

HOUSE BILL No. 5836

May 13, 1992, Introduced by Rep. Strand and referred to the Committee on Judiciary.

A bill to amend section 18c of chapter XIIIA of Act No. 288 of the Public Acts of 1939, entitled as amended

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

as added by Act No. 54 of the Public Acts of 1988, being section 712A.18c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 18c of chapter XIIA of Act No. 288 of
2 the Public Acts of 1939, as added by Act No. 54 of the Public
3 Acts of 1988, being section 712A.18c of the Michigan Compiled
4 Laws, is amended to read as follows:

5 CHAPTER XIIA

6 Sec. 18c. (1) If a child is committed under
7 section 18(1)(e) of this chapter for an offense ~~which~~ THAT, if
8 committed by an adult, would be punishable by imprisonment for
9 more than 1 year or an offense expressly designated by law to be
10 a felony, the court shall retain jurisdiction over the child.
11 FOLLOWING COMMITMENT, A CHILD'S PLACEMENT MAY BE CHANGED FROM A
12 LESS RESTRICTIVE TO A MORE RESTRICTIVE INSTITUTION, AGENCY, OR
13 FACILITY ONLY AFTER A HEARING BEFORE THE COURT. A HEARING IS NOT
14 REQUIRED FOR A CHANGE IN PLACEMENT FROM A MORE RESTRICTIVE TO
15 LESS RESTRICTIVE INSTITUTION, AGENCY, OR FACILITY.

16 (2) If a child is committed under section 18(1)(e) of this
17 chapter and the child was adjudicated as being in the court's
18 jurisdiction under section 2(a) of this chapter, the court shall
19 retain jurisdiction over the child. FOLLOWING COMMITMENT, A
20 CHILD'S PLACEMENT MAY BE CHANGED FROM A LESS RESTRICTIVE TO A
21 MORE RESTRICTIVE INSTITUTION, AGENCY, OR FACILITY ONLY AFTER A
22 HEARING BEFORE THE COURT. A HEARING IS NOT REQUIRED FOR A CHANGE
23 IN PLACEMENT FROM A MORE RESTRICTIVE TO LESS RESTRICTIVE INSTITU-
24 TION, AGENCY, OR FACILITY. This subsection shall take effect
25 June 1, 1991.

1 (3) If the court has retained jurisdiction over a child
2 under this section, the court shall conduct an annual review of
3 the services being provided to the child, the child's placement,
4 and the child's progress in that placement. In conducting this
5 review, the court shall examine the child's annual report pre-
6 pared pursuant to section 3 of the juvenile facilities act, ACT
7 NO. 73 OF THE PUBLIC ACTS OF 1988, BEING SECTION 803.223 OF THE
8 MICHIGAN COMPILED LAWS. The court may order changes in the
9 child's placement or treatment plan based on the review.

10 (4) If the court has retained jurisdiction over a child
11 under this section, the child may be released only with the
12 approval of the court. Except as otherwise provided in
13 section 18d, the child shall be automatically released upon
14 reaching 19 years of age.