

SUBSTITUTE FOR
HOUSE BILL NO. 5806

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 10C.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 10C

SEC. 1099B. AS USED IN THIS CHAPTER:

(A) "CO-OCCURRING DISORDER" MEANS HAVING 1 OR MORE DISORDERS
RELATING TO THE USE OF ALCOHOL OR OTHER CONTROLLED SUBSTANCES OF
ABUSE AS WELL AS ANY SERIOUS MENTAL ILLNESS, SERIOUS EMOTIONAL
DISTURBANCE, OR DEVELOPMENTAL DISABILITY. A DIAGNOSIS OF CO-
OCCURRING DISORDERS OCCURS WHEN AT LEAST 1 DISORDER OF EACH TYPE
CAN BE ESTABLISHED INDEPENDENT OF THE OTHER AND IS NOT SIMPLY A
CLUSTER OF SYMPTOMS RESULTING FROM 1 DISORDER.

(B) "COURT FUNDING UNIT" MEANS THAT TERM AS DEFINED IN SECTION
151E.

1 (C) "DEVELOPMENTAL DISABILITY" MEANS THAT TERM AS DEFINED IN
2 SECTION 100A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100A.

3 (D) "DOMESTIC VIOLENCE OFFENSE" MEANS ANY CRIME ALLEGED TO
4 HAVE BEEN COMMITTED BY A JUVENILE AGAINST A FAMILY MEMBER, AN
5 INDIVIDUAL WITH WHOM THE JUVENILE HAS A CHILD IN COMMON, AN
6 INDIVIDUAL WITH WHOM THE JUVENILE HAS HAD A DATING RELATIONSHIP, OR
7 AN INDIVIDUAL WHO RESIDES OR HAS RESIDED IN THE SAME HOUSEHOLD AS
8 THE JUVENILE.

9 (E) "JUVENILE MENTAL HEALTH COURT" MEANS ALL OF THE FOLLOWING:

10 (i) A COURT-SUPERVISED TREATMENT PROGRAM FOR JUVENILES WHO ARE
11 DIAGNOSED BY A MENTAL HEALTH PROFESSIONAL WITH HAVING A SERIOUS
12 EMOTIONAL DISTURBANCE, CO-OCCURRING DISORDER, OR DEVELOPMENTAL
13 DISABILITY.

14 (ii) PROGRAMS DESIGNED TO ADHERE TO THE 7 COMMON
15 CHARACTERISTICS OF A JUVENILE MENTAL HEALTH COURT AS DESCRIBED
16 UNDER SECTION 1099C(3).

17 (iii) PROGRAMS DESIGNED TO ADHERE TO THE 10 ESSENTIAL ELEMENTS
18 OF A MENTAL HEALTH COURT PROMULGATED BY THE BUREAU OF JUSTICE
19 ASSISTANCE, OR AMENDED, THAT INCLUDE ALL OF THE FOLLOWING
20 CHARACTERISTICS:

21 (A) A BROAD-BASED GROUP OF STAKEHOLDERS REPRESENTING THE
22 CRIMINAL JUSTICE SYSTEM, THE JUVENILE JUSTICE SYSTEM, THE MENTAL
23 HEALTH SYSTEM, THE SUBSTANCE ABUSE TREATMENT SYSTEM, ANY RELATED
24 SYSTEMS, AND THE COMMUNITY GUIDE THE PLANNING AND ADMINISTRATION OF
25 THE COURT.

26 (B) ELIGIBILITY CRITERIA THAT ADDRESS PUBLIC SAFETY AND A
27 COMMUNITY'S TREATMENT CAPACITY, IN ADDITION TO THE AVAILABILITY OF

1 ALTERNATIVES TO PRETRIAL DETENTION FOR JUVENILES WITH MENTAL
2 ILLNESSES, AND THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN
3 MENTAL ILLNESS AND A JUVENILE'S OFFENSES, WHILE ALLOWING THE
4 INDIVIDUAL CIRCUMSTANCES OF EACH CASE TO BE CONSIDERED.

5 (C) PARTICIPANTS ARE IDENTIFIED, REFERRED, AND ACCEPTED INTO
6 MENTAL HEALTH COURTS, AND THEN LINKED TO COMMUNITY-BASED SERVICE
7 PROVIDERS AS QUICKLY AS POSSIBLE.

8 (D) TERMS OF PARTICIPATION ARE CLEAR, PROMOTE PUBLIC SAFETY,
9 FACILITATE THE JUVENILE'S ENGAGEMENT IN TREATMENT, ARE
10 INDIVIDUALIZED TO CORRESPOND TO THE LEVEL OF RISK THAT EACH
11 JUVENILE PRESENTS TO THE COMMUNITY, AND PROVIDE FOR POSITIVE LEGAL
12 OUTCOMES FOR THOSE INDIVIDUALS WHO SUCCESSFULLY COMPLETE THE
13 PROGRAM.

14 (E) IN ACCORDANCE WITH THE MICHIGAN INDIGENT DEFENSE
15 COMMISSION ACT, 2013 PA 93, MCL 780.981 TO 780.1003, PROVIDE LEGAL
16 COUNSEL TO JUVENILE RESPONDENTS TO EXPLAIN PROGRAM REQUIREMENTS,
17 INCLUDING VOLUNTARY PARTICIPATION, AND GUIDE JUVENILES IN DECISIONS
18 ABOUT PROGRAM INVOLVEMENT. PROCEDURES EXIST IN THE JUVENILE MENTAL
19 HEALTH COURT TO ADDRESS, IN A TIMELY FASHION, CONCERNS ABOUT A
20 JUVENILE'S COMPETENCY WHENEVER THEY ARISE.

21 (F) CONNECT PARTICIPANTS TO COMPREHENSIVE AND INDIVIDUALIZED
22 TREATMENT SUPPORTS AND SERVICES IN THE COMMUNITY AND STRIVE TO USE,
23 AND INCREASE THE AVAILABILITY OF, TREATMENT AND SERVICES THAT ARE
24 EVIDENCE BASED.

25 (G) HEALTH AND LEGAL INFORMATION ARE SHARED IN A MANNER THAT
26 PROTECTS POTENTIAL PARTICIPANTS' CONFIDENTIALITY RIGHTS AS MENTAL
27 HEALTH CONSUMERS AND THEIR CONSTITUTIONAL RIGHTS. INFORMATION

1 GATHERED AS PART OF THE PARTICIPANTS' COURT-ORDERED TREATMENT
2 PROGRAM OR SERVICES IS SAFEGUARDED FROM PUBLIC DISCLOSURE IN THE
3 EVENT THAT PARTICIPANTS ARE RETURNED TO TRADITIONAL COURT
4 PROCESSING.

5 (H) A TEAM OF CRIMINAL JUSTICE, IF APPLICABLE, JUVENILE
6 JUSTICE, AND MENTAL HEALTH STAFF AND TREATMENT PROVIDERS RECEIVES
7 SPECIAL, ONGOING TRAINING AND ASSISTS MENTAL HEALTH COURT
8 PARTICIPANTS TO ACHIEVE TREATMENT AND CRIMINAL AND JUVENILE JUSTICE
9 GOALS BY REGULARLY REVIEWING AND REVISING THE COURT PROCESS.

10 (I) CRIMINAL AND JUVENILE JUSTICE AND MENTAL HEALTH STAFF
11 COLLABORATIVELY MONITOR PARTICIPANTS' ADHERENCE TO COURT
12 CONDITIONS, OFFER INDIVIDUALIZED GRADUATED INCENTIVES AND
13 SANCTIONS, AND MODIFY TREATMENT AS NECESSARY TO PROMOTE PUBLIC
14 SAFETY AND PARTICIPANTS' RECOVERY.

15 (J) DATA ARE COLLECTED AND ANALYZED TO DEMONSTRATE THE IMPACT
16 OF THE JUVENILE MENTAL HEALTH COURT, ITS PERFORMANCE IS ASSESSED
17 PERIODICALLY, PROCEDURES ARE MODIFIED ACCORDINGLY, COURT PROCESSES
18 ARE INSTITUTIONALIZED, AND SUPPORT FOR THE COURT IN THE COMMUNITY
19 IS CULTIVATED AND EXPANDED.

20 (F) "MENTAL HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
21 TRAINED AND EXPERIENCED IN THE AREA OF MENTAL ILLNESS OR
22 DEVELOPMENTAL DISABILITIES AND WHO IS 1 OF THE FOLLOWING:

23 (i) A PHYSICIAN.

24 (ii) A PSYCHOLOGIST.

25 (iii) A REGISTERED PROFESSIONAL NURSE LICENSED OR OTHERWISE
26 AUTHORIZED TO ENGAGE IN THE PRACTICE OF NURSING UNDER PART 172 OF
27 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17201 TO 333.17242.

1 (iv) A LICENSED MASTER'S SOCIAL WORKER LICENSED OR OTHERWISE
2 AUTHORIZED TO ENGAGE IN THE PRACTICE OF SOCIAL WORK AT THE MASTER'S
3 LEVEL UNDER PART 185 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
4 333.18501 TO 333.18518.

5 (v) A LICENSED PROFESSIONAL COUNSELOR LICENSED OR OTHERWISE
6 AUTHORIZED TO ENGAGE IN THE PRACTICE OF COUNSELING UNDER PART 181
7 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.18101 TO 333.18117.

8 (vi) A MARRIAGE AND FAMILY THERAPIST LICENSED OR OTHERWISE
9 AUTHORIZED TO ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY
10 UNDER PART 169 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
11 333.16901 TO 333.16915.

12 (G) "PARTICIPANT" MEANS A JUVENILE WHO IS ADMITTED INTO A
13 JUVENILE MENTAL HEALTH COURT.

14 (H) "SERIOUS EMOTIONAL DISTURBANCE" MEANS THAT TERM AS DEFINED
15 IN SECTION 100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL
16 330.1100D.

17 (I) "SERIOUS MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN
18 SECTION 100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100D.

19 (J) "VIOLENT OFFENDER" MEANS A JUVENILE WHO IS ADJUDICATED ON
20 OR HAS BEEN, WITHIN THE PRECEDING 5 YEARS, ADJUDICATED ON 1 OR MORE
21 OF THE FOLLOWING OFFENSES:

22 (i) FIRST DEGREE MURDER.

23 (ii) SECOND DEGREE MURDER.

24 (iii) CRIMINAL SEXUAL CONDUCT IN THE FIRST, SECOND, OR THIRD
25 DEGREE.

26 (iv) ASSAULT WITH INTENT TO DO GREAT BODILY HARM LESS THAN
27 MURDER IN VIOLATION OF SECTION 84 OF THE MICHIGAN PENAL CODE, 1931

1 PA 328, MCL 750.84.

2 SEC. 1099C. (1) A FAMILY DIVISION OF CIRCUIT COURT IN ANY
3 JUDICIAL CIRCUIT MAY ADOPT OR INSTITUTE A JUVENILE MENTAL HEALTH
4 COURT PURSUANT TO STATUTE OR COURT RULES. THE CREATION OR EXISTENCE
5 OF A JUVENILE MENTAL HEALTH COURT DOES NOT ALTER OR AFFECT THE LAW
6 OR COURT RULES CONCERNING DISCHARGE OR DISMISSAL OF AN OFFENSE, OR
7 ADJUDICATION. A FAMILY DIVISION OF CIRCUIT COURT ADOPTING OR
8 INSTITUTING A JUVENILE MENTAL HEALTH COURT SHALL ENTER INTO A
9 MEMORANDUM OF UNDERSTANDING WITH ALL PARTICIPATING PROSECUTING
10 AUTHORITIES IN THE CIRCUIT, A REPRESENTATIVE OR REPRESENTATIVES OF
11 THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM, A REPRESENTATIVE OF
12 THE BAR SPECIALIZING IN JUVENILE LAW, AND A REPRESENTATIVE OR
13 REPRESENTATIVES OF COMMUNITY TREATMENT PROVIDERS THAT DESCRIBES THE
14 ROLES AND RESPONSIBILITIES OF EACH PARTY TO THE MEMORANDUM OF
15 UNDERSTANDING. THE MEMORANDUM OF UNDERSTANDING ALSO MAY INCLUDE
16 OTHER PARTIES CONSIDERED NECESSARY, INCLUDING, BUT NOT LIMITED TO,
17 A REPRESENTATIVE OR REPRESENTATIVES OF THE LOCAL COURT FUNDING UNIT
18 OR A DOMESTIC VIOLENCE SERVICE PROVIDER PROGRAM THAT RECEIVES
19 FUNDING FROM THE MICHIGAN DOMESTIC AND SEXUAL VIOLENCE PREVENTION
20 AND TREATMENT BOARD.

21 (2) A COURT THAT HAS ADOPTED A JUVENILE MENTAL HEALTH COURT
22 UNDER THIS SECTION MAY ACCEPT PARTICIPANTS FROM ANY OTHER
23 JURISDICTION IN THIS STATE BASED UPON THE RESIDENCE OF THE
24 PARTICIPANT IN THE RECEIVING JURISDICTION. A JUVENILE MENTAL HEALTH
25 COURT MAY REFUSE TO ACCEPT PARTICIPANTS FROM OTHER JURISDICTIONS.

26 (3) A COURT THAT HAS ADOPTED A JUVENILE MENTAL HEALTH COURT
27 UNDER THIS SECTION SHALL COMPLY WITH THE 7 COMMON CHARACTERISTICS

1 OF A JUVENILE MENTAL HEALTH COURT PUBLISHED BY POLICY RESEARCH
2 ASSOCIATES, INCLUDING ALL OF THE FOLLOWING:

3 (A) REGULARLY SCHEDULED SPECIAL DOCKET.

4 (B) LESS FORMAL STYLE OF INTERACTION AMONG COURT OFFICIALS AND
5 PARTICIPANTS.

6 (C) AGE-APPROPRIATE SCREENING AND ASSESSMENT FOR TRAUMA,
7 SUBSTANCE USE, AND MENTAL DISORDER.

8 (D) TEAM MANAGEMENT OF A PARTICIPANT'S TREATMENT AND
9 SUPERVISION.

10 (E) SYSTEM-WIDE ACCOUNTABILITY ENFORCED BY THE JUVENILE MENTAL
11 HEALTH COURT.

12 (F) USE OF GRADUATED INCENTIVES AND SANCTIONS.

13 (G) DEFINED CRITERIA FOR PROGRAM SUCCESS.

14 (4) BEGINNING JANUARY 1, 2019, A JUVENILE MENTAL HEALTH COURT
15 OPERATING IN THIS STATE, OR A CIRCUIT COURT IN ANY JUDICIAL CIRCUIT
16 OR THE DISTRICT COURT IN ANY JUDICIAL DISTRICT SEEKING TO ADOPT OR
17 INSTITUTE A JUVENILE MENTAL HEALTH COURT, MUST BE CERTIFIED BY THE
18 STATE COURT ADMINISTRATIVE OFFICE. THE STATE COURT ADMINISTRATIVE
19 OFFICE SHALL ESTABLISH THE PROCEDURE FOR CERTIFICATION. APPROVAL
20 AND CERTIFICATION UNDER THIS SUBSECTION OF A JUVENILE MENTAL HEALTH
21 COURT IS REQUIRED TO BEGIN OR TO CONTINUE THE OPERATION OF A
22 JUVENILE MENTAL HEALTH COURT UNDER THIS CHAPTER. THE STATE COURT
23 ADMINISTRATIVE OFFICE SHALL NOT RECOGNIZE AND INCLUDE A JUVENILE
24 MENTAL HEALTH COURT THAT IS NOT CERTIFIED UNDER THIS SUBSECTION ON
25 THE STATEWIDE OFFICIAL LIST OF JUVENILE MENTAL HEALTH COURTS. THE
26 STATE COURT ADMINISTRATIVE OFFICE SHALL INCLUDE A JUVENILE MENTAL
27 HEALTH COURT CERTIFIED UNDER THIS SUBSECTION ON THE STATEWIDE

1 OFFICIAL LIST OF JUVENILE MENTAL HEALTH COURTS. A JUVENILE MENTAL
2 HEALTH COURT THAT IS NOT CERTIFIED UNDER THIS SUBSECTION SHALL NOT
3 PERFORM ANY OF THE FUNCTIONS OF A JUVENILE MENTAL HEALTH COURT,
4 INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING FUNCTIONS:

5 (A) CHARGING A FEE UNDER SECTION 1099H.

6 (B) DISCHARGING AND DISMISSING A CASE AS PROVIDED IN SECTION
7 1099K.

8 (C) RECEIVING FUNDING UNDER SECTION 1099M.

9 SEC. 1099D. A JUVENILE MENTAL HEALTH COURT SHALL HIRE,
10 CONTRACT, OR WORK IN CONJUNCTION WITH MENTAL HEALTH PROFESSIONALS,
11 IN CONSULTATION WITH THE LOCAL COMMUNITY MENTAL HEALTH SERVICE
12 PROVIDER, AND OTHER SUCH APPROPRIATE PERSONS TO ASSIST THE JUVENILE
13 MENTAL HEALTH COURT IN FULFILLING ITS REQUIREMENTS UNDER THIS
14 CHAPTER.

15 SEC. 1099E. (1) EACH JUVENILE MENTAL HEALTH COURT SHALL
16 DETERMINE WHETHER A JUVENILE MAY BE ADMITTED. NO JUVENILE HAS A
17 RIGHT TO BE ADMITTED INTO A JUVENILE MENTAL HEALTH COURT. ADMISSION
18 INTO A JUVENILE MENTAL HEALTH COURT PROGRAM IS AT THE DISCRETION OF
19 THE COURT BASED ON THE JUVENILE'S LEGAL AND CLINICAL ELIGIBILITY. A
20 COURT HAS THE DISCRETION TO CONSIDER A JUVENILE'S PRIOR
21 PARTICIPATION OR COMPLETION STATUS IN A JUVENILE MENTAL HEALTH
22 COURT. A JUVENILE MAY BE ADMITTED TO JUVENILE MENTAL HEALTH COURT,
23 REGARDLESS OF PRIOR PARTICIPATION OR PRIOR COMPLETION STATUS.
24 HOWEVER, A VIOLENT OFFENDER MUST NOT BE ADMITTED INTO JUVENILE
25 MENTAL HEALTH COURT. A JUVENILE WHO HAS FAILED 2 OR MORE TIMES IN
26 HIS OR HER PARTICIPATION IN OR COMPLETION OF A JUVENILE MENTAL
27 HEALTH COURT PROGRAM MAY NOT BE READMITTED INTO JUVENILE MENTAL

1 HEALTH COURT WITHIN 3 YEARS OF A PRIOR ADJUDICATION.

2 (2) ADMISSION TO A JUVENILE MENTAL HEALTH COURT DOES NOT
3 DISQUALIFY A JUVENILE FOR ANY OTHER DISPOSITIONAL OPTIONS AVAILABLE
4 UNDER STATE LAW OR COURT RULE.

5 (3) TO BE ADMITTED TO A JUVENILE MENTAL HEALTH COURT, A
6 JUVENILE SHALL COOPERATE WITH AND COMPLETE A PREADMISSION SCREENING
7 AND ASSESSMENT AND SHALL SUBMIT TO ANY FUTURE ASSESSMENT AS
8 DIRECTED BY THE JUVENILE MENTAL HEALTH COURT. A PREADMISSION
9 SCREENING AND ASSESSMENT MUST INCLUDE ALL OF THE FOLLOWING:

10 (A) A REVIEW OF THE JUVENILE'S DELINQUENCY HISTORY. A REVIEW
11 OF THE LAW ENFORCEMENT INFORMATION NETWORK MAY BE CONSIDERED
12 SUFFICIENT FOR PURPOSES OF THIS SUBDIVISION UNLESS A FURTHER REVIEW
13 IS WARRANTED. THE COURT MAY ACCEPT OTHER VERIFIABLE AND RELIABLE
14 INFORMATION FROM THE PROSECUTION OR DEFENSE TO COMPLETE ITS REVIEW
15 AND MAY REQUIRE THE JUVENILE TO SUBMIT A STATEMENT AS TO WHETHER OR
16 NOT HE OR SHE HAS PREVIOUSLY BEEN ADMITTED TO A JUVENILE MENTAL
17 HEALTH COURT AND THE RESULTS OF HIS OR HER PARTICIPATION IN THE
18 PRIOR PROGRAM OR PROGRAMS.

19 (B) AN ASSESSMENT OF THE RISK OF DANGER OR HARM TO THE
20 JUVENILE, OTHERS, AND THE COMMUNITY USING STANDARDIZED INSTRUMENTS
21 THAT HAVE ACCEPTABLE RELIABILITY AND VALIDITY.

22 (C) A MENTAL HEALTH ASSESSMENT, PERFORMED BY A MENTAL HEALTH
23 PROFESSIONAL, FOR AN EVALUATION OF A SERIOUS EMOTIONAL DISTURBANCE,
24 CO-OCCURRING DISORDER, OR DEVELOPMENTAL DISABILITY.

25 (D) A REVIEW OF THE JUVENILE'S FAMILY SITUATION, SPECIAL
26 NEEDS, OR CIRCUMSTANCES THAT MAY POTENTIALLY AFFECT THE JUVENILE'S
27 ABILITY TO RECEIVE MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT AND

1 FOLLOW THE COURT'S ORDERS, INCLUDING INPUT FROM FAMILY, CAREGIVERS,
2 OR OTHER COLLATERAL SUPPORTS.

3 (4) EXCEPT AS OTHERWISE PERMITTED IN THIS CHAPTER, ANY
4 STATEMENT OR OTHER INFORMATION OBTAINED AS A RESULT OF
5 PARTICIPATING IN A PREADMISSION SCREENING AND ASSESSMENT UNDER
6 SUBSECTION (3) IS CONFIDENTIAL AND IS EXEMPT FROM DISCLOSURE UNDER
7 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
8 AND MUST NOT BE USED IN ANY FUTURE JUVENILE DELINQUENCY PROCEEDING.

9 (5) THE COURT MAY REQUEST THAT THE DEPARTMENT OF STATE POLICE
10 PROVIDE TO THE COURT INFORMATION CONTAINED IN THE LAW ENFORCEMENT
11 INFORMATION NETWORK PERTAINING TO A JUVENILE CRIMINAL HISTORY FOR
12 THE PURPOSES OF DETERMINING A JUVENILE'S ELIGIBILITY FOR ADMISSION
13 INTO THE JUVENILE MENTAL HEALTH COURT.

14 SEC. 1099F. (1) IF THE JUVENILE IS ALLEGED TO HAVE ENGAGED IN
15 ACTIVITY THAT WOULD CONSTITUTE A CRIMINAL ACT IF COMMITTED BY AN
16 ADULT, HIS OR HER ADMISSION TO JUVENILE MENTAL HEALTH COURT IS
17 SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

18 (A) THE JUVENILE ADMITS RESPONSIBILITY FOR THE VIOLATION OR
19 VIOLATIONS THAT HE OR SHE IS ACCUSED OF HAVING COMMITTED.

20 (B) THE PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN, AND
21 JUVENILE ARE REQUIRED TO SIGN ALL DOCUMENTS FOR THE JUVENILE'S
22 ADMISSION IN THE JUVENILE MENTAL HEALTH COURT, INCLUDING A WRITTEN
23 AGREEMENT TO PARTICIPATE IN THE JUVENILE MENTAL HEALTH COURT.

24 (2) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PRECLUDE A
25 COURT FROM PROVIDING MENTAL HEALTH SERVICES TO A JUVENILE BEFORE HE
26 OR SHE ADMITS RESPONSIBILITY AND IS ACCEPTED INTO THE JUVENILE
27 MENTAL HEALTH COURT.

1 (3) A JUVENILE WHO HAS ADMITTED RESPONSIBILITY, AS PART OF HIS
2 OR HER REFERRAL PROCESS TO A JUVENILE MENTAL HEALTH COURT, AND WHO
3 IS SUBSEQUENTLY NOT ADMITTED TO A JUVENILE MENTAL HEALTH COURT MAY
4 WITHDRAW HIS OR HER ADMISSION OF RESPONSIBILITY.

5 (4) THIS SECTION DOES NOT APPLY TO STATUS OFFENSES.

6 SEC. 1099G. IN ADDITION TO RIGHTS ACCORDED A VICTIM UNDER THE
7 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL
8 780.751 TO 780.834, THE JUVENILE MENTAL HEALTH COURT SHALL PERMIT
9 ANY VICTIM OF THE OFFENSE OR OFFENSES FOR WHICH THE JUVENILE HAS
10 BEEN PETITIONED TO SUBMIT A WRITTEN STATEMENT TO THE COURT
11 REGARDING THE ADVISABILITY OF ADMITTING THE JUVENILE INTO THE
12 JUVENILE MENTAL HEALTH COURT.

13 SEC. 1099H. UPON ADMITTING A JUVENILE INTO A JUVENILE MENTAL
14 HEALTH COURT, ALL OF THE FOLLOWING APPLY:

15 (A) THE COURT SHALL ENTER AN ADJUDICATION UPON ACCEPTANCE OF A
16 JUVENILE'S ADMITTANCE OF RESPONSIBILITY TO THE OFFENSE.

17 (B) UNLESS A MEMORANDUM OF UNDERSTANDING MADE PURSUANT TO
18 SECTION 1088 BETWEEN A RECEIVING JUVENILE MENTAL HEALTH COURT AND
19 THE COURT OF ORIGINAL JURISDICTION PROVIDES OTHERWISE, THE ORIGINAL
20 COURT OF JURISDICTION MAINTAINS JURISDICTION OVER THE JUVENILE
21 MENTAL HEALTH COURT PARTICIPANT AS PROVIDED IN THIS CHAPTER UNTIL
22 FINAL DISPOSITION OF THE CASE. THE COURT MAY RECEIVE JURISDICTION
23 OVER THE JUVENILE'S PARENTS OR GUARDIANS UNDER SECTION 6 OF CHAPTER
24 XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.6, IN ORDER
25 TO ASSIST IN ENSURING THE JUVENILE'S CONTINUED PARTICIPATION AND
26 SUCCESSFUL COMPLETION OF THE JUVENILE MENTAL HEALTH COURT AND MAY
27 ISSUE AND ENFORCE ANY APPROPRIATE AND NECESSARY ORDER REGARDING THE

1 PARENT OR GUARDIAN.

2 (C) THE JUVENILE MENTAL HEALTH COURT MAY REQUIRE A JUVENILE
3 AND HIS OR HER PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN ADMITTED
4 INTO THE COURT TO PAY A REASONABLE JUVENILE MENTAL HEALTH COURT FEE
5 THAT IS REASONABLY RELATED TO THE COST TO THE COURT FOR
6 ADMINISTERING THE JUVENILE MENTAL HEALTH COURT PROGRAM AS PROVIDED
7 IN THE MEMORANDUM OF UNDERSTANDING. THE JUVENILE MENTAL HEALTH
8 COURT SHALL TRANSMIT THE FEES COLLECTED TO THE TREASURER OF THE
9 LOCAL FUNDING UNIT AT THE END OF EACH MONTH.

10 SEC. 1099I. (1) A JUVENILE MENTAL HEALTH COURT SHALL PROVIDE A
11 JUVENILE MENTAL HEALTH COURT PARTICIPANT WITH ALL OF THE FOLLOWING:

12 (A) CONSISTENT AND CLOSE MONITORING OF THE JUVENILE'S
13 TREATMENT AND RECOVERY.

14 (B) IF FOUND NECESSARY OR APPROPRIATE, PERIODIC AND RANDOM
15 TESTING FOR THE PRESENCE OF ANY NONPRESCRIBED CONTROLLED SUBSTANCE
16 OR ALCOHOL AS WELL AS COMPLIANCE WITH OR EFFECTIVENESS OF
17 PRESCRIBED MEDICATION USING TO THE EXTENT PRACTICABLE THE BEST
18 AVAILABLE, ACCEPTED, AND SCIENTIFICALLY VALID METHODS.

19 (C) PERIODIC JUDICIAL REVIEWS OF THE PARTICIPANT'S
20 CIRCUMSTANCES AND PROGRESS IN THE PROGRAM.

21 (D) A REGIMEN OR STRATEGY OF INDIVIDUALIZED AND GRADUATED BUT
22 IMMEDIATE REWARDS FOR COMPLIANCE AND SANCTIONS FOR NONCOMPLIANCE,
23 INCLUDING, BUT NOT LIMITED TO, THE POSSIBILITY OF DETAINMENT.

24 (E) MENTAL HEALTH SERVICES, SUBSTANCE USE DISORDER SERVICES,
25 EDUCATION, AND VOCATIONAL OPPORTUNITIES AS APPROPRIATE AND
26 PRACTICAL.

27 (2) UPON A JUVENILE'S COMPLETION OF THE REQUIRED JUVENILE

1 MENTAL HEALTH COURT PROGRAM PARTICIPATION, AN EXIT EVALUATION
2 SHOULD BE CONDUCTED IN ORDER TO ASSESS THE JUVENILE'S CONTINUING
3 NEED FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, OR SUBSTANCE
4 ABUSE SERVICES.

5 (3) ANY STATEMENT OR OTHER INFORMATION OBTAINED AS A RESULT OF
6 PARTICIPATING IN ASSESSMENT, TREATMENT, OR TESTING WHILE IN A
7 JUVENILE MENTAL HEALTH COURT IS CONFIDENTIAL AND IS EXEMPT FROM
8 DISCLOSURE UNDER THE UNITED STATES CONSTITUTION AND STATE
9 CONSTITUTION OF 1963 AND THE FREEDOM OF INFORMATION ACT, 1976 PA
10 442, MCL 15.231 TO 15.246, AND MUST NOT BE USED IN A CRIMINAL
11 PROSECUTION, UNLESS IT REVEALS CRIMINAL ACTS OTHER THAN, OR
12 INCONSISTENT WITH, PERSONAL CONTROLLED SUBSTANCE USE.

13 SEC. 1099J. (1) IN ORDER TO CONTINUE TO PARTICIPATE IN AND
14 SUCCESSFULLY COMPLETE A JUVENILE MENTAL HEALTH COURT PROGRAM, A
15 JUVENILE SHALL COMPLY WITH ALL COURT ORDERS, VIOLATIONS OF WHICH
16 MAY BE SANCTIONED AT THE COURT'S DISCRETION.

17 (2) IF THE JUVENILE IS ACCUSED OF A NEW OFFENSE, THE JUDGE HAS
18 THE DISCRETION TO TERMINATE THE JUVENILE'S PARTICIPATION IN THE
19 JUVENILE MENTAL HEALTH COURT PROGRAM. IF THE JUVENILE IS
20 ADJUDICATED ON OR CONVICTED OF 1 OR MORE OF THE OFFENSES LISTED
21 UNDER SECTION 1099B(J) THAT WAS COMMITTED AFTER HE OR SHE WAS
22 ADMITTED INTO THE JUVENILE MENTAL HEALTH COURT PROGRAM, THE
23 JUVENILE MUST BE IMMEDIATELY DISCHARGED FROM THE PROGRAM AS
24 UNSUCCESSFUL.

25 (3) THE COURT SHALL REQUIRE THAT A JUVENILE PAY ALL COURT
26 FINES, COSTS, COURT FEES, RESTITUTION, AND ASSESSMENTS. HOWEVER,
27 EXCEPT AS OTHERWISE PROVIDED BY LAW, IF THE COURT DETERMINES THAT

1 THE PAYMENT OF COURT FINES, COURT FEES, OR DRUG OR ALCOHOL TESTING
2 EXPENSES UNDER THIS SUBSECTION WOULD BE A SUBSTANTIAL HARDSHIP FOR
3 THE JUVENILE AND THE JUVENILE'S FAMILY OR WOULD INTERFERE WITH THE
4 JUVENILE'S TREATMENT, THE COURT MAY WAIVE ALL OR PART OF THOSE
5 COURT FINES, COURT FEES, OR DRUG OR ALCOHOL TESTING EXPENSES EXCEPT
6 THOSE REQUIRED BY STATUTE.

7 (4) THE RESPONSIBLE MENTAL HEALTH PROVIDER SHALL NOTIFY THE
8 COURT OF A PARTICIPANT'S FORMAL OBJECTION TO HIS OR HER WRITTEN
9 INDIVIDUAL PLAN OF SERVICES DEVELOPED UNDER SECTION 712(2) OF THE
10 MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1712. HOWEVER, THE COURT
11 IS NOT OBLIGATED TO TAKE ANY ACTION IN RESPONSE TO A NOTICE
12 RECEIVED UNDER THIS SUBSECTION.

13 SEC. 1099K. (1) UPON A PARTICIPANT'S COMPLETION OR TERMINATION
14 OF THE JUVENILE MENTAL HEALTH COURT PROGRAM, THE COURT SHALL FIND
15 ON THE RECORD OR PLACE A WRITTEN STATEMENT IN THE COURT FILE
16 INDICATING WHETHER THE PARTICIPANT COMPLETED THE PROGRAM
17 SUCCESSFULLY OR WHETHER THE JUVENILE'S PARTICIPATION IN THE PROGRAM
18 WAS TERMINATED AND, IF IT WAS TERMINATED, THE REASON FOR THE
19 TERMINATION.

20 (2) THE COURT, WITH THE AGREEMENT OF THE PROSECUTOR AND IN
21 CONFORMITY WITH THE TERMS AND CONDITIONS OF THE MEMORANDUM OF
22 UNDERSTANDING UNDER SECTION 1099C, MAY DISCHARGE AND DISMISS THE
23 PROCEEDINGS.

24 (3) EXCEPT AS PROVIDED IN SUBSECTION (2), IF A JUVENILE HAS
25 SUCCESSFULLY COMPLETED PROBATION OR OTHER COURT SUPERVISION, THE
26 COURT SHALL DO THE FOLLOWING:

27 (A) IF THE COURT HAS NOT ALREADY DISPOSED OF THE JUVENILE,

1 PROCEED TO DISPOSITION PURSUANT TO THE AGREEMENT UNDER WHICH THE
2 JUVENILE WAS ADMITTED INTO JUVENILE MENTAL HEALTH COURT.

3 (B) SEND A RECORD OF ADJUDICATION OF RESPONSIBILITY AND
4 DISPOSITION TO THE DEPARTMENT OF STATE POLICE AND SECRETARY OF
5 STATE, AS APPLICABLE.

6 (4) EXCEPT FOR PROGRAM TERMINATION DUE TO THE COMMISSION OF A
7 NEW OFFENSE, FAILURE TO COMPLETE A JUVENILE MENTAL HEALTH COURT
8 PROGRAM MUST NOT BE A PREJUDICIAL FACTOR IN DISPOSITION. ALL
9 RECORDS OF THE PROCEEDINGS REGARDING THE PARTICIPATION OF THE
10 JUVENILE IN THE JUVENILE MENTAL HEALTH COURT MUST REMAIN CLOSED TO
11 PUBLIC INSPECTION AND ARE EXEMPT FROM PUBLIC DISCLOSURE, INCLUDING
12 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
13 15.231 TO 15.246.

14 SEC. 1099/. (1) EACH JUVENILE MENTAL HEALTH COURT SHALL
15 COLLECT AND PROVIDE DATA ON EACH INDIVIDUAL APPLICANT AND
16 PARTICIPANT AND THE ENTIRE PROGRAM AS REQUIRED BY THE STATE COURT
17 ADMINISTRATIVE OFFICE. THE STATE COURT ADMINISTRATIVE OFFICE SHALL
18 PROVIDE APPROPRIATE TRAINING TO ALL COURTS ENTERING DATA, AS
19 DIRECTED BY THE SUPREME COURT.

20 (2) EACH JUVENILE MENTAL HEALTH COURT SHALL MAINTAIN FILES OR
21 DATABASES ON EACH INDIVIDUAL PARTICIPANT IN THE PROGRAM FOR REVIEW
22 AND EVALUATION AS WELL AS TREATMENT, AS DIRECTED BY THE STATE COURT
23 ADMINISTRATIVE OFFICE. THE INFORMATION COLLECTED FOR EVALUATION
24 PURPOSES MUST INCLUDE A MINIMUM STANDARD DATA SET DEVELOPED AND
25 SPECIFIED BY THE STATE COURT ADMINISTRATIVE OFFICE.

26 (3) AS DIRECTED BY THE SUPREME COURT, THE STATE COURT
27 ADMINISTRATIVE OFFICE SHALL PROVIDE STANDARDS FOR JUVENILE MENTAL

1 HEALTH COURTS IN THIS STATE, INCLUDING, BUT NOT LIMITED TO,
2 DEVELOPING A LIST OF APPROVED MEASUREMENT INSTRUMENTS AND
3 INDICATORS FOR DATA COLLECTION AND EVALUATION. THESE STANDARDS MUST
4 PROVIDE COMPARABILITY BETWEEN PROGRAMS AND THEIR OUTCOMES.

5 (4) THE INFORMATION COLLECTED UNDER THIS SECTION REGARDING
6 INDIVIDUAL APPLICANTS TO JUVENILE MENTAL HEALTH COURT PROGRAMS FOR
7 THE PURPOSE OF APPLICATION TO THAT PROGRAM AND PARTICIPANTS WHO
8 HAVE SUCCESSFULLY COMPLETED JUVENILE MENTAL HEALTH COURTS IS EXEMPT
9 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
10 MCL 15.231 TO 15.246.

11 SEC. 1099M. (1) THE SUPREME COURT IS RESPONSIBLE FOR THE
12 EXPENDITURE OF STATE FUNDS FOR THE ESTABLISHMENT AND OPERATION OF
13 JUVENILE MENTAL HEALTH COURTS.

14 (2) EACH JUVENILE MENTAL HEALTH COURT SHALL REPORT QUARTERLY
15 TO THE STATE COURT ADMINISTRATIVE OFFICE IN A MANNER PRESCRIBED BY
16 THE STATE COURT ADMINISTRATIVE OFFICE ON THE STATE FUNDS RECEIVED
17 AND EXPENDED BY THAT JUVENILE MENTAL HEALTH COURT.

18 (3) THE STATE COURT ADMINISTRATIVE OFFICE MAY ESTABLISH AN
19 ADVISORY COMMITTEE. IF ESTABLISHED, THIS COMMITTEE MUST BE SEPARATE
20 FROM AND INDEPENDENT OF THE STATE'S DRUG TREATMENT COURT ADVISORY
21 COMMITTEE.

22 (4) AS DIRECTED BY THE SUPREME COURT, THE STATE COURT
23 ADMINISTRATIVE OFFICE SHALL, IN CONJUNCTION WITH THE DEPARTMENT OF
24 HEALTH AND HUMAN SERVICES, ASSURE THAT TRAINING AND TECHNICAL
25 ASSISTANCE ARE AVAILABLE AND PROVIDED TO ALL JUVENILE MENTAL HEALTH
26 COURTS.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless House Bill No. 5807 of the 99th Legislature is enacted into
4 law.