

**SUBSTITUTE FOR  
HOUSE BILL NO. 5770**

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending sections 22, 39, 68 of chapter X, sections 1 and 20 of  
chapter XII, and sections 1, 2, 2d, 8, 9, 14, 14a, 14b, 16, 17,  
17b, 18k, 18s, 19a, 19c, and 28 of chapter XIIA (MCL 710.22,  
710.39, 710.68, 712.1, 712.20, 712A.1, 712A.2, 712A.2d, 712A.8,  
712A.9, 712A.14, 712A.14a, 712A.14b, 712A.16, 712A.17, 712A.17b,  
712A.18k, 712A.18s, 712A.19a, 712A.19c, and 712A.28), section 22 of  
chapter X as amended by 2004 PA 487, section 39 of chapter X as  
amended by 2014 PA 119, section 68 of chapter X as amended by 2012  
PA 385, section 1 of chapter XII as amended by 2006 PA 488, section  
20 of chapter XII as amended by 2003 PA 245, section 1 of chapter  
XIIA as amended by 2014 PA 533, section 2 of chapter XIIA as

amended by 2014 PA 519, sections 2d, 8, 16, and 28 of chapter XIIA as amended by 1998 PA 478, section 14 of chapter XIIA as amended and sections 14a and 14b of chapter XIIA as added by 2012 PA 163, section 17 of chapter XIIA as amended by 1998 PA 474, section 17b of chapter XIIA as amended by 2002 PA 625, section 18k of chapter XIIA as amended by 2014 PA 458, section 18s of chapter XIIA as added by 2012 PA 541, and sections 19a and 19c of chapter XIIA as amended by 2012 PA 115.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER X

Sec. 22. As used in this chapter:

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

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

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

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

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

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

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

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

12 (ii) The capacity and disposition of the adopting individual  
13 or individuals or, in the case of a hearing under section 39 of  
14 this chapter, the putative father to give the adoptee love,  
15 affection, and guidance, and to educate and create a milieu that  
16 fosters the religion, racial identity, and culture of the adoptee.

17 (iii) The capacity and disposition of the adopting individual  
18 or individuals or, in the case of a hearing under section 39 of  
19 this chapter, the putative father, to provide the adoptee with  
20 food, clothing, education, permanence, medical care or other  
21 remedial care recognized and permitted under the laws of this state  
22 in place of medical care, and other material needs.

23 (iv) The length of time the adoptee has lived in a stable,  
24 satisfactory environment, and the desirability of maintaining  
25 continuity.

26 (v) The permanence as a family unit of the proposed adoptive  
27 home, or, in the case of a hearing under section 39 of this

chapter, the home of the putative father.

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

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

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

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

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

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

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

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

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

(k) "Child placing agency" means a private organization licensed under 1973 PA 116, MCL 722.111 to 722.128, to place

1 children for adoption.

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

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

8 (n) "Department" means the ~~family independence~~  
9 ~~agency~~. **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

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

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

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

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

22 (s) "Placement" or "to place" means selection of an adoptive  
23 parent for a child and transfer of physical custody of the child to  
24 a prospective adoptive parent according to this chapter.

25 (t) "Relative" means an individual who is related to the child  
26 within the fifth degree by marriage, blood, or adoption.

27 (u) "Release" means a document in which all parental rights

1 over a specific child are voluntarily relinquished to the  
2 department or to a child placing agency.

3 (v) "Rescission petition" means a petition filed by an adult  
4 adoptee and his or her parent whose rights have been terminated to  
5 rescind the adoption in which a stepparent acquired parental rights  
6 and to restore parental rights of that parent according to section  
7 66 of this chapter.

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

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

16 (y) "Within the fifth degree by marriage, blood, or adoption"  
17 means any of the following relationships: parent, step-parent,  
18 grandparent, step-grandparent, brother, step-brother, sister, step-  
19 sister, uncle, step-uncle, aunt, step-aunt, first cousin, step-  
20 first cousin, great aunt, step-great aunt, great uncle, step-great  
21 uncle, great grandparent, step-great grandparent, first cousin once  
22 removed, step-first cousin once removed, great great grandparent,  
23 step-great great grandparent, great great uncle, step-great great  
24 uncle, great great aunt, step-great great aunt, great great great  
25 grandparent, or step-great great great grandparent.

26 Sec. 39. (1) If the putative father does not come within the  
27 provisions of subsection (2), and if the putative father appears at

1 the hearing and requests custody of the child, the court shall  
2 inquire into his fitness and his ability to properly care for the  
3 child and shall determine whether the best interests of the child  
4 will be served by granting custody to him. If the court finds that  
5 it would not be in the best interests of the child to grant custody  
6 to the putative father, the court shall terminate his rights to the  
7 child.

8 (2) If the putative father has established a custodial  
9 relationship with the child or has provided substantial and regular  
10 support or care in accordance with the putative father's ability to  
11 provide support or care for the mother during pregnancy or for  
12 either mother or child after the child's birth during the 90 days  
13 before notice of the hearing was served upon him, the rights of the  
14 putative father shall not be terminated except by proceedings in  
15 accordance with section 51(6) of this chapter or section 2 of  
16 chapter XIIIA.

17 (3) If the court determines that the parental rights of the  
18 putative father will not be terminated under subsection (1), the  
19 court shall do all of the following:

20 (a) Terminate the temporary placement made under section 23d  
21 of this chapter.

22 (b) Return custody of the child to the mother or the guardian  
23 unless the mother's parental rights have been terminated under this  
24 chapter or other law and are not restored under section 62 of this  
25 chapter.

26 (c) Deny the order of adoption and dismiss the pending  
27 adoption proceeding.

1           (4) The fact that the mother or guardian executed or proposed  
2 to execute a release or consent relinquishing the mother's parental  
3 rights or the guardian's rights to the child and sought termination  
4 of the putative father's parental rights under section 36, 37, or  
5 39 of this chapter shall not be used against the mother or guardian  
6 in any proceeding under the child custody act of 1970, 1970 PA 91,  
7 MCL 722.21 to 722.31, after the court has completed the provisions  
8 in subsection (3).

9           (5) If the mother's parental rights are terminated under this  
10 chapter or other law and are not restored under section 62 of this  
11 chapter and if the court awards custody of a child born out of  
12 wedlock to the putative father, the court shall enter an order  
13 granting custody to the putative father and legitimating the child  
14 for all purposes. Upon entry of an order granting custody and  
15 legitimating the child, the clerk of the court shall collect a fee  
16 of \$35.00 from the putative father. The clerk shall retain \$9.00 of  
17 the fee and remit the \$26.00 balance, along with a written report  
18 of the order granting custody and legitimating the child, to the  
19 director of the department. ~~of community health.~~ The report shall  
20 be on a form prescribed by or in a manner approved by the director  
21 of the department. ~~of community health.~~ Regardless of whether the  
22 fee required by this section is collected, the clerk shall transmit  
23 and the department ~~of community health~~ shall receive the report of  
24 the order granting custody and legitimating the child.

25           Sec. 68. (1) Within 63 days after a request for nonidentifying  
26 information is received, a child placing agency, a court, or the  
27 department shall provide in writing to the adoptive parent, adult

1 adoptee, former parent, or adult former sibling requesting the  
2 information all of the nonidentifying information described in  
3 section 27(1) and (2) of this chapter.

4 (2) Within 63 days after a request for identifying information  
5 about an adult adoptee is received, a child placing agency or court  
6 or the department shall provide in writing to the former parent or  
7 adult former sibling requesting the information the adult adoptee's  
8 most recent name and address if the adult adoptee has given written  
9 consent to release of the information ~~pursuant to~~ **UNDER** this  
10 chapter. If the adult adoptee has not given written consent to the  
11 release of information, the child placing agency, the court, or the  
12 department shall, upon presentation of a certified copy of the  
13 order of appointment, give the adult adoptee's name and address to  
14 a confidential intermediary appointed under section 68b of this  
15 chapter, together with any other information in its possession that  
16 would help the confidential intermediary locate the adult adoptee.  
17 At the option of agency or the department, the information may be  
18 released to the court for release to the confidential intermediary.

19 (3) If the department or a child placing agency receives a  
20 request for adoption record information in its possession from an  
21 adult adoptee, former parent, or adult former sibling, the  
22 department or child placing agency shall provide the individual  
23 requesting the information with the identity of the court that  
24 confirmed the adoption within 28 days after receipt of the request.  
25 If a court receives such a request, the court shall provide the  
26 individual requesting the information with the identity of the  
27 child placing agency that handled the adoption.

1           (4) If the court that terminated parental rights receives from  
2 the former parents or adult former siblings of the adult adoptee a  
3 request for the identity of the agency, court, or department to  
4 which the child was committed, the court shall provide in writing  
5 the name of that agency, court, or department, if known, within 28  
6 days after receipt of the request.

7           (5) Upon receipt of a written request for identifying  
8 information from an adult adoptee, a child placing agency, a court,  
9 or the department, if it maintains the adoption file for that  
10 adoptee, shall submit a clearance request form to the central  
11 adoption registry. Within 28 days after receipt of a clearance  
12 reply form from the central adoption registry, the child placing  
13 agency, court, or department shall notify the adoptee in writing of  
14 the identifying information to which the adoptee is entitled under  
15 subsection (6) or (7), or, if the identifying information cannot be  
16 released under those subsections, the reason why the information  
17 cannot be released. The child placing agency, court, or department  
18 shall retain a copy of the notice sent to the adult adoptee.

19           (6) For adoptions in which the former parents' rights were  
20 terminated on or after May 28, 1945 and before September 12, 1980,  
21 a child placing agency, a court, or the department shall release to  
22 an adult adoptee or to a confidential intermediary appointed under  
23 section 68b of this chapter the identifying information described  
24 in section 27(3) of this chapter and other identifying information  
25 on file with the central adoption registry as specified in section  
26 27b of this chapter, in the following manner:

27           (a) All of the identifying information described in section

1 27(3) of this chapter shall be released to the adult adoptee ~~—~~if  
2 both former parents have on file with the central adoption registry  
3 a statement consenting to release of the identifying information.

4 (b) The identifying information described in section 27(3) (b)  
5 and (c) of this chapter about 1 of the former parents and the  
6 identifying information described in section 27(3) (a) and (d) of  
7 this chapter shall be released to the adult adoptee if that former  
8 parent has on file with the central adoption registry a statement  
9 consenting to release of identifying information.

10 (c) The identifying information described in section 27(3) (b)  
11 and (c) of this chapter about 1 of the former parents and the  
12 identifying information described in section 27(3) (a) and (d) of  
13 this chapter shall be released to the adult adoptee if that parent  
14 is deceased.

15 (d) All of the identifying information described in section  
16 27(3) of this chapter on both former parents shall be released to  
17 the adult adoptee ~~—~~if both former parents are deceased.

18 (e) Upon presentation of a certified copy of the order of  
19 appointment, all of the identifying information described in  
20 section 27(3) of this chapter shall be released to a confidential  
21 intermediary appointed under section 68b of this chapter, together  
22 with additional information to assist the confidential intermediary  
23 to locate former family members. At the option of the agency or the  
24 department, the information may be released to the court for  
25 release to the confidential intermediary.

26 (7) For all adoptions in which the former parents' rights were  
27 terminated before May 28, 1945 or on or after September 12, 1980, a

1 child placing agency, a court, or the department shall release to  
2 an adult adoptee the identifying information described in section  
3 27(3) of this chapter and any additional information on file with  
4 the central adoption registry as specified in section 27b of this  
5 chapter, except that if a former parent has filed a statement  
6 currently in effect with the central adoption registry denying  
7 consent to have identifying information released, the identifying  
8 information specified in section 27(3)(b) and (c) of this chapter  
9 shall not be released about that parent. For purposes of this  
10 subsection, a denial of consent is not effective after the death of  
11 the former parent. This subsection does not apply to adoptions in  
12 which the former parents' rights were terminated under chapter XII  
13 of this act unless the former parent has filed a statement with the  
14 central adoption registry consenting to the release of identifying  
15 information.

16 (8) Upon receipt of a written request from an adult adoptee  
17 for the name and address of an adult former sibling, a child  
18 placing agency, a court, or the department, if it maintains the  
19 adoption file for that adoptee, shall submit a clearance request  
20 form to the central adoption registry. Within 28 days after receipt  
21 of a clearance reply form from the central adoption registry, the  
22 child placing agency, court, or department shall notify the adoptee  
23 in writing of the name and address of an adult former sibling whose  
24 statement was forwarded by the central adoption registry.

25 (9) If a child placing agency or court or the department  
26 requests information from the central adoption registry and if the  
27 clearance reply form from the central adoption registry indicates

1 that neither of the former parents has on file with the central  
2 adoption registry a statement currently in effect denying consent  
3 to have identifying information released, the child placing agency,  
4 court, or department shall deliver to the adult adoptee a copy of  
5 the clearance reply form it received from the central adoption  
6 registry. The clearance reply form may be used by the adult adoptee  
7 to obtain a copy of his or her original certificate of live birth  
8 under section 2882 of the public health code, 1978 PA 368, MCL  
9 333.2882. Except for adoptions in which the former parents'  
10 parental rights were terminated under chapter XII of this act, this  
11 subsection applies to all adoptions in which the parents' rights  
12 were terminated before May 28, 1945 or on or after September 12,  
13 1980.

14 (10) If a child placing agency, a court, or the department  
15 receives written information concerning a physician-verified  
16 medical or genetic condition of an individual biologically related  
17 to an adoptee and a request that the information be transmitted to  
18 the adoptee because of the serious threat it poses to the adoptee's  
19 life, the child placing agency, court, or department shall send a  
20 written copy of the information by first-class mail within 7 days  
21 after the request is received to the adoptee at his or her last  
22 known address. If the adoptee is less than 18 years of age, the  
23 information shall be sent by first-class mail within 7 days after  
24 the request is received to the adoptive parents at their last known  
25 address.

26 (11) If the information described in subsection (10) is  
27 returned undelivered, the agency, court, or department shall make a

1 reasonable effort to find the most recent address of the adoptee or  
2 minor adoptee's parents and shall again send the information by  
3 first-class mail within 21 days after receiving the returned  
4 letter.

5 (12) If a child placing agency, a court, or the department  
6 receives written information concerning a physician-verified  
7 medical or genetic condition of a person biologically related to an  
8 adoptee, and the condition is not life-threatening to the adoptee,  
9 the child placing agency, court, or department shall place the  
10 information in its adoption files. If the child placing agency,  
11 court, or department receives a written request for the information  
12 from the adult adoptee or minor adoptee's adoptive parents, it  
13 shall release a written copy of the information to the adult  
14 adoptee or to the minor adoptee's adoptive parents within 63 days  
15 after the request for the information was made.

16 (13) If a child placing agency, a court, or the department  
17 receives written information concerning a physician-verified  
18 medical or genetic condition that threatens the life of an adoptee  
19 and for which a biologically related person could give life-saving  
20 aid, and receives a request from or on behalf of the adoptee that  
21 the information be transmitted, the child placing agency, court, or  
22 department shall send a written copy of the information by first-  
23 class mail within 7 days after the request is received to the  
24 biological parents or adult biological siblings of the adoptee at  
25 their last known address.

26 (14) If the information described in subsection (13) is  
27 returned undelivered, the agency, court, or department shall make a

1 reasonable effort to find the most recent address of the biological  
2 parents or adult biological siblings and shall again send the  
3 information by first-class mail within 21 days after receiving the  
4 returned letter.

5 (15) If a child placing agency, a court, or the department  
6 provides an adoptee with the name of 1 of the adoptee's former  
7 parents, that child placing agency, court, or department shall  
8 notify the ~~department of community health~~ **DEPARTMENT'S VITAL**  
9 **RECORDS OFFICE** of that fact. Upon receipt of notification by the  
10 child placing agency, court, or department, the ~~department of~~  
11 ~~community health~~ **DEPARTMENT'S VITAL RECORDS OFFICE** shall ~~insure~~  
12 **ENSURE** that the original birth certificate on file for the adoptee  
13 has been sealed and that a new birth certificate has been prepared  
14 in conformance with section 67 of this chapter.

15 (16) An employee or agent of a child placing agency, a court,  
16 or the department, who intentionally releases identifying  
17 information in violation of this section, is guilty of a  
18 misdemeanor.

19 (17) This section also applies to a stepparent adoption and to  
20 the adoption of a child related to the petitioner within the fifth  
21 degree by marriage, blood, or adoption.

22 (18) As used in this section, "adult adoptee" means an  
23 individual who was adopted as a child who is now 18 years of age or  
24 older or an individual who was 18 years of age or older at the time  
25 of adoption.

26 (19) A child placing agency, a court, and the department may  
27 require a fee for supplying information under this section. The fee

1 shall be \$60.00 or the actual cost of supplying the information,  
2 whichever is less. The child placing agency, court, or department  
3 may waive a part or all of the fee in case of indigency or  
4 hardship.

5 (20) A direct descendant of a deceased adult adoptee may  
6 request information under this section. All information to which an  
7 adult adoptee is entitled under this section shall be released to  
8 the adult adoptee's direct descendants if the adult adoptee is  
9 deceased.

10 (21) A child placing agency, a court, or the department shall  
11 permit the children's ombudsman to inspect adoption records in its  
12 possession in connection with an investigation authorized under the  
13 children's ombudsman act, 1994 PA 204, MCL 722.921 to 722.935. The  
14 ombudsman shall not disclose information obtained by an inspection  
15 under this section. If the children's ombudsman requires further  
16 information from an individual whose identity is protected in  
17 closed adoption records, the ombudsman shall contact the individual  
18 discreetly and confidentially. The ombudsman shall inform the  
19 individual that his or her participation in the investigation is  
20 confidential, is strictly voluntary, and will not alter or  
21 constitute a challenge to the adoption. The ombudsman shall honor  
22 the individual's request not to be contacted further. As used in  
23 this subsection, "children's ombudsman" or "ombudsman" means the  
24 ombudsman appointed under section 3 of the children's ombudsman  
25 act, 1994 PA 204, MCL 722.923, or his or her designee.

## 26 CHAPTER XII

27 Sec. 1. (1) This chapter shall be known and may be cited as

1 the "safe delivery of newborns law".

2 (2) As used in this chapter:

3 (a) "Child placing agency" means that term as defined in  
4 section 1 of 1973 PA 116, MCL 722.111.

5 (b) "Court" means the family division of circuit court.

6 (c) "Department" means the department of **HEALTH AND** human  
7 services.

8 (d) "DNA identification profile" and "DNA identification  
9 profiling" mean those terms as defined in section 1 of the  
10 paternity act, 1956 PA 205, MCL 722.711.

11 (e) "Domestic violence" means that term as defined in section  
12 1 of 1978 PA 389, MCL 400.1501.

13 (f) "Emergency service provider" means a uniformed or  
14 otherwise identified employee or contractor of a fire department,  
15 hospital, or police station when that individual is inside the  
16 premises and on duty. Emergency service provider also includes a  
17 paramedic or an emergency medical technician when either of those  
18 individuals is responding to a 9-1-1 emergency call.

19 (g) "Fire department" means an organized fire department as  
20 that term is defined in section 1 of the fire prevention code, 1941  
21 PA 207, MCL 29.1.

22 (h) "Gross negligence" means conduct so reckless as to  
23 demonstrate a substantial lack of concern for whether an injury  
24 results.

25 (i) "Hospital" means a hospital that is licensed under article  
26 17 of the public health code, 1978 PA 368, MCL 333.20101 to  
27 333.22260.

1 (j) "Lawyer-guardian ad litem" means an attorney appointed  
2 under section 2 of this chapter. A lawyer-guardian ad litem  
3 represents the newborn, and has the powers and duties, as set forth  
4 in section 17d of chapter XIIA.

5 (k) "Newborn" means a child who a physician reasonably  
6 believes to be not more than 72 hours old.

7 (l) "Police station" means that term as defined in section 43  
8 of the Michigan vehicle code, 1949 PA 300, MCL 257.43.

9 (m) "Preplacement assessment" means an assessment of a  
10 prospective adoptive parent as described in section 23f of chapter  
11 X.

12 (n) "Surrender" means to leave a newborn with an emergency  
13 service provider without expressing an intent to return for the  
14 newborn.

15 Sec. 20. The department ~~of community health in conjunction~~  
16 ~~with the department~~ shall establish a safe delivery program. The  
17 safe delivery program shall include, but is not limited to, both of  
18 the following:

19 (a) A toll-free, 24-hour telephone line. The information  
20 provided with this telephone line shall include, but is not limited  
21 to, all of the following:

22 (i) Information on prenatal care and the delivery of a  
23 newborn.

24 (ii) Names of health agencies that can assist in obtaining  
25 services and supports that provide for the pregnancy-related health  
26 of the mother and the health of the baby.

27 (iii) Information on adoption options and the name and

1 telephone number of a child placing agency that can assist a parent  
2 or expecting parent in obtaining adoption services.

3 (iv) Information that, in order to safely provide for the  
4 health of the mother and her newborn, the best place for the  
5 delivery of a child is in a hospital, hospital-based birthing  
6 center, or birthing center that is accredited by the ~~commission for~~  
7 ~~the accreditation of birth centers.~~ **COMMISSION FOR THE ACCREDITATION**  
8 **OF BIRTH CENTERS.**

9 (v) An explanation that, to the extent of the law, prenatal  
10 care and delivery services are routinely confidential within the  
11 health care system, if requested by the mother.

12 (vi) Information that a hospital will take into protective  
13 custody a newborn that is surrendered as provided for in this  
14 chapter and, if needed, provide emergency medical assistance to the  
15 mother, the newborn, or both.

16 (vii) Information regarding legal and procedural requirements  
17 related to the voluntary surrender of a child as provided for in  
18 this chapter.

19 (viii) Information regarding the legal consequences for  
20 endangering a child, including child protective service  
21 investigations and potential criminal penalties.

22 (ix) Information that surrendering a newborn for adoption as  
23 provided in this chapter is an affirmative defense to charges of  
24 abandonment as provided in section 135 of the Michigan penal code,  
25 1931 PA 328, MCL 750.135.

26 (x) Information about resources for counseling and assistance  
27 with crisis management.

1 (b) A pamphlet that provides information to the public  
2 concerning the safe delivery program. The department ~~of community~~  
3 ~~health and the department~~ shall jointly publish and distribute the  
4 pamphlet. The pamphlet shall prominently display the toll-free  
5 telephone number prescribed by subdivision (a).

6 CHAPTER XIIA

7 Sec. 1. (1) As used in this chapter:

8 (a) "Civil infraction" means that term as defined in section  
9 113 of the revised judicature act of 1961, 1961 PA 236, MCL  
10 600.113.

11 (b) "Competency evaluation" means a court-ordered examination  
12 of a juvenile directed to developing information relevant to a  
13 determination of his or her competency to proceed at a particular  
14 stage of a court proceeding involving a juvenile who is the subject  
15 of a delinquency petition.

16 (c) "Competency hearing" means a hearing to determine whether  
17 a juvenile is competent to proceed.

18 (d) "County juvenile agency" means that term as defined in  
19 section 2 of the county juvenile agency act, 1998 PA 518, MCL  
20 45.622.

21 (e) "Court" means the family division of circuit court.

22 (f) "Department" means the department of **HEALTH AND** human  
23 services. ~~A reference in this chapter to the "department of social~~  
24 ~~welfare" or the "family independence agency" means the department~~  
25 ~~of human services.~~

26 (g) "Foreign protection order" means that term as defined in  
27 section 2950h of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.2950h.

2 (h) "Incompetent to proceed" means that a juvenile, based on  
3 age-appropriate norms, lacks a reasonable degree of rational and  
4 factual understanding of the proceeding or is unable to do 1 or  
5 more of the following:

6 (i) Consult with and assist his or her attorney in preparing  
7 his or her defense in a meaningful manner.

8 (ii) Sufficiently understand the charges against him or her.

9 (i) "Juvenile" means a person who is less than 17 years of age  
10 who is the subject of a delinquency petition.

11 (j) "Least restrictive environment" means a supervised  
12 community placement, preferably a placement with the juvenile's  
13 parent, guardian, relative, or a facility or conditions of  
14 treatment that is a residential or institutional placement only  
15 utilized as a last resort based on the best interest of the  
16 juvenile or for reasons of public safety.

17 (k) "Licensed child caring institution" means a child caring  
18 institution as defined and licensed under 1973 PA 116, MCL 722.111  
19 to 722.128.

20 (l) "MCI" means the Michigan children's institute created and  
21 established by 1935 PA 220, MCL 400.201 to 400.214.

22 (m) "Mental health code" means the mental health code, 1974 PA  
23 258, MCL 330.1001 to 330.2106.

24 (n) "Personal protection order" means a personal protection  
25 order issued under section 2950 or 2950a of the revised judicature  
26 act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, and includes  
27 a valid foreign protection order.

(o) "Qualified juvenile forensic mental health examiner" means 1 of the following who performs forensic mental health examinations for the purposes of sections 1062 to 1074 of the mental health code, **MCL 330.2062 TO 330.2074**, but does not exceed the scope of his or her practice as authorized by state law:

(i) A psychiatrist or psychologist who possesses experience or training in the following:

(A) Forensic evaluation procedures for juveniles.

(B) Evaluation, diagnosis, and treatment of children and adolescents with emotional disturbance, mental illness, or developmental disabilities.

(C) Clinical understanding of child and adolescent development.

(D) Familiarity with competency standards in this state.

(ii) Beginning September 28, 2014, a mental health professional other than a psychiatrist or psychologist who has completed a juvenile competency training program for forensic mental health examiners that is endorsed by the department under section 1072 of the mental health code, **MCL 330.2072**, and who possesses experience or training in all of the following:

(A) Forensic evaluation procedures for juveniles.

(B) Evaluation, diagnosis, and treatment of children and adolescents with emotional disturbance, mental illness, or developmental disabilities.

(C) Clinical understanding of child and adolescent development.

(D) Familiarity with competency standards in this state.

1           (p) "Qualified restoration provider" means an individual who  
2 the court determines, as a result of the opinion provided by the  
3 qualified forensic mental health examiner, has the skills and  
4 training necessary to provide restoration services. The court shall  
5 take measures to avoid any conflict of interest among agencies or  
6 individuals who may provide evaluation and restoration.

7           (q) "Restoration" means the process by which education or  
8 treatment of a juvenile results in that juvenile becoming competent  
9 to proceed.

10          (r) "Serious misdemeanor" means that term as defined in  
11 section 61 of the William Van Regenmorter crime victim's rights  
12 act, 1985 PA 87, MCL 780.811.

13          (s) "Valid foreign protection order" means a foreign  
14 protection order that satisfies the conditions for validity  
15 provided in section 2950i of the revised judicature act of 1961,  
16 1961 PA 236, MCL 600.2950i.

17          (2) Except as otherwise provided, proceedings under this  
18 chapter are not criminal proceedings.

19          (3) This chapter shall be liberally construed so that each  
20 juvenile coming within the court's jurisdiction receives the care,  
21 guidance, and control, preferably in his or her own home, conducive  
22 to the juvenile's welfare and the best interest of the state. If a  
23 juvenile is removed from the control of his or her parents, the  
24 juvenile shall be placed in care as nearly as possible equivalent  
25 to the care that should have been given to the juvenile by his or  
26 her parents.

27          Sec. 2. The court has the following authority and

1 jurisdiction:

2 (a) Exclusive original jurisdiction superior to and regardless  
3 of the jurisdiction of another court in proceedings concerning a  
4 juvenile under 17 years of age who is found within the county if 1  
5 or more of the following applies:

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

17 (A) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,  
18 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,  
19 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,  
20 750.349, 750.520b, 750.529, 750.529a, and 750.531.

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

25 (i) A loaded or unloaded firearm, whether operable or  
26 inoperable.

27 (ii) A knife, stabbing instrument, brass knuckles, blackjack,

1 club, or other object specifically designed or customarily carried  
2 or possessed for use as a weapon.

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

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

9 (C) A violation of section 186a of the Michigan penal code,  
10 1931 PA 328, MCL 750.186a, regarding escape or attempted escape  
11 from a juvenile facility, but only if the juvenile facility from  
12 which the individual escaped or attempted to escape was 1 of the  
13 following:

14 (i) A high-security or medium-security facility operated by  
15 the department of human services or a county juvenile agency.

16 (ii) A high-security facility operated by a private agency  
17 under contract with the department ~~of human services~~ or a county  
18 juvenile agency.

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

21 (E) An attempt to commit a violation described in paragraphs  
22 (A) to (D).

23 (F) Conspiracy to commit a violation described in paragraphs  
24 (A) to (D).

25 (G) Solicitation to commit a violation described in paragraphs  
26 (A) to (D).

27 (H) A lesser included offense of a violation described in

1 paragraphs (A) to (G) if the individual is charged with a violation  
2 described in paragraphs (A) to (G).

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

6 (2) The juvenile has deserted his or her home without  
7 sufficient cause, and the court finds on the record that the  
8 juvenile has been placed or refused alternative placement or the  
9 juvenile and the juvenile's parent, guardian, or custodian have  
10 exhausted or refused family counseling.

11 (3) The juvenile is repeatedly disobedient to the reasonable  
12 and lawful commands of his or her parents, guardian, or custodian,  
13 and the court finds on the record by clear and convincing evidence  
14 that court-accessed services are necessary.

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

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

3 (1) Whose parent or other person legally responsible for the  
4 care and maintenance of the juvenile, when able to do so, neglects  
5 or refuses to provide proper or necessary support, education,  
6 medical, surgical, or other care necessary for his or her health or  
7 morals, who is subject to a substantial risk of harm to his or her  
8 mental well-being, who is abandoned by his or her parents,  
9 guardian, or other custodian, or who is without proper custody or  
10 guardianship. As used in this sub-subdivision:

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

16 (B) "Without proper custody or guardianship" does not mean a  
17 parent has placed the juvenile with another person who is legally  
18 responsible for the care and maintenance of the juvenile and who is  
19 able to and does provide the juvenile with proper care and  
20 maintenance.

21 (2) Whose home or environment, by reason of neglect, cruelty,  
22 drunkenness, criminality, or depravity on the part of a parent,  
23 guardian, nonparent adult, or other custodian, is an unfit place  
24 for the juvenile to live in.

25 (3) If the juvenile is dependent and is in danger of  
26 substantial physical or psychological harm. The juvenile may be  
27 found to be dependent when any of the following occurs:

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

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

5           (C) The juvenile is alleged to have committed a commercial  
6 sexual activity as that term is defined in section 462a of the  
7 Michigan penal code, 1931 PA 328, MCL 750.462a, or a delinquent act  
8 that is the result of force, fraud, coercion, or manipulation  
9 exercised by a parent or other adult.

10          (D) The juvenile's custodial parent or legally responsible  
11 person has died or has become permanently incapacitated and no  
12 appropriate parent or legally responsible person is willing and  
13 able to provide care for the juvenile.

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

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

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

25           (A) The parent, having the ability to support or assist in  
26 supporting the juvenile, has failed or neglected, without good  
27 cause, to provide regular and substantial support for the juvenile

1 for 2 years or more before the filing of the petition or, if a  
2 support order has been entered, has failed to substantially comply  
3 with the order for 2 years or more before the filing of the  
4 petition.

5 (B) The parent, having the ability to visit, contact, or  
6 communicate with the juvenile, has regularly and substantially  
7 failed or neglected, without good cause, to do so for 2 years or  
8 more before the filing of the petition.

9 If a petition is filed in the court alleging that a juvenile  
10 is within the provisions of subdivision (b)(1), (2), (3), (4), (5),  
11 or (6) and the custody of that juvenile is subject to the prior or  
12 continuing order of another court of record of this state, the  
13 manner of notice to the other court of record and the authority of  
14 the court to proceed is governed by rule of the supreme court.

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

23 (d) If the court finds on the record that voluntary services  
24 have been exhausted or refused, concurrent jurisdiction in  
25 proceedings concerning a juvenile between the ages of 17 and 18  
26 found within the county who is 1 or more of the following:

27 (1) Repeatedly addicted to the use of drugs or the intemperate

1 use of alcoholic liquors.

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

4 (3) Found of his or her own free will and knowledge in a house  
5 of prostitution, assignation, or ill-fame.

6 (4) Repeatedly associating with thieves, prostitutes, pimps,  
7 or procurers.

8 (5) Willfully disobedient to the reasonable and lawful  
9 commands of his or her parents, guardian, or other custodian and in  
10 danger of becoming morally depraved.

11 If a juvenile is brought before the court in a county other  
12 than that in which the juvenile resides, before a hearing and with  
13 the consent of the judge of the court in the county of residence,  
14 the court may enter an order transferring jurisdiction of the  
15 matter to the court of the county of residence. Consent to transfer  
16 jurisdiction is not required if the county of residence is a county  
17 juvenile agency and satisfactory proof of residence is furnished to  
18 the court of the county of residence. The order does not constitute  
19 a legal settlement in this state that is required for the purpose  
20 of section 55 of the social welfare act, 1939 PA 280, MCL 400.55.  
21 The order and a certified copy of the proceedings in the  
22 transferring court shall be delivered to the court of the county of  
23 residence. A case designated as a case in which the juvenile shall  
24 be tried in the same manner as an adult under section 2d of this  
25 chapter may be transferred for venue or for juvenile disposition <sup>7</sup>  
26 but shall not be transferred on grounds of residency. If the case  
27 is not transferred, the court having jurisdiction of the offense

1 shall try the case.

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

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

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

24 (h) Jurisdiction over a proceeding under section 2950 or 2950a  
25 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950  
26 and 600.2950a, in which a minor less than 18 years of age is the  
27 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 shall 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, ~~of human services~~, child, respondent, parent, guardian,  
17 or legal custodian, and any licensed child caring institution or  
18 child placing agency under contract with the department ~~of human~~  
19 ~~services~~ to provide for a juvenile's care and supervision.

20 Sec. 2d. (1) In a petition or amended petition alleging that a  
21 juvenile is within the court's jurisdiction under section 2(a)(1)  
22 of this chapter for a specified juvenile violation, the prosecuting  
23 attorney may designate the case as a case in which the juvenile is  
24 to be tried in the same manner as an adult. An amended petition  
25 making a designation under this subsection shall be filed only by  
26 leave of the court.

27 (2) In a petition alleging that a juvenile is within the

1 court's jurisdiction under section 2(a)(1) of this chapter for an  
2 offense other than a specified juvenile violation, the prosecuting  
3 attorney may request that the court designate the case as a case in  
4 which the juvenile is to be tried in the same manner as an adult.  
5 The court may designate the case following a hearing if it  
6 determines that the best interests of the juvenile and the public  
7 would be served by the juvenile being tried in the same manner as  
8 an adult. In determining whether the best interests of the juvenile  
9 and the public would be served, the court shall consider all of the  
10 following factors, giving greater weight to the seriousness of the  
11 alleged offense and the juvenile's prior delinquency record than to  
12 the other factors:

13 (a) The seriousness of the alleged offense in terms of  
14 community protection, including, but not limited to, the existence  
15 of any aggravating factors recognized by the sentencing guidelines,  
16 the use of a firearm or other dangerous weapon, and the impact on  
17 any victim.

18 (b) The juvenile's culpability in committing the alleged  
19 offense, including, but not limited to, the level of the juvenile's  
20 participation in planning and carrying out the offense and the  
21 existence of any aggravating or mitigating factors recognized by  
22 the sentencing guidelines.

23 (c) The juvenile's prior record of delinquency, including, but  
24 not limited to, any record of detention, any police record, any  
25 school record, or any other evidence indicating prior delinquent  
26 behavior.

27 (d) The juvenile's programming history, including, but not

1 limited to, the juvenile's past willingness to participate  
2 meaningfully in available programming.

3 (e) The adequacy of the punishment or programming available in  
4 the juvenile justice system.

5 (f) The dispositional options available for the juvenile.

6 (3) If a case is designated under this section, the case shall  
7 be set for trial in the same manner as the trial of an adult in a  
8 court of general criminal jurisdiction unless a probable cause  
9 hearing is required under subsection (4).

10 (4) If the petition in a case designated under this section  
11 alleges an offense that if committed by an adult would be a felony  
12 or punishable by imprisonment for more than 1 year, the court shall  
13 conduct a probable cause hearing not later than 14 days after the  
14 case is designated to determine whether there is probable cause to  
15 believe the offense was committed and whether there is probable  
16 cause to believe the juvenile committed the offense. This hearing  
17 may be combined with the designation hearing under subsection (2)  
18 for an offense other than a specified juvenile offense. A probable  
19 cause hearing under this section is the equivalent of the  
20 preliminary examination in a court of general criminal jurisdiction  
21 and satisfies the requirement for that hearing. A probable cause  
22 hearing shall be conducted by a judge other than the judge who will  
23 try the case if the juvenile is tried in the same manner as an  
24 adult.

25 (5) If the court determines there is probable cause to believe  
26 the offense alleged in the petition was committed and probable  
27 cause to believe the juvenile committed the offense, the case shall

1 be set for trial in the same manner as the trial of an adult in a  
2 court of general criminal jurisdiction.

3 (6) If the court determines that an offense did not occur or  
4 there is not probable cause to believe the juvenile committed the  
5 offense, the court shall dismiss the petition. If the court  
6 determines there is probable cause to believe another offense was  
7 committed and there is probable cause to believe the juvenile  
8 committed that offense, the court may further determine whether the  
9 case should be designated as a case in which the juvenile should be  
10 tried in the same manner as an adult as provided in subsection (2).  
11 If the court designates the case, the case shall be set for trial  
12 in the same manner as the trial of an adult in a court of general  
13 criminal jurisdiction.

14 (7) If a case is designated under this section, the  
15 proceedings are criminal proceedings and shall afford all  
16 procedural protections and guarantees to which the juvenile would  
17 be entitled if being tried for the offense in a court of general  
18 criminal jurisdiction. A plea of guilty or nolo contendere or a  
19 verdict of guilty shall result in entry of a judgment of  
20 conviction. The conviction shall have the same effect and  
21 liabilities as if it had been obtained in a court of general  
22 criminal jurisdiction.

23 (8) Following a judgment of conviction, the court shall enter  
24 a disposition or impose a sentence authorized under section  
25 18(1)(n) of this chapter.

26 (9) As used in this section, "specified juvenile violation"  
27 means any of the following:

1 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,  
2 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,  
3 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,  
4 750.349, 750.520b, 750.529, 750.529a, and 750.531.

5 (b) A violation of section 84 or 110a(2) of the Michigan penal  
6 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is  
7 armed with a dangerous weapon. As used in this subdivision,  
8 "dangerous weapon" means 1 or more of the following:

9 (i) A loaded or unloaded firearm, whether operable or  
10 inoperable.

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

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

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

20 (c) A violation of section 186a of the Michigan penal code,  
21 1931 PA 328, MCL 750.186a, regarding escape or attempted escape  
22 from a juvenile facility, but only if the juvenile facility from  
23 which the juvenile escaped or attempted to escape was 1 of the  
24 following:

25 (i) A high-security or medium-security facility operated by  
26 the ~~family independence agency~~ **DEPARTMENT** or a county juvenile  
27 agency.

1           (ii) A high-security facility operated by a private agency  
2 under contract with the ~~family independence agency~~ **DEPARTMENT** or a  
3 county juvenile agency.

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

6           (e) An attempt to commit a violation described in subdivisions  
7 (a) to (d).

8           (f) Conspiracy to commit a violation described in subdivisions  
9 (a) to (d).

10          (g) Solicitation to commit a violation described in  
11 subdivisions (a) to (d).

12          (h) Any lesser included offense of an offense described in  
13 subdivisions (a) to (g) if the juvenile is alleged in the petition  
14 to have committed an offense described in subdivisions (a) to (g).

15          (i) Any other offense arising out of the same transaction as  
16 an offense described in subdivisions (a) to (g) if the juvenile is  
17 alleged in the petition to have committed an offense described in  
18 subdivisions (a) to (g).

19          Sec. 8. The office of county agent is created. The county  
20 agent is an officer of the court and under the general supervision  
21 of the judges of the court and shall serve at their pleasure. The  
22 county agent shall organize, direct and develop the juvenile  
23 welfare work of the court as authorized by the judge. When  
24 requested by the superintendent or director, the county agent shall  
25 supervise juveniles released from public institutions or agencies  
26 and may perform other juvenile welfare work as requested and with  
27 the approval of the judge, including services to school-age

1 juveniles of the various school districts within the county, after  
2 consultation and agreement with the county school commissioner and  
3 the superintendents of schools in a county. With the judge's  
4 approval, the county agent or his or her assistants shall  
5 investigate and report on juveniles or families within the county  
6 as requested by the ~~family independence agency,~~ **DEPARTMENT**, the  
7 county juvenile agency, or the superintendent of any state  
8 institution regarding the welfare of any juvenile. Assistant county  
9 agents shall perform the duties assigned to them by the county  
10 agent.

11       Sec. 9. The judge of probate in each county may appoint 1 or  
12 more suitable persons of good character and qualified training or  
13 experience, other than the county agent or assistants, to act as  
14 probation officer, who shall receive ~~such~~ compensation as the board  
15 of supervisors may appropriate for that purpose, and who, at the  
16 discretion of the judge, may be authorized and empowered to perform  
17 county agent duties.

18       The judge of probate may also appoint other probation officers  
19 who shall receive no compensation from the county treasury for the  
20 duties performed under ~~such~~ **THE** appointment.

21       It ~~shall be~~ **IS** the duty of the judge of probate to notify the  
22 state department ~~of social welfare~~ of the appointment of all paid  
23 probation officers made by him **OR HER** under the provisions of this  
24 chapter. All probation officers shall hold office during the  
25 pleasure of the court and shall report to the ~~said~~ court upon all  
26 cases under their care.

27       Sec. 14. (1) Any local police officer, sheriff or deputy

1 sheriff, state police officer, county agent or probation officer of  
2 any court of record may, without the order of the court,  
3 immediately take into custody any child who is found violating any  
4 law or ordinance, or for whom there is reasonable cause to believe  
5 is violating or has violated a personal protection order issued  
6 under section 2(h) of this chapter by the court under section 2950  
7 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL  
8 600.2950 and 600.2950a, or for whom there is reasonable cause to  
9 believe is violating or has violated a valid foreign protection  
10 order. If the officer or county agent takes a child coming within  
11 the provisions of this chapter into custody, he or she shall  
12 immediately attempt to notify the parent or parents, guardian, or  
13 custodian. While awaiting the arrival of the parent or parents,  
14 guardian, or custodian, a child under the age of 17 years taken  
15 into custody under the provisions of this chapter shall not be held  
16 in any detention facility unless the child is completely isolated  
17 so as to prevent any verbal, visual, or physical contact with any  
18 adult prisoner. Unless the child requires immediate detention as  
19 provided for in this act, the officer shall accept the written  
20 promise of the parent or parents, guardian, or custodian, to bring  
21 the child to the court at a fixed time. The child shall then be  
22 released to the custody of the parent or parents, guardian, or  
23 custodian.

24 (2) If a child is not released under subsection (1), the child  
25 and his or her parents, guardian, or custodian, if they can be  
26 located, shall immediately be brought before the court for a  
27 preliminary hearing on the status of the child, and an order signed

1 by a judge or a referee authorizing the filing of a complaint shall  
2 be entered or the child shall be released to his or her parent or  
3 parents, guardian, or custodian.

4 (3) If a complaint is authorized under subsection (2), the  
5 order shall state where the child is to be placed, pending  
6 investigation and hearing, which placement may be in any of the  
7 following:

8 (a) In the home of the child's parent, guardian, or custodian.

9 (b) If a child is within the court's jurisdiction under  
10 section 2(a) of this chapter, in a suitable foster care home  
11 subject to the court's supervision. Except as otherwise provided in  
12 subsections (4) and (5), if a child is within the court's  
13 jurisdiction under section 2(b) of this chapter, the court shall  
14 not place a child in a foster care home subject to the court's  
15 supervision.

16 (c) In a child care institution or child placing agency  
17 licensed by the department ~~of human services~~ to receive for care  
18 children within the jurisdiction of the court.

19 (d) In a suitable place of detention.

20 (4) Except as otherwise provided in subsection (5), if a court  
21 is providing at the time of the enactment of this subsection foster  
22 care home services subject to the court's supervision to children  
23 within section 2(b) of this chapter, the court may continue to  
24 provide those services through December 31, 1989. Beginning January  
25 1, 1990, the court shall discontinue providing those services.

26 (5) If a court located in a county with a population in excess  
27 of 650,000 is providing at the time of the enactment of this

1 subsection foster care home services subject to the court's  
2 supervision to children within section 2(b) of this chapter, the  
3 court may continue to provide those services through December 31,  
4 1991. Beginning January 1, 1992, the court shall discontinue those  
5 services.

6 Sec. 14a. (1) If there is reasonable cause to believe that a  
7 child is at substantial risk of harm or is in surroundings that  
8 present an imminent risk of harm and the child's immediate removal  
9 from those surroundings is necessary to protect the child's health  
10 and safety, an officer may, without a court order, immediately take  
11 that child into protective custody. An officer who takes a child  
12 into protective custody under this section shall immediately notify  
13 the department. ~~of human services.~~ While awaiting the arrival of  
14 the department, ~~of human services,~~ the child shall not be held in a  
15 detention facility.

16 (2) If a child taken into protective custody under this  
17 section is not released, the officer or the department ~~of human~~  
18 ~~services~~ shall immediately contact the designated judge or referee,  
19 as provided in subsection (3), to seek a court order for placement  
20 of the child pending a preliminary hearing.

21 (3) A judge or referee shall be designated as the contact when  
22 a placement order is sought for a child in protective custody under  
23 this section. In accordance with the provisions of section 14b of  
24 this chapter, if the court is closed, the designated judge or  
25 referee may, upon receipt electronically or otherwise of a petition  
26 or affidavit of facts, order placement if the placement order is  
27 communicated in writing, electronically or otherwise, to the

1 appropriate county department office and filed with the court the  
2 next business day. When a placement order is issued by a designated  
3 referee, the order shall take effect as an interim order pending a  
4 preliminary hearing.

5 (4) As used in this section, "officer" means a local police  
6 officer, sheriff or deputy sheriff, state police officer, or county  
7 agent or probation officer of a court of record.

8 Sec. 14b. (1) Upon receipt electronically or otherwise of a  
9 petition or affidavit of facts, a judge or referee may issue a  
10 written ex parte order, electronically or otherwise, authorizing  
11 the department ~~of human services~~ to immediately take a child into  
12 protective custody and place the child pending the preliminary  
13 hearing if the court finds all of the following:

14 (a) There is reasonable cause to believe that the child is at  
15 substantial risk of harm or is in surroundings that present an  
16 imminent risk of harm and the child's immediate removal from those  
17 surroundings is necessary to protect the child's health and safety.

18 (b) The circumstances warrant issuing an ex parte order  
19 pending the preliminary hearing.

20 (c) Consistent with the circumstances, reasonable efforts were  
21 made to prevent or eliminate the need for removal of the child.

22 (d) No remedy other than protective custody is reasonably  
23 available to protect the child.

24 (e) Continuing to reside in the home is contrary to the  
25 child's welfare.

26 (2) The ex parte order shall be supported by written findings  
27 of fact.

1       Sec. 16. (1) If a juvenile under the age of 17 years is taken  
2 into custody or detained, the juvenile shall not be confined in any  
3 police station, prison, jail, lock-up, or reformatory or  
4 transported with, or compelled or permitted to associate or mingle  
5 with, criminal or dissolute persons. However, except as otherwise  
6 provided in section 15(3), (4), and (5) of this chapter, the court  
7 may order a juvenile 15 years of age or older whose habits or  
8 conduct are considered a menace to other juveniles, or who may not  
9 otherwise be safely detained, placed in a jail or other place of  
10 detention for adults, but in a room or ward separate from adults  
11 and for not more than 30 days, unless longer detention is necessary  
12 for the service of process.

13       (2) The county board of commissioners in each county or of  
14 counties contracting together may provide for the diagnosis,  
15 treatment, care, training, and detention of juveniles in a child  
16 care home or facility conducted as an agency of the county if the  
17 home or facility meets licensing standards established under 1973  
18 PA 116, MCL 722.111 to 722.128. The court or a court-approved  
19 agency may arrange for the boarding of juveniles in any of the  
20 following:

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

27       (b) A child caring institution or child placing agency

1 licensed by the department ~~of consumer and industry services~~ to  
2 receive for care juveniles within the court's jurisdiction.

3 (c) If in a room or ward separate and apart from adult  
4 criminals, the county jail for juveniles over 17 years of age  
5 within the court's jurisdiction.

6 (3) If a detention home or facility is established as an  
7 agency of the county, the judge may appoint a superintendent and  
8 other necessary employees for the home or facility who shall  
9 receive compensation as provided by the county board of  
10 commissioners of the county. This section does not alter or  
11 diminish the legal responsibility of the ~~family independence agency~~  
12 **DEPARTMENT** or a county juvenile agency to receive juveniles  
13 committed by the court.

14 (4) If the court under subsection (2) arranges for the board  
15 of juveniles temporarily detained in private homes or in a child  
16 caring institution or child placing agency, a reasonable sum fixed  
17 by the court for their board shall be paid by the county treasurer  
18 as provided in section 25 of this chapter.

19 (5) A court shall not provide foster care home services  
20 subject to the court's supervision to juveniles within section 2(b)  
21 of this chapter.

22 (6) A juvenile detention home described in subsection (3)  
23 shall be operated under the direction of the county board of  
24 commissioners or, in a county that has an elected county executive,  
25 under the county executive's direction. ~~However, a~~ **A** different  
26 method for directing the operation of a detention home may be  
27 agreed to in any county by the chief judge of the circuit court in

1 that county and the county board of commissioners or, in a county  
2 that has an elected county executive, the county executive.

3 Sec. 17. (1) The court may conduct a hearing other than a  
4 criminal hearing in an informal manner. The court shall require  
5 stenographic notes or another transcript to be taken of the  
6 hearing. The court shall adjourn a hearing or grant a continuance  
7 regarding a case under section 2(b) of this chapter only for good  
8 cause with factual findings on the record and not solely upon  
9 stipulation of counsel or for the convenience of a party. In  
10 addition to a factual finding of good cause, the court shall not  
11 adjourn the hearing or grant a continuance unless 1 of the  
12 following is also true:

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

15 (b) The court grants the adjournment or continuance upon its  
16 own motion after taking into consideration the child's best  
17 interests. An adjournment or continuance granted under this  
18 subdivision shall not last more than 28 days unless the court  
19 states on the record the specific reasons why a longer adjournment  
20 or continuance is necessary.

21 (2) Except as otherwise provided in this subsection, in a  
22 hearing other than a criminal trial under this chapter, a person  
23 interested in the hearing may demand a jury of 6 individuals, or  
24 the court, on its own motion, may order a jury of 6 individuals to  
25 try the case. In a proceeding under section 2(h) of this chapter, a  
26 jury shall not be demanded or ordered on a supplemental petition  
27 alleging a violation of a personal protection order. In a criminal

1 trial, a jury may be demanded as provided by law. The jury shall be  
2 summoned and impaneled in accordance with chapter 13 of the revised  
3 judicature act of 1961, 1961 PA 236, MCL 600.1300 to 600.1376, and,  
4 in the case of a criminal trial, as provided in chapter VIII of the  
5 code of criminal procedure, 1927 PA 175, MCL 768.1 to 768.36.

6 (3) A parent, guardian, or other custodian of a juvenile held  
7 under this chapter has the right to give bond or other security for  
8 the appearance of the juvenile at the hearing of the case.

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

13 (5) In a proceeding under section 2(b) of this chapter, upon  
14 request of the ~~family independence agency~~ **DEPARTMENT** or an agent of  
15 the ~~family independence agency~~ **DEPARTMENT** under contract with the  
16 ~~family independence agency~~, **DEPARTMENT**, the prosecuting attorney  
17 shall serve as a legal consultant to the ~~family independence agency~~  
18 **DEPARTMENT** or its agent at all stages of the proceeding. If in a  
19 proceeding under section 2(b) of this chapter the prosecuting  
20 attorney does not appear on behalf of the ~~family independence~~  
21 ~~agency~~ **DEPARTMENT** or its agent, the ~~family independence agency~~  
22 **DEPARTMENT** may contract with an attorney of its choice for legal  
23 representation.

24 (6) A member of a local foster care review board established  
25 under 1984 PA 422, MCL 722.131 to 722.139a, shall be admitted to a  
26 hearing under subsection (1).

27 (7) Upon motion of a party or a victim, the court may close

1 the hearing of a case brought under this chapter to members of the  
2 general public during the testimony of a juvenile witness or the  
3 victim if the court finds that closing the hearing is necessary to  
4 protect the welfare of the juvenile witness or the victim. In  
5 determining whether closing the hearing is necessary to protect the  
6 welfare of the juvenile witness or the victim, the court shall  
7 consider the following:

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

9 (b) The nature of the proceeding.

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

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

16 Sec. 17b. (1) As used in this section:

17 (a) "Custodian of the videorecorded statement" means the  
18 ~~family independence agency,~~ **DEPARTMENT**, investigating law  
19 enforcement agency, prosecuting attorney, or department of attorney  
20 general or another person designated under the county protocols  
21 established as required by section 8 of the child protection law,  
22 1975 PA 238, MCL 722.628.

23 (b) "Developmental disability" means that term as defined in  
24 section 100a of the mental health code, ~~1974 PA 258,~~ MCL 330.1100a,  
25 except that, for the purposes of implementing this section,  
26 developmental disability includes only a condition that is  
27 attributable to a mental impairment or to a combination of mental

1 and physical impairments, and does not include a condition  
2 attributable to a physical impairment unaccompanied by a mental  
3 impairment.

4 (c) "Videorecorded statement" means a witness's statement  
5 taken by a custodian of the videorecorded statement as provided in  
6 subsection (5). Videorecorded statement does not include a  
7 videorecorded deposition taken as provided in subsections (16) and  
8 (17).

9 (d) "Witness" means an alleged victim of an offense listed  
10 under subsection (2) who is either of the following:

11 (i) A person under 16 years of age.

12 (ii) A person 16 years of age or older with a developmental  
13 disability.

14 (2) This section only applies to either of the following:

15 (a) A proceeding brought under section 2(a)(1) of this chapter  
16 in which the alleged offense, if committed by an adult, would be a  
17 felony under section 136b, 145c, 520b to 520e, or 520g of the  
18 Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, 750.520b  
19 to 750.520e, and 750.520g, or under former section 136 or 136a of  
20 the Michigan penal code, 1931 PA 328.

21 (b) A proceeding brought under section 2(b) of this chapter.

22 (3) If pertinent, the witness shall be permitted the use of  
23 dolls or mannequins, including, but not limited to, anatomically  
24 correct dolls or mannequins, to assist the witness in testifying on  
25 direct and cross-examination.

26 (4) A witness who is called upon to testify shall be permitted  
27 to have a support person sit with, accompany, or be in close

1 proximity to the witness during his or her testimony. A notice of  
2 intent to use a support person shall name the support person,  
3 identify the relationship the support person has with the witness,  
4 and give notice to all parties to the proceeding that the witness  
5 may request that the named support person sit with the witness when  
6 the witness is called upon to testify during any stage of the  
7 proceeding. The notice of intent to use a named support person  
8 shall be filed with the court and shall be served upon all parties  
9 to the proceeding. The court shall rule on a motion objecting to  
10 the use of a named support person before the date at which the  
11 witness desires to use the support person.

12 (5) A custodian of the videorecorded statement may take a  
13 witness's videorecorded statement. The videorecorded statement  
14 shall be admitted at all proceedings except the adjudication stage  
15 instead of the live testimony of the witness. The videorecorded  
16 statement shall state the date and time that the statement was  
17 taken; shall identify the persons present in the room and state  
18 whether they were present for the entire videorecording or only a  
19 portion of the videorecording; and shall show a time clock that is  
20 running during the taking of the statement.

21 (6) In a videorecorded statement, the questioning of the  
22 witness should be full and complete; shall be in accordance with  
23 the forensic interview protocol implemented as required by section  
24 8 of the child protection law, 1975 PA 238, MCL 722.628; and, if  
25 appropriate for the witness's developmental level, shall include,  
26 but need not be limited to, all of the following areas:

27 (a) The time and date of the alleged offense or offenses.

1 (b) The location and area of the alleged offense or offenses.

2 (c) The relationship, if any, between the witness and the  
3 respondent.

4 (d) The details of the offense or offenses.

5 (e) The names of other persons known to the witness who may  
6 have personal knowledge of the offense or offenses.

7 (7) A custodian of the videorecorded statement may release or  
8 consent to the release or use of a videorecorded statement or  
9 copies of a videorecorded statement to a law enforcement agency, an  
10 agency authorized to prosecute the criminal case to which the  
11 videorecorded statement relates, or an entity that is part of  
12 county protocols established under section 8 of the child  
13 protection law, 1975 PA 238, MCL 722.628. Each respondent and, if  
14 represented, his or her attorney has the right to view and hear the  
15 videorecorded statement at a reasonable time before it is offered  
16 into evidence. In preparation for a court proceeding and under  
17 protective conditions, including, but not limited to, a prohibition  
18 on the copying, release, display, or circulation of the  
19 videorecorded statement, the court may order that a copy of the  
20 videorecorded statement be given to the defense.

21 (8) If authorized by the prosecuting attorney in the county in  
22 which the videorecorded statement was taken, a videorecorded  
23 statement may be used for purposes of training the custodians of  
24 the videorecorded statement in that county on the forensic  
25 interview protocol implemented as required by section 8 of the  
26 child protection law, 1975 PA 238, MCL 722.628.

27 (9) Except as provided in this section, an individual,

1 including, but not limited to, a custodian of the videorecorded  
2 statement, the witness, or the witness's parent, guardian, guardian  
3 ad litem, or attorney, shall not release or consent to release a  
4 videorecorded statement or a copy of a videorecorded statement.

5 (10) A videorecorded statement that becomes part of the court  
6 record is subject to a protective order of the court for the  
7 purpose of protecting the privacy of the witness.

8 (11) A videorecorded statement shall not be copied or  
9 reproduced in any manner except as provided in this section. A  
10 videorecorded statement is exempt from disclosure under the freedom  
11 of information act, 1976 PA 442, MCL 15.231 to 15.246, is not  
12 subject to release under another statute, and is not subject to  
13 disclosure under the Michigan court rules governing discovery. This  
14 section does not prohibit the production or release of a transcript  
15 of a videorecorded statement.

16 (12) Except as otherwise provided in subsection (15), if, upon  
17 the motion of a party or in the court's discretion, the court finds  
18 on the record that psychological harm to the witness would occur if  
19 the witness were to testify in the presence of the respondent at a  
20 court proceeding or in a videorecorded deposition taken as provided  
21 in subsection (13), the court shall order that the witness during  
22 his or her testimony be shielded from viewing the respondent in  
23 such a manner as to enable the respondent to consult with his or  
24 her attorney and to see and hear the testimony of the witness  
25 without the witness being able to see the respondent.

26 (13) In a proceeding brought under section 2(b) of this  
27 chapter, if, upon the motion of a party or in the court's

1 discretion, the court finds on the record that psychological harm  
2 to the witness would occur if the witness were to testify at the  
3 adjudication stage, the court shall order to be taken a  
4 videorecorded deposition of a witness that shall be admitted into  
5 evidence at the adjudication stage instead of the live testimony of  
6 the witness. The examination and cross-examination of the witness  
7 in the videorecorded deposition shall proceed in the same manner as  
8 permitted at the adjudication stage.

9 (14) In a proceeding brought under section 2(a)(1) of this  
10 chapter in which the alleged offense, if committed by an adult,  
11 would be a felony under section 136b, 145c, 520b to 520e, or 520g  
12 of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c,  
13 750.520b to 750.520e, and 750.520g, or under former section 136 or  
14 136a of the Michigan penal code, 1931 PA 328, if, upon the motion  
15 of a party made before the adjudication stage, the court finds on  
16 the record that the special arrangements specified in subsection  
17 (15) are necessary to protect the welfare of the witness, the court  
18 shall order 1 or both of those special arrangements. In determining  
19 whether it is necessary to protect the welfare of the witness, the  
20 court shall consider both of the following:

21 (a) The age of the witness.

22 (b) The nature of the offense or offenses.

23 (15) If the court determines on the record that it is  
24 necessary to protect the welfare of the witness and grants the  
25 motion made under subsection (14), the court shall order 1 or both  
26 of the following:

27 (a) In order to protect the witness from directly viewing the

1 respondent, the courtroom shall be arranged so that the respondent  
2 is seated as far from the witness stand as is reasonable and not  
3 directly in front of the witness stand. The respondent's position  
4 shall be located so as to allow the respondent to hear and see all  
5 witnesses and be able to communicate with his or her attorney.

6 (b) A questioner's stand or podium shall be used for all  
7 questioning of all witnesses by all parties, and shall be located  
8 in front of the witness stand.

9 (16) In a proceeding brought under section 2(a)(1) of this  
10 chapter in which the alleged offense, if committed by an adult,  
11 would be a felony under section 136b, 145c, 520b to 520e, or 520g  
12 of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c,  
13 750.520b to 750.520e, and 750.520g, or under former section 136 or  
14 136a of the Michigan penal code, 1931 PA 328, if, upon the motion  
15 of a party or in the court's discretion, the court finds on the  
16 record that the witness is or will be psychologically or  
17 emotionally unable to testify at a court proceeding even with the  
18 benefit of the protections afforded the witness in subsections (3),  
19 (4), and (15), the court shall order that a videorecorded  
20 deposition of a witness shall be taken to be admitted at the  
21 adjudication stage instead of the witness's live testimony.

22 (17) For purposes of the videorecorded deposition under  
23 subsection (16), the witness's examination and cross-examination  
24 shall proceed in the same manner as if the witness testified at the  
25 adjudication stage, and the court shall order that the witness,  
26 during his or her testimony, shall not be confronted by the  
27 respondent but shall permit the respondent to hear the testimony of

1 the witness and to consult with his or her attorney.

2 (18) This section is in addition to other protections or  
3 procedures afforded to a witness by law or court rule.

4 (19) A person who intentionally releases a videorecorded  
5 statement in violation of this section is guilty of a misdemeanor  
6 punishable by imprisonment for not more than 93 days or a fine of  
7 not more than \$500.00, or both.

8 Sec. 18k. (1) An individual shall provide samples for chemical  
9 testing for DNA identification profiling or a determination of the  
10 sample's genetic markers and shall provide samples for chemical  
11 testing for a determination of his or her secretor status if any of  
12 the following apply:

13 (a) The individual is arrested for committing or attempting to  
14 commit an offense that would be a felony if committed by an adult.

15 (b) The individual is convicted of, or found responsible for,  
16 a felony or attempted felony, or any of the following misdemeanors,  
17 or local ordinances that are substantially corresponding to the  
18 following misdemeanors:

19 (i) A violation of section 167(1)(c), (f), or (i) of the  
20 Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by  
21 window peeping, engaging in indecent or obscene conduct in public,  
22 or loitering in a house of ill fame or prostitution.

23 (ii) A violation of section 335a(1) of the Michigan penal  
24 code, 1931 PA 328, MCL 750.335a, indecent exposure.

25 (iii) A violation punishable under section 451(1) or (2) of  
26 the Michigan penal code, 1931 PA 328, MCL 750.451, first and second  
27 prostitution violations.

1           (2) Notwithstanding subsection (1), if at the time the  
2 individual is arrested for the offense the investigating law  
3 enforcement agency or the department of state police already has a  
4 sample from the individual that meets the requirements of the DNA  
5 identification profiling system act, 1990 PA 250, MCL 28.171 to  
6 28.176, the individual is not required to provide another sample or  
7 pay the assessment required under subsection (4).

8           (3) The samples required to be collected under this section  
9 shall be collected by the investigating law enforcement agency and  
10 transmitted by the investigating law enforcement agency to the  
11 department of state police in the manner prescribed under the DNA  
12 identification profiling system act, 1990 PA 250, MCL 28.171 to  
13 28.176, when a petition is filed or the court issues a summons.

14           (4) The court shall order each individual found responsible  
15 for or convicted of 1 or more crimes listed in subsection (1) to  
16 pay an assessment of \$60.00. The assessment required under this  
17 subsection is in addition to any fine, costs, or other assessments  
18 imposed by the court.

19           (5) An assessment required under subsection (4) shall be  
20 ordered upon the record ~~—~~and shall be listed separately in the  
21 adjudication order, judgment of sentence, or order of probation.

22           (6) After reviewing a verified petition by an individual  
23 against whom an assessment is imposed under subsection (4), the  
24 court may suspend payment of all or part of the assessment if it  
25 determines the individual is unable to pay the assessment.

26           (7) The court that imposes the assessment prescribed under  
27 subsection (4) may retain 10% of all assessments or portions of

1 assessments collected for costs incurred under this section and  
2 shall transmit that money to its funding unit. On the last day of  
3 each month, the clerk of the court shall transmit the assessments  
4 or portions of assessments collected under this section as follows:

5 (a) Twenty-five percent to the county sheriff or other  
6 investigating law enforcement agency that collected the DNA sample  
7 as designated by the court to defray the costs of collecting DNA  
8 samples.

9 (b) Sixty-five percent to the state treasurer for deposit in  
10 the justice system fund created in section 181 of the revised  
11 judicature act of 1961, 1961 PA 236, MCL 600.181.

12 (8) The department ~~of human services~~ or a county juvenile  
13 agency, investigating law enforcement agency, prosecuting agency,  
14 or court that has in its possession a DNA identification profile  
15 obtained from a sample of an individual arrested for an offense  
16 described in subsection (1) shall forward the DNA identification  
17 profile to the department of state police when a petition is filed  
18 or the court issues a summons unless the department of state police  
19 already has a DNA identification profile of the individual.

20 (9) As used in this section:

21 (a) "DNA identification profile" and "DNA identification  
22 profiling" mean those terms as defined in section 2 of the DNA  
23 identification profiling system act, 1990 PA 250, MCL 28.172.

24 (b) "Felony" means a violation of a penal law of this state  
25 for which the offender may be punished by imprisonment for more  
26 than 1 year or an offense expressly designated by law to be a  
27 felony.

1 (c) "Investigating law enforcement agency" means the law  
2 enforcement agency responsible for the investigation of the offense  
3 for which the individual is arrested, convicted, or found  
4 responsible. Investigating law enforcement agency does not include  
5 a probation officer employed by the department of corrections.

6 (d) "Sample" means a portion of an individual's blood, saliva,  
7 or tissue collected from the individual.

8 Sec. 18s. (1) If the juvenile is incompetent to proceed but  
9 the court finds that the juvenile may be restored to competency in  
10 the foreseeable future, 1 of the following applies:

11 (a) If the offense is a traffic offense or a misdemeanor other  
12 than a serious misdemeanor, the matter shall be dismissed.

13 (b) If the offense is a serious misdemeanor, the court may  
14 dismiss the matter or suspend the proceedings against the juvenile.

15 (c) If the offense is a felony, the proceedings against the  
16 juvenile shall be further suspended.

17 (2) If proceedings are suspended because the juvenile is  
18 incompetent to proceed but the court finds that the juvenile may be  
19 restored to competency in the foreseeable future, all of the  
20 following apply:

21 (a) Before issuing a restoration order, the court shall hold a  
22 hearing to determine the least restrictive environment for  
23 completion of the restoration.

24 (b) The court may issue a restoration order that is valid for  
25 60 days from the date of the initial finding of incompetency or  
26 until 1 of the following occurs, whichever occurs first:

27 (i) The qualified juvenile forensic mental health examiner,

1 based on information provided by the qualified restoration  
2 provider, submits a report that the juvenile has regained  
3 competency or that there is no substantial probability that the  
4 juvenile will regain competency within the period of the order.

5 (ii) The charges are dismissed.

6 (iii) The juvenile reaches 18 years of age.

7 (c) Following issuance of the restoration order, the qualified  
8 restoration provider shall submit a report to the court and the  
9 qualified juvenile forensic mental health examiner that includes  
10 the information required under section 18p of this chapter. The  
11 report shall be submitted to the court and the qualified juvenile  
12 forensic mental health examiner every 30 days, or sooner if and at  
13 the time either of the following occurs:

14 (i) The qualified restoration provider determines that the  
15 juvenile is no longer incompetent to proceed.

16 (ii) The qualified restoration provider determines that there  
17 is no substantial probability that the juvenile will be competent  
18 to proceed within the period of the order.

19 (3) Not later than 14 days before the expiration of the  
20 initial 60-day order, the qualified restoration provider may  
21 recommend to the court and the qualified juvenile forensic mental  
22 health examiner that the restoration order be renewed by the court  
23 for another 60 days, if there is a substantial probability that the  
24 juvenile will not be incompetent to proceed within the period of  
25 that renewed restoration order. The restoration order and any  
26 renewed restoration order shall not exceed a total of 120 days.

27 (4) Except as otherwise provided in this section, upon receipt

1 of a report that there is a substantial probability that the  
2 juvenile will remain incompetent to proceed for the foreseeable  
3 future or within the period of the restoration order, the court  
4 shall do both of the following:

5 (a) Determine custody of the juvenile as follows:

6 (i) The court may direct that civil commitment proceedings be  
7 initiated, as allowed under section 498d of the mental health code,  
8 MCL 330.1498d.

9 (ii) If the court determines that commitment proceedings are  
10 inappropriate, the juvenile shall be released to the juvenile's  
11 parent, legal guardian, or legal custodian under conditions  
12 considered appropriate to the court.

13 (b) Dismiss the charges against the juvenile.

14 (5) Upon receipt of a report from a qualified juvenile  
15 forensic mental health examiner that there is a substantial  
16 probability that the juvenile is unable to be restored due to  
17 serious emotional disturbance, the court may in its discretion,  
18 except as provided under the youth rehabilitation services act,  
19 1974 PA 150, MCL 803.301 to 803.309, order that mental health  
20 services be provided to the juvenile by the department, ~~of~~  
21 ~~community health,~~ subject to the availability of inpatient care, a  
22 community mental health services program, ~~the department of human~~  
23 ~~services,~~ a county department, ~~of human services,~~ or another  
24 appropriate mental health services provider for a period not to  
25 exceed 60 days. The court shall retain jurisdiction over the  
26 juvenile throughout the duration of the order. The entity ordered  
27 to provide services under this subsection shall continue to provide

1 services for the duration of the period of treatment ordered by the  
2 court.

3 (6) Not later than 14 days before the expiration of an order  
4 for treatment under this subsection or subsection (5), the entity  
5 providing mental health services under that order shall submit a  
6 report to the court and the qualified juvenile forensic mental  
7 health examiner regarding the juvenile. Upon receipt of the report,  
8 the court shall review the report and do either of the following:

9 (a) Renew the order for another period of treatment not to  
10 exceed 60 days. The order for treatment and any renewed order shall  
11 not exceed a total of 120 days.

12 (b) Determine custody of the juvenile and dismiss the charges  
13 against the juvenile.

14 (7) The department ~~of community health~~ shall maintain a record  
15 of the number of juveniles for whom the court ordered that mental  
16 health services be provided under subsection (5) or (6).

17 Sec. 19a. (1) Subject to subsection (2), if a child remains in  
18 foster care and parental rights to the child have not been  
19 terminated, the court shall conduct a permanency planning hearing  
20 within 12 months after the child was removed from his or her home.  
21 Subsequent permanency planning hearings shall be held no later than  
22 every 12 months after each preceding permanency planning hearing  
23 during the continuation of foster care. If proper notice for a  
24 permanency planning hearing is provided, a permanency planning  
25 hearing may be combined with a review hearing held under section  
26 19(2) to (4) of this chapter, but no later than 12 months from the  
27 removal of the child from his or her home, from the preceding

1 permanency planning hearing, or from the number of days required  
2 under subsection (2). A permanency planning hearing shall not be  
3 canceled or delayed beyond the number of months required by this  
4 subsection or days as required under subsection (2), regardless of  
5 whether there is a petition for termination of parental rights  
6 pending.

7 (2) The court shall conduct a permanency planning hearing  
8 within 30 days after there is a judicial determination that  
9 reasonable efforts to reunite the child and family are not  
10 required. Reasonable efforts to reunify the child and family must  
11 be made in all cases except if any of the following apply:

12 (a) There is a judicial determination that the parent has  
13 subjected the child to aggravated circumstances as provided in  
14 section 18(1) and (2) of the child protection law, 1975 PA 238, MCL  
15 722.638.

16 (b) The parent has been convicted of 1 or more of the  
17 following:

18 (i) Murder of another child of the parent.

19 (ii) Voluntary manslaughter of another child of the parent.

20 (iii) Aiding or abetting in the murder of another child of the  
21 parent or voluntary manslaughter of another child of the parent,  
22 the attempted murder of the child or another child of the parent,  
23 or the conspiracy or solicitation to commit the murder of the child  
24 or another child of the parent.

25 (iv) A felony assault that results in serious bodily injury to  
26 the child or another child of the parent.

27 (c) The parent has had rights to the child's siblings

1 involuntarily terminated.

2 (d) The parent is required by court order to register under  
3 the sex offenders registration act.

4 (3) A permanency planning hearing shall be conducted to review  
5 the status of the child and the progress being made toward the  
6 child's return home or to show why the child should not be placed  
7 in the permanent custody of the court. The court shall obtain the  
8 child's views regarding the permanency plan in a manner that is  
9 appropriate to the child's age. In the case of a child who will not  
10 be returned home, the court shall consider in-state and out-of-  
11 state placement options. In the case of a child placed ~~out-of-~~  
12 ~~state,~~ **OUT OF STATE**, the court shall determine whether the out-of-  
13 state placement continues to be appropriate and in the child's best  
14 interests. The court shall ensure that the agency is providing  
15 appropriate services to assist a child who will transition from  
16 foster care to independent living.

17 (4) Not less than 14 days before a permanency planning  
18 hearing, written notice of the hearing and a statement of the  
19 purposes of the hearing, including a notice that the hearing may  
20 result in further proceedings to terminate parental rights, shall  
21 be served upon all of the following:

22 (a) The agency. The agency shall advise the child of the  
23 hearing if the child is 11 years of age or older.

24 (b) The foster parent or custodian of the child.

25 (c) If the parental rights to the child have not been  
26 terminated, the child's parents.

27 (d) If the child has a guardian, the guardian for the child.

1 (e) If the child has a guardian ad litem, the guardian ad  
2 litem for the child.

3 (f) If tribal affiliation has been determined, the elected  
4 leader of the Indian tribe.

5 (g) The attorney for the child, the attorneys for each party,  
6 and the prosecuting attorney if the prosecuting attorney has  
7 appeared in the case.

8 (h) If the child is 11 years of age or older, the child.

9 (i) Other persons as the court may direct.

10 (5) If parental rights to the child have not been terminated  
11 and the court determines at a permanency planning hearing that the  
12 return of the child to his or her parent would not cause a  
13 substantial risk of harm to the child's life, physical health, or  
14 mental well-being, the court shall order the child returned to his  
15 or her parent. In determining whether the return of the child would  
16 cause a substantial risk of harm to the child, the court shall view  
17 the failure of the parent to substantially comply with the terms  
18 and conditions of the case service plan prepared under section 18f  
19 of this chapter as evidence that return of the child to his or her  
20 parent would cause a substantial risk of harm to the child's life,  
21 physical health, or mental well-being. In addition to considering  
22 conduct of the parent as evidence of substantial risk of harm, the  
23 court shall consider any condition or circumstance of the child  
24 that may be evidence that a return to the parent would cause a  
25 substantial risk of harm to the child's life, physical health, or  
26 mental well-being.

27 (6) If the court determines at a permanency planning hearing

1 that a child should not be returned to his or her parent, the court  
2 may order the agency to initiate proceedings to terminate parental  
3 rights. Except as otherwise provided in this subsection, if the  
4 child has been in foster care under the responsibility of the state  
5 for 15 of the most recent 22 months, the court shall order the  
6 agency to initiate proceedings to terminate parental rights. The  
7 court is not required to order the agency to initiate proceedings  
8 to terminate parental rights if 1 or more of the following apply:

9 (a) The child is being cared for by relatives.

10 (b) The case service plan documents a compelling reason for  
11 determining that filing a petition to terminate parental rights  
12 would not be in the best interest of the child. Compelling reasons  
13 for not filing a petition to terminate parental rights include, but  
14 are not limited to, all of the following:

15 (i) Adoption is not the appropriate permanency goal for the  
16 child.

17 (ii) No grounds to file a petition to terminate parental  
18 rights exist.

19 (iii) The child is an unaccompanied refugee minor as defined  
20 in 45 CFR 400.11.

21 (iv) There are international legal obligations or compelling  
22 foreign policy reasons that preclude terminating parental rights.

23 (c) The state has not provided the child's family, consistent  
24 with the time period in the case service plan, with the services  
25 the state considers necessary for the child's safe return to his or  
26 her home, if reasonable efforts are required.

27 (7) If the agency demonstrates under subsection (6) that

1 initiating the termination of parental rights to the child is  
2 clearly not in the child's best interests, or the court does not  
3 order the agency to initiate termination of parental rights to the  
4 child under subsection (6), then the court shall order 1 or more of  
5 the following alternative placement plans:

6 (a) If the court determines that other permanent placement is  
7 not possible, the child's placement in foster care shall continue  
8 for a limited period to be stated by the court.

9 (b) If the court determines that it is in the child's best  
10 interests based upon compelling reasons, the child's placement in  
11 foster care may continue on a long-term basis.

12 (c) Subject to subsection (9), if the court determines that it  
13 is in the child's best interests, appoint a guardian for the child,  
14 which guardianship may continue until the child is emancipated.

15 (8) A guardian appointed under subsection (7)(c) has all of  
16 the powers and duties set forth under section 15 of the estates and  
17 protected individuals code, 1998 PA 386, MCL 700.5215.

18 (9) If a child is placed in a guardian's or a proposed  
19 guardian's home under subsection (7)(c), the court shall order the  
20 ~~department of human services~~ to perform an investigation and file a  
21 written report of the investigation for a review under subsection  
22 (10) and the court shall order the ~~department of human services~~ to  
23 do all of the following:

24 (a) Perform a criminal record check within 7 days.

25 (b) Perform a central registry clearance within 7 days.

26 (c) Perform a home study and file a copy of the home study  
27 with the court within 30 days unless a home study has been

1 performed within the immediately preceding 365 days, under section  
2 13a(10) of this chapter. If a home study has been performed within  
3 the immediately preceding 365 days, a copy of that home study shall  
4 be submitted to the court.

5 (10) The court's jurisdiction over a juvenile under section  
6 2(b) of this chapter shall be terminated after the court appoints a  
7 guardian under this section and conducts a review hearing under  
8 section 19 of this chapter, unless the juvenile is released sooner  
9 by the court.

10 (11) The court's jurisdiction over a guardianship created  
11 under this section shall continue until released by court order.  
12 The court shall review a guardianship created under this section  
13 annually and may conduct additional reviews as the court considers  
14 necessary. The court may order the department ~~of human services~~ or  
15 a court employee to conduct an investigation and file a written  
16 report of the investigation.

17 (12) In making the determinations under this section, the  
18 court shall consider any written or oral information concerning the  
19 child from the child's parent, guardian, custodian, foster parent,  
20 child caring institution, relative with whom the child is placed,  
21 or guardian ad litem in addition to any other evidence, including  
22 the appropriateness of parenting time, offered at the hearing.

23 (13) The court may, on its own motion or upon petition from  
24 the department ~~of human services~~ or the child's lawyer guardian ad  
25 litem, hold a hearing to determine whether a guardianship appointed  
26 under this section shall be revoked.

27 (14) A guardian may petition the court for permission to

1 terminate the guardianship. A petition may include a request for  
2 appointment of a successor guardian.

3 (15) After notice and hearing on a petition for revocation or  
4 permission to terminate the guardianship, if the court finds by a  
5 preponderance of evidence that continuation of the guardianship is  
6 not in the child's best interests, the court shall revoke or  
7 terminate the guardianship and appoint a successor guardian or  
8 restore temporary legal custody to the department. ~~of human~~  
9 ~~services.~~

10 Sec. 19c. (1) Except as provided in section 19(4) of this  
11 chapter and subject to subsection (14), if a child remains in  
12 placement following the termination of parental rights to the  
13 child, the court shall conduct a review hearing not more than 91  
14 days after the termination of parental rights and no later than  
15 every 91 days after that hearing for the first year following  
16 termination of parental rights to the child. If a child remains in  
17 a placement for more than 1 year following termination of parental  
18 rights to the child, a review hearing shall be held no later than  
19 182 days from the immediately preceding review hearing before the  
20 end of the first year and no later than every 182 days from each  
21 preceding review hearing thereafter until the case is dismissed. A  
22 review hearing under this subsection shall not be canceled or  
23 delayed beyond the number of days required in this subsection,  
24 regardless of whether any other matters are pending. Upon motion by  
25 any party or in the court's discretion, a review hearing may be  
26 accelerated to review any element of the case. The court shall  
27 conduct the first permanency planning hearing within 12 months from

1 the date that the child was originally removed from the home.  
2 Subsequent permanency planning hearings shall be held within 12  
3 months of the preceding permanency planning hearing. If proper  
4 notice for a permanency planning hearing is provided, a permanency  
5 planning hearing may be combined with a review hearing held under  
6 section 19(2) to (4) of this chapter. A permanency planning hearing  
7 under this section shall not be canceled or delayed beyond the  
8 number of months required in this subsection, regardless of whether  
9 any other matters are pending. At a hearing under this section, the  
10 court shall review all of the following:

11 (a) The appropriateness of the permanency planning goal for  
12 the child.

13 (b) The appropriateness of the child's placement.

14 (c) The reasonable efforts being made to place the child for  
15 adoption or in other permanent placement in a timely manner.

16 (2) Subject to subsection (3), if the court determines that it  
17 is in the child's best interests, the court may appoint a guardian  
18 for the child.

19 (3) The court shall not appoint a guardian for the child  
20 without the written consent of the MCI superintendent or his or her  
21 designee. The MCI superintendent or his or her designee shall  
22 consult with the child's lawyer guardian ad litem when considering  
23 whether to grant written consent.

24 (4) If a person believes that the decision to withhold the  
25 consent required in subsection (3) is arbitrary or capricious, the  
26 person may file a motion with the court. A motion under this  
27 subsection shall contain information regarding both of the

1 following:

2 (a) The specific steps taken by the person to obtain the  
3 consent required and the results, if any.

4 (b) The specific reasons why the person believes that the  
5 decision to withhold consent was arbitrary or capricious.

6 (5) If a motion is filed under subsection (4), the court shall  
7 set a hearing date and provide notice to the MCI superintendent,  
8 the foster parents, the prospective guardian, the child, and the  
9 child's lawyer guardian ad litem.

10 (6) Subject to subsection (8), if a hearing is held under  
11 subsection (5) and the court finds by clear and convincing evidence  
12 that the decision to withhold consent was arbitrary or capricious,  
13 the court may approve the guardianship without the consent of the  
14 MCI superintendent.

15 (7) A guardian appointed under this section has all of the  
16 powers and duties set forth under section 15 of the estates and  
17 protected individuals code, 1998 PA 386, MCL 700.5215.

18 (8) If a child is placed in a guardian's or a proposed  
19 guardian's home under subsection (2) or (6), the court shall order  
20 the department ~~of human services~~ to perform an investigation and  
21 file a written report of the investigation for a review under  
22 subsection (10) and the court shall order the department ~~of human~~  
23 ~~services~~ to do all of the following:

24 (a) Perform a criminal record check within 7 days.

25 (b) Perform a central registry clearance within 7 days.

26 (c) Perform a home study and file a copy of the home study  
27 with the court within 30 days unless a home study has been

1 performed within the immediately preceding 365 days, under section  
2 13a(10) of this chapter. If a home study has been performed within  
3 the immediately preceding 365 days, a copy of that home study shall  
4 be submitted to the court.

5 (9) The court's jurisdiction over a juvenile under section  
6 2(b) of this chapter and the jurisdiction of the Michigan  
7 children's institute under section 3 of 1935 PA 220, MCL 400.203,  
8 shall be terminated after the court appoints a guardian under this  
9 section and conducts a review hearing under section 19 of this  
10 chapter, unless the juvenile is released sooner by the court.

11 (10) The court's jurisdiction over a guardianship created  
12 under this section shall continue until released by court order.  
13 The court shall review a guardianship created under this section  
14 annually and may conduct additional reviews as the court considers  
15 necessary. The court may order the department ~~of human services~~ or  
16 a court employee to conduct an investigation and file a written  
17 report of the investigation.

18 (11) The court may, on its own motion or upon petition from  
19 the department ~~of human services~~ or the child's lawyer guardian ad  
20 litem, hold a hearing to determine whether a guardianship appointed  
21 under this section shall be revoked.

22 (12) A guardian may petition the court for permission to  
23 terminate the guardianship. A petition may include a request for  
24 appointment of a successor guardian.

25 (13) After notice and hearing on a petition for revocation or  
26 permission to terminate the guardianship, if the court finds by a  
27 preponderance of evidence that continuation of the guardianship is

1 not in the child's best interests, the court shall revoke or  
2 terminate the guardianship and appoint a successor guardian or  
3 commit the child to the Michigan children's institute under section  
4 3 of 1935 PA 220, MCL 400.203.

5 (14) This section applies only to a child's case in which  
6 parental rights to the child were either terminated as the result  
7 of a proceeding under section 2(b) of this chapter or a similar law  
8 of another state or terminated voluntarily following the initiation  
9 of a proceeding under section 2(b) of this chapter or a similar law  
10 of another state. This section applies as long as the child is  
11 subject to the jurisdiction, control, or supervision of the court  
12 or of the Michigan children's institute or other agency.

13 Sec. 28. (1) Before June 1, 1988, the court shall maintain  
14 records of all cases brought before it and as provided in the  
15 juvenile diversion act. The records shall be open only by court  
16 order to persons having a legitimate interest, except that  
17 diversion records shall be open only as provided in the juvenile  
18 diversion act.

19 (2) Beginning June 1, 1988, the court shall maintain records  
20 of all cases brought before it and as provided in the juvenile  
21 diversion act. Except as otherwise provided in this subsection,  
22 records of a case brought before the court shall be open to the  
23 general public. Diversion records shall be open only as provided in  
24 the juvenile diversion act. Except as otherwise provided in section  
25 49 of the crime victim's rights act, 1985 PA 87, MCL 780.799, if  
26 the hearing of a case brought before the court is closed under  
27 section 17 of this chapter, the records of that hearing shall be

1 open only by court order to persons having a legitimate interest.

2 (3) If the court issues an order in respect to payments by a  
3 parent under section 18(2) of this chapter, a copy shall be mailed  
4 to the department of treasury. Action taken against parents or  
5 adults shall not be released for publicity unless the parents or  
6 adults are found guilty of contempt of court. The court shall  
7 furnish the ~~family independence agency~~ **DEPARTMENT** and a county  
8 juvenile agency with reports of the administration of the court in  
9 a form recommended by the Michigan association of probate and  
10 juvenile court judges. Copies of these reports shall, upon request,  
11 be made available to other state departments by the ~~family~~  
12 ~~independence agency~~ **DEPARTMENT**.

13 (4) As used in this section:

14 (a) "Juvenile diversion act" means the juvenile diversion act,  
15 1988 PA 13, MCL 722.821 to 722.831.

16 (b) "Persons having a legitimate interest" includes a member  
17 of a local foster care review board established under 1984 PA 422,  
18 MCL 722.131 to 722.139a.

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