initial, updated, and revised case
14 service plans and court orders relating to the child and all of the
15 child's medical, mental health, and education reports, including
16 reports compiled before the child was placed with that person.

17 (19) ~~(16)~~—In an order placing a child in foster care, the
18 court shall include both of the following:

19 (a) An order that the child's parent, guardian, or custodian
20 provide the supervising agency with the name and address of each of
21 the child's medical providers.

22 (b) An order that each of the child's medical providers
23 release the child's medical records. The order may specify
24 providers by profession or type of institution.

25 (20) ~~(17)~~—As used in this section, "abuse" means 1 or more of
26 the following:

27 (a) Harm or threatened harm by a person to a juvenile's health

1 or welfare that occurs through nonaccidental physical or mental
2 injury.

3 (b) Engaging in sexual contact or sexual penetration as
4 defined in section 520a of the Michigan penal code, 1931 PA 328,
5 MCL 750.520a, with a juvenile.

6 (c) Sexual exploitation of a juvenile, which includes, but is
7 not limited to, allowing, permitting, or encouraging a juvenile to
8 engage in prostitution or allowing, permitting, encouraging, or
9 engaging in photographing, filming, or depicting a juvenile engaged
10 in a listed sexual act as defined in section 145c of the Michigan
11 penal code, 1931 PA 328, MCL 750.145c.

12 (d) Maltreatment of a juvenile.

13 Sec. 18. (1) If the court finds that a juvenile concerning
14 whom a petition is filed is not within this chapter, the court
15 shall enter an order dismissing the petition. Except as otherwise
16 provided in subsection (10), if the court finds that a juvenile is
17 within this chapter, the court may enter any of the following
18 orders of disposition that are appropriate for the welfare of the
19 juvenile and society in view of the facts proven and ascertained:

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

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

1 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
2 great-uncle, great-great-aunt or great-great-uncle, sibling,
3 stepsibling, nephew or niece, first cousin or first cousin once
4 removed, and the spouse of any of the above, even after the
5 marriage has ended by death or divorce. A child may be placed with
6 the parent of a man whom the court has found probable cause to
7 believe is the putative father if there is no man with legally
8 established rights to the child. This placement of the child with
9 the parent of a man whom the court has found probable cause to
10 believe is the putative father is for the purposes of placement
11 only and is not to be construed as a finding of paternity or to
12 confer legal standing. The court shall order the terms and
13 conditions of probation or supervision, including reasonable rules
14 for the conduct of the parents, guardian, or custodian, if any, as
15 the court determines necessary for the physical, mental, or moral
16 well-being and behavior of the juvenile. The court may order that
17 the juvenile participate in a juvenile drug treatment court under
18 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL
19 600.1060 to 600.1084. The court also shall order, as a condition of
20 probation or supervision, that the juvenile shall pay the minimum
21 state cost prescribed by section 18m of this chapter.

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

1 subject to the court's supervision.

2 (d) Except as otherwise provided in this subdivision, place
3 the juvenile in or commit the juvenile to a private institution or
4 agency approved or licensed by the ~~department of consumer and~~
5 ~~industry services~~ **DEPARTMENT'S DIVISION OF CHILD WELFARE LICENSING**
6 for the care of juveniles of similar age, sex, and characteristics.
7 If the juvenile is not a ward of the court, the court shall commit
8 the juvenile to the ~~family independence agency~~ **DEPARTMENT** or, if
9 the county is a county juvenile agency, to that county juvenile
10 agency for placement in or commitment to ~~such an~~ institution or
11 agency as the ~~department of human services~~ or county juvenile
12 agency determines is most appropriate, subject to any initial level
13 of placement the court designates.

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

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

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

24 (g) Order the parents, guardian, custodian, or any other
25 person to refrain from continuing conduct that the court determines
26 has caused or tended to cause the juvenile to come within or to
27 remain under this chapter or that obstructs placement or commitment

1 of the juvenile by an order under this section.

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

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

9 (j) If the court finds that a juvenile has violated a
10 municipal ordinance or a state or federal law, order the juvenile
11 to pay a civil fine in the amount of the civil or penal fine
12 provided by the ordinance or law. Money collected from fines levied
13 under this subsection shall be distributed as provided in section
14 29 of this chapter.

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

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

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

9 (i) Placement in a juvenile boot camp will benefit the
10 juvenile.

11 (ii) The juvenile is physically able to participate in the
12 program.

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

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

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

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

21 (m) If the court entered a judgment of conviction under
22 section 2d of this chapter, enter any disposition under this
23 section or, if the court determines that the best interests of the
24 public would be served, impose any sentence upon the juvenile that
25 could be imposed upon an adult convicted of the offense for which
26 the juvenile was convicted. If the juvenile is convicted of a
27 violation or conspiracy to commit a violation of section

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

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

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

1 the sentencing guidelines.

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

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

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

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

12 (N) IN A PROCEEDING UNDER SECTION 2(B) OR (C) OF THIS CHAPTER,
13 IF A JUVENILE IS REMOVED FROM THE PARENT'S CUSTODY AT ANY TIME, THE
14 COURT SHALL PERMIT THE JUVENILE'S PARENT TO HAVE REGULAR AND
15 FREQUENT PARENTING TIME WITH THE JUVENILE. PARENTING TIME BETWEEN
16 THE JUVENILE AND HIS OR HER PARENT SHALL NOT BE LESS THAN 1 TIME
17 EVERY 7 DAYS UNLESS THE COURT DETERMINES EITHER THAT EXIGENT
18 CIRCUMSTANCES REQUIRE LESS FREQUENT PARENTING TIME OR THAT
19 PARENTING TIME, EVEN IF SUPERVISED, MAY BE HARMFUL TO THE
20 JUVENILE'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING. IF THE
21 COURT DETERMINES THAT PARENTING TIME, EVEN IF SUPERVISED, MAY BE
22 HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-
23 BEING, THE COURT MAY SUSPEND PARENTING TIME UNTIL THE RISK OF HARM
24 NO LONGER EXISTS. THE COURT MAY ORDER THE JUVENILE TO HAVE A
25 PSYCHOLOGICAL EVALUATION OR COUNSELING, OR BOTH, TO DETERMINE THE
26 APPROPRIATENESS AND THE CONDITIONS OF PARENTING TIME.

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

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

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

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

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

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

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

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

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

1 the victim from the earnings of that employment.

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

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

23 (b) Order the juvenile committed to the sheriff's custody for
24 taking and forwarding the juvenile's fingerprints.

25 (11) Upon final disposition, conviction, acquittal, or
26 dismissal of an offense within the court's jurisdiction under
27 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 shall 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 act.

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

22 (14) If the court enters an order of disposition placing a
23 juvenile in a juvenile boot camp program, or committing a juvenile
24 to a county juvenile agency for placement in a juvenile boot camp
25 program, and the court receives from the department ~~of human~~
26 ~~services~~ a report that the juvenile has failed to perform
27 satisfactorily in the program, that the juvenile does not meet the

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

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

27 (16) The court shall not impose a sentence of imprisonment in

1 the county jail under subsection (1)(m) unless the present county
2 jail facility for the juvenile's imprisonment would meet all
3 requirements under federal law and regulations for housing
4 juveniles. The court shall not impose the sentence until it
5 consults with the sheriff to determine when the sentence will begin
6 to ensure that space will be available for the juvenile.

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

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

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

23 Sec. 18f. (1) If, in a proceeding under section 2(b) of this
24 chapter, an agency advises the court against placing a child in the
25 custody of the child's parent, guardian, or custodian, the agency
26 shall report in writing to the court what efforts were made to
27 prevent the child's removal from his or her home or the efforts

1 made to rectify the conditions that caused the child's removal from
2 his or her home. The report shall include all of the following:

3 (a) If services were provided to the child and his or her
4 parent, guardian, or custodian, the services, including in-home
5 services, that were provided.

6 (b) If services were not provided to the child and his or her
7 parent, guardian, or custodian, the reasons why services were not
8 provided.

9 (c) Likely harm to the child if the child were to be separated
10 from his or her parent, guardian, or custodian.

11 (d) Likely harm to the child if the child were to be returned
12 to his or her parent, guardian, or custodian.

13 (2) Before the court enters an order of disposition in a
14 proceeding under section 2(b) of this chapter, the agency shall
15 prepare a case service plan that shall be available to the court
16 and all the parties to the proceeding.

17 (3) The case service plan shall provide for placing the child
18 in the most family-like setting available and in as close proximity
19 to the child's parents' home as is consistent with the child's best
20 interests and special needs. The case service plan shall include,
21 but is not limited to, the following:

22 (a) The type of home or institution in which the child is to
23 be placed and the reasons for the selected placement.

24 (b) Efforts to be made by the child's parent to enable the
25 child to return to his or her home.

26 (c) Efforts to be made by the agency to return the child to
27 his or her home.

1 (d) Schedule of services to be provided to the parent, child,
2 and if the child is to be placed in foster care, the foster parent,
3 to facilitate the child's return to his or her home or to
4 facilitate the child's permanent placement.

5 (e) Except as otherwise provided in this subdivision, unless
6 parenting time, even if supervised, would be harmful to the child
7 as determined by the court under section 13a of this chapter or
8 otherwise, a schedule for regular and frequent parenting time
9 between the child and his or her parent, which shall not be less
10 than once every 7 days.

11 **(F) EFFORTS TO BE MADE BY THE SUPERVISING AGENCY TO PROVIDE**
12 **FREQUENT IN-PERSON VISITATION OR OTHER ONGOING INTERACTION BETWEEN**
13 **SIBLINGS UNLESS THE COURT DETERMINES UNDER SECTION 13A OF THIS**
14 **CHAPTER THAT SIBLING VISITATION OR CONTACT WILL NOT BE BENEFICIAL**
15 **TO 1 OR MORE OF THE SIBLINGS.**

16 **(G) ~~(f)~~**Conditions that would limit or preclude placement or
17 parenting time with a parent who is required by court order to
18 register under the sex offenders registration act.

19 (4) Before the court enters an order of disposition, the court
20 shall consider the case service plan; any written or oral
21 information offered concerning the child from the child's parent,
22 guardian, custodian, foster parent, child caring institution,
23 relative with whom the child is placed, lawyer-guardian ad litem,
24 attorney, or guardian ad litem; and any other evidence offered,
25 including the appropriateness of parenting time, which information
26 or evidence bears on the disposition. The order of disposition
27 shall state whether reasonable efforts have been made to prevent

1 the child's removal from his or her home or to rectify the
2 conditions that caused the child's removal from his or her home.
3 The court may order compliance with all or any part of the case
4 service plan as the court considers necessary.

5 (5) If a child continues in placement outside of the child's
6 home, the case service plan shall be updated and revised at 90-day
7 intervals as required by the rules promulgated under 1973 PA 116,
8 MCL 722.111 to 722.128. The agency shall consult with the foster
9 parents when it updates and revises the case service plan, and
10 shall attach a statement summarizing the information received from
11 the foster parents to the updated and revised case service plan.
12 Updated and revised case service plans shall be available to the
13 court and all the parties to the proceeding. Within 10 days after
14 receipt of a written request, the agency shall provide the person
15 who is providing the foster care with the information itemized in
16 section ~~13a(14)~~ **13A(17)** of this chapter.

17 (6) To ensure that the case service plan addresses the child's
18 medical needs in relation to abuse and neglect, the department ~~of~~
19 ~~human services~~ shall review a child's case with the child's
20 attending physician of record during a hospitalization or with the
21 child's primary care physician, but only if a physician has
22 diagnosed the child's abuse or neglect as involving 1 or more of
23 the following:

24 (a) Failure to thrive.

25 (b) Munchausen syndrome by proxy.

26 (c) Shaken baby syndrome.

27 (d) A bone fracture that is diagnosed as being the result of

1 abuse or neglect.

2 (e) Drug exposure.

3 (7) If a child is placed outside of his or her home and the
4 department of ~~human services~~ is required to review the child's case
5 with a physician under subsection (6), then in a judicial
6 proceeding to determine if the child is to be returned to his or
7 her home, the court must allow the child's attending physician of
8 record during a hospitalization or the child's primary care
9 physician to testify regarding the case service plan. The court
10 shall notify each physician of the hearing's time and place.

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

13 Enacting section 2. This amendatory act does not take effect
14 unless House Bill No. 5521 of the 98th Legislature is enacted into
15 law.