

SUBSTITUTE FOR
HOUSE BILL NO. 5564

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,"

by amending [section 21 of chapter X and] sections 2, 2a, 2c, 14, 15, 17, 17c, 18, and 26 of

chapter XIIIA (MCL [710.21,] 712A.2, 712A.2a, 712A.2c, 712A.14, 712A.15,

712A.17, 712A.17c, 712A.18, and 712A.26), sections 2, 2a, and 2c as amended by 1996 PA 409, section 14 as amended by 1988 PA 224, section 15 as amended by 1987 PA 72, sections 17 and 17c as

amended by 1997 PA 169, and section 18 as amended by 1997
PA 163.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[CHAPTER X

Sec. 21. (1) THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE
"PROBATE CODE OF 1939".

(2) This chapter shall be known and may be cited as
the "Michigan adoption code".]

1

CHAPTER XIIIA

2

Sec. 2. The court has the following authority and

3 jurisdiction:

4

(a) Exclusive original jurisdiction superior to and regard-
less of the jurisdiction of any other court in proceedings con-
cerning a juvenile under 17 years of age who is found within the
county if 1 or more of the following applies:

8

(1) Except as otherwise provided in this sub-subdivision,
the juvenile has violated any municipal ordinance or law of the
state or of the United States. The court has jurisdiction over a
juvenile 14 years of age or older who is charged with a specified
juvenile violation only if the prosecuting attorney files a peti-
tion in the court instead of authorizing a complaint and
warrant. As used in this sub-subdivision, "specified juvenile
violation" means any of the following:

16

(A) A violation of section 72, 83, 86, 89, 91, 316, 317,
349, 520b, 529, 529a, or 531 of the Michigan penal code, ~~Act~~
~~No. 328 of the Public Acts of 1931, being sections~~ 1931 PA 328,
MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
750.349, 750.520b, 750.529, 750.529a, and 750.531. ~~of the~~
~~Michigan Compiled Laws.~~

22

(B) A violation of section 84 or 110a(2) of ~~Act No. 328 of~~
~~the Public Acts of 1931, being sections~~ THE MICHIGAN PENAL CODE,

23

HB5564, As Passed House, May 6, 1998

2 ~~Laws,~~ if the juvenile is armed with a dangerous weapon. As used
3 in this paragraph, "dangerous weapon" means 1 or more of the
4 following:

5 (i) A loaded or unloaded firearm, whether operable or
6 inoperable.

7 (ii) A knife, stabbing instrument, brass knuckles, black-
8 jack, club, or other object specifically designed or customarily
9 carried or possessed for use as a weapon.

10 (iii) An object that is likely to cause death or bodily
11 injury when used as a weapon and that is used as a weapon or car-
12 ried or possessed for use as a weapon.

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

16 (C) A violation of section 186a of ~~Act No. 328 of the~~
17 ~~Public Acts of 1931, being section 750.186a of the Michigan~~
18 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
19 MCL 750.186A, regarding escape or attempted escape from a juve-
20 nile facility, but only if the juvenile facility from which the
21 individual escaped or attempted to escape was 1 of the
22 following:

23 (i) A high-security or medium-security facility operated by
24 the family independence agency.

25 (ii) A high-security facility operated by a private agency
26 under contract with the family independence agency.

1 (D) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
2 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
3 ~~being sections~~ 1978 PA 368, MCL 333.7401 and 333.7403. ~~of the~~
4 ~~Michigan Compiled Laws.~~

5 (E) An attempt to commit a violation described in paragraphs
6 (A) to (D).

7 (F) Conspiracy to commit a violation described in paragraphs
8 (A) to (D).

9 (G) Solicitation to commit a violation described in para-
10 graphs (A) to (D).

11 (H) Any lesser included offense of a violation described in
12 paragraphs (A) to (G) if the individual is charged with a viola-
13 tion described in paragraphs (A) to (G).

14 (I) Any other violation arising out of the same transaction
15 as a violation described in paragraphs (A) to (G) if the individ-
16 ual is charged with a violation described in paragraphs (A) to
17 (G).

18 (2) The juvenile has deserted his or her home without suffi-
19 cient cause and the court finds on the record that the juvenile
20 has been placed or refused alternative placement or the juvenile
21 and the juvenile's parent, guardian, or custodian have exhausted
22 or refused family counseling.

23 (3) The juvenile is repeatedly disobedient to the reasonable
24 and lawful commands of his or her parents, guardian, or custodian
25 and the court finds on the record by clear and convincing evi-
26 dence that court-accessed services are necessary.

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

15 (b) Jurisdiction in proceedings concerning any juvenile
16 under 18 years of age found within the county:

17 (1) Whose parent or other person legally responsible for the
18 care and maintenance of the juvenile, when able to do so,
19 neglects or refuses to provide proper or necessary support, edu-
20 cation, medical, surgical, or other care necessary for his or her
21 health or morals, who is subject to a substantial risk of harm to
22 his or her mental well-being, who is abandoned by his or her par-
23 ents, guardian, or other custodian, or who is without proper cus-
24 tody or guardianship. As used in this sub-subdivision:

25 (A) "Education" means learning based on an organized educa-
26 tional program that is appropriate, given the age, intelligence,
27 ability, and any psychological limitations of a juvenile, in the

1 subject areas of reading, spelling, mathematics, science,
2 history, civics, writing, and English grammar.

3 (B) "Without proper custody or guardianship" does not mean a
4 parent has placed the juvenile with another person who is legally
5 responsible for the care and maintenance of the juvenile and who
6 is able to and does provide the juvenile with proper care and
7 maintenance.

8 (2) Whose home or environment, by reason of neglect, cruel-
9 ty, drunkenness, criminality, or depravity on the part of a
10 parent, guardian, or other custodian, is an unfit place for the
11 juvenile to live in.

12 (3) Whose parent has substantially failed, without good
13 cause, to comply with a limited guardianship placement plan
14 described in section 424a of the revised probate code, ~~Act~~
15 ~~No. 642 of the Public Acts of 1978, being section 700.424a of the~~
16 ~~Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424A, regarding the
17 juvenile.

18 (4) Whose parent has substantially failed, without good
19 cause, to comply with a court-structured plan described in
20 section 424b or 424c of the revised probate code, ~~Act No. 642 of~~
21 ~~the Public Acts of 1978, being sections 700.424b and 700.424c of~~
22 ~~the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424B AND
23 700.424C, regarding the juvenile.

24 (5) If the juvenile has a guardian under the revised probate
25 code, ~~Act No. 642 of the Public Acts of 1978, being sections~~
26 ~~700.1 to 700.993 of the Michigan Compiled Laws~~ 1978 PA 642,

1 MCL 700.1 TO 700.993, and the juvenile's parent meets both of the
2 following criteria:

3 (A) The parent, having the ability to support or assist in
4 supporting the juvenile, has failed or neglected, without good
5 cause, to provide regular and substantial support for the juve-
6 nile for a period of 2 years or more before the filing of the
7 petition or, if a support order has been entered, has failed to
8 substantially comply with the order for a period of 2 years or
9 more before the filing of the petition.

10 (B) The parent, having the ability to visit, contact, or
11 communicate with the juvenile, has regularly and substantially
12 failed or neglected, without good cause, to do so for a period of
13 2 years or more before the filing of the petition.

14 If a petition is filed in the court alleging that a juvenile
15 is within the provisions of subdivision (b)(1), (2), (3), (4), or
16 (5), and the custody of that juvenile is subject to the prior or
17 continuing order of another court of record of this state, the
18 manner of notice to the other court of record and the authority
19 of the court to proceed is governed by rule of the supreme
20 court.

21 (c) Jurisdiction over juveniles under 18 years of age,
22 jurisdiction of whom has been waived to the family division of
23 circuit court by a circuit court pursuant to a provision in a
24 temporary order for custody of juveniles based upon a complaint
25 for divorce or upon a motion pursuant to a complaint for divorce
26 by the prosecuting attorney, in a divorce judgment dissolving a

1 marriage between the parents of the juveniles, or by an amended
2 judgment relative to the custody of the juvenile in a divorce.

3 (d) If the court finds on the record that voluntary services
4 have been exhausted or refused, concurrent jurisdiction in pro-
5 ceedings concerning any juvenile between the ages of 17 and 18
6 found within the county:

7 (1) Who is repeatedly addicted to the use of drugs or the
8 intemperate use of alcoholic liquors.

9 (2) Who repeatedly associates with criminal, dissolute, or
10 disorderly persons.

11 (3) Who is found of his or her own free will and knowledge
12 in a house of prostitution, assignation, or ill-fame.

13 (4) Who repeatedly associates with thieves, prostitutes,
14 pimps, or procurers.

15 (5) Who is willfully disobedient to the reasonable and
16 lawful commands of his or her parents, guardian, or other custo-
17 dian and is in danger of becoming morally depraved.

18 If any juvenile is brought before the family division of
19 circuit court in a county other than that in which the juvenile
20 resides, the court may, before a hearing and with the consent of
21 the judge of the family division of circuit court in the county
22 of residence, enter an order transferring the jurisdiction of the
23 matter to the court of the county of residence. The order is not
24 a legal settlement as defined in section 55 of the social welfare
25 act, ~~Act No. 280 of the Public Acts of 1939, being~~
26 ~~section 400.55 of the Michigan Compiled Laws~~ 1939 PA 280,
27 MCL 400.55. The order, together with a certified copy of the

1 proceedings in the transferring court, shall be delivered to the
2 court of the county or circuit of residence. A case designated
3 as a case in which the juvenile shall be tried in the same manner
4 as an adult under section 2d of this chapter may be transferred
5 for venue or for juvenile disposition, but shall not be trans-
6 ferred on grounds of residency. If the case is not transferred,
7 the case shall be tried by the the family division of circuit
8 court having jurisdiction of the offense.

9 (e) Authority to establish or assist in developing a program
10 or programs within the county to prevent delinquency and provide
11 services to act upon reports submitted to the court related to
12 the behavior of juveniles who do not require formal court juris-
13 diction but otherwise fall within subdivision (a). These serv-
14 ices shall be used only if they are voluntarily accepted by the
15 juvenile and his or her parents, guardian, or custodian.

16 (f) If the court operates a detention home for juveniles
17 within the court's jurisdiction under subdivision (a)(1), author-
18 ity to place a juvenile within that home pending trial if the
19 juvenile is within the circuit court's jurisdiction under section
20 606 of the revised judicature act of 1961, ~~Act No. 236 of the~~
21 ~~Public Acts of 1961, being section 600.606 of the Michigan~~
22 ~~Compiled Laws~~ 1961 PA 236, MCL 600.606, or within the recorder's
23 court of the city of Detroit's jurisdiction under section
24 10a(1)(c) of ~~Act No. 369 of the Public Acts of 1919, being sec-~~
25 ~~tion 725.10a of the Michigan Compiled Laws~~ 1979 PA 369,
26 MCL 725.10A, and if the circuit court or the recorder's court of
27 the city of Detroit orders the family division of circuit court

1 in the same county to place the juvenile in that home. The
2 family division of circuit court shall comply with that order.

3 (g) Authority to place a juvenile in a county jail under
4 section 27a of chapter IV of the code of criminal procedure, ~~Act~~
5 ~~No. 175 of the Public Acts of 1927, being section 764.27a of the~~
6 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 764.27A, if the case is
7 designated by the court under section 2d of this chapter as a
8 case in which the juvenile is to be tried in the same manner as
9 an adult, and the court has determined that there is probable
10 cause to believe that the offense was committed and that there is
11 probable cause to believe the juvenile committed that offense.

12 (H) JURISDICTION OVER A PROCEEDING UNDER SECTION 2950 OR
13 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
14 MCL 600.2950 AND 600.2950A, IN WHICH A MINOR LESS THAN [18] YEARS
15 OF AGE IS THE RESPONDENT. VENUE FOR AN INITIAL ACTION UNDER SEC-
16 TION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961
17 PA 236, MCL 600.2950 AND 600.2950A, IS PROPER IN THE COUNTY OF
18 RESIDENCE OF EITHER THE PETITIONER OR RESPONDENT. IF THE RESPON-
19 DENT DOES NOT LIVE IN THIS STATE, VENUE FOR THE INITIAL ACTION IS
20 PROPER IN THE PETITIONER'S COUNTY OF RESIDENCE.

21 Sec. 2a. (1) Except as otherwise provided in
22 subsection (2), if the court has exercised jurisdiction over a
23 juvenile under section 2(a) or (b) of this chapter, jurisdiction
24 shall continue for a period of 2 years beyond the maximum age of
25 jurisdiction conferred under section 2 of this chapter, unless
26 the juvenile is released sooner by court order.

1 (2) If the court has exercised jurisdiction over a juvenile
2 under section 2(a)(1) of this chapter for an offense that, if
3 committed by an adult, would be a violation or attempted viola-
4 tion of section 72, 83, 84, 86, 88, 89, 91, 110a(2), 186a, 316,
5 317, 349, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of the
6 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
7 ~~being sections~~ 1931 PA 328, MCL 750.72, 750.83, 750.84, 750.86,
8 750.88, 750.89, 750.91, 750.110a, 750.186a, 750.316, 750.317,
9 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529,
10 750.529a, 750.530, and 750.531, ~~of the Michigan Compiled Laws,~~
11 or section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health
12 code, ~~Act No. 368 of the Public Acts of 1978, being sections~~
13 1978 PA 368, MCL 333.7401 and 333.7403, ~~of the Michigan Compiled~~
14 ~~Laws,~~ jurisdiction may be continued under section 18d of this
15 chapter until the juvenile is 21 years of age.

16 (3) IF THE COURT EXERCISED JURISDICTION OVER A CHILD UNDER
17 SECTION 2(H) OF THIS CHAPTER, JURISDICTION OF THE COURT CONTINUES
18 UNTIL THE ORDER EXPIRES BUT ACTION REGARDING THE PERSONAL PROTEC-
19 TION ORDER AFTER THE RESPONDENT'S EIGHTEENTH BIRTHDAY SHALL NOT
20 BE SUBJECT TO THIS CHAPTER.

21 (4) ~~-(3)-~~ This section does not apply if the juvenile is
22 sentenced to the jurisdiction of the department of corrections.

23 (5) ~~-(4)-~~ As used in this chapter, "child", "juvenile",
24 "minor", or any other term signifying a person under the age of
25 18 applies to a person 18 years of age or older concerning whom
26 proceedings are commenced in the court under section 2 of this

1 chapter and over whom the court has continuing jurisdiction
2 pursuant to ~~subsection (1)~~ SUBSECTIONS (1) AND (3).

3 Sec. 2c. The court may issue an order authorizing a peace
4 officer or other person designated by the court to apprehend a
5 juvenile who is absent without leave from an institution or
6 facility to which he or she was committed under section 18 of
7 this chapter, has violated probation, ~~or~~ has failed to appear
8 for a hearing on a petition charging a violation of section 2 of
9 this chapter OR IS ALLEGED TO HAVE VIOLATED A PERSONAL PROTECTION
10 ORDER ISSUED UNDER SECTION 2(H) OF THIS CHAPTER. The order shall
11 set forth specifically the identity of the juvenile sought and
12 the house, building, or other location or place where there is
13 probable cause to believe the juvenile is to be found. A person
14 who interferes with the lawful attempt to execute an order issued
15 under this section is guilty of a misdemeanor punishable by
16 imprisonment for not more than 90 days or a fine of not more than
17 \$100.00, or both.

18 Sec. 14. (1) Any local police officer, sheriff or deputy
19 sheriff, state police officer, county agent or probation officer
20 of any court of record may, without the order of the court, imme-
21 diately take into custody any child who is found violating any
22 law or ordinance, or whose surroundings are such as to endanger
23 his or her health, morals, or welfare, OR WHO IS VIOLATING OR HAS
24 VIOLATED A PERSONAL PROTECTION ORDER ISSUED PURSUANT TO
25 SECTION 2(H) BY THE COURT UNDER SECTION 2950 OR 2950A OF THE
26 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND
27 600.2950A. If such an officer or county agent takes a child

1 coming within the provisions of this chapter into custody, he or
2 she shall immediately attempt to notify the parent or parents,
3 guardian, or custodian. While awaiting the arrival of the parent
4 or parents, guardian, or custodian, a child under the age of 17
5 years taken into custody under the provisions of this chapter
6 shall not be held in any detention facility unless the child is
7 completely isolated so as to prevent any verbal, visual, or phys-
8 ical contact with any adult prisoner. Unless the child requires
9 immediate detention as provided for in this act, the officer
10 shall accept the written promise of the parent or parents, guard-
11 ian, or custodian, to bring the child to the court at a time
12 fixed therein. The child shall then be released to the custody
13 of the parent or parents, guardian, or custodian.

14 (2) If a child is not released under subsection (1), the
15 child and his or her parents, guardian, or custodian, if they can
16 be located, shall immediately be brought before the court for a
17 preliminary hearing on the status of the child, and an order
18 signed by a judge of probate or a referee authorizing the filing
19 of a complaint shall be entered or the child shall be released to
20 his or her parent or parents, guardian, or custodian.

21 (3) If a complaint is authorized under subsection (2), the
22 order shall state where the child is to be placed, pending inves-
23 tigation and hearing, which placement may be in any of the
24 following:

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

1 (b) If a child is within the court's jurisdiction under
2 section 2(a) of this chapter, in a suitable foster care home
3 subject to the court's supervision. Except as otherwise provided
4 in subsections (4) and (5), if a child is within the court's
5 jurisdiction under section 2(b) of this chapter, the court shall
6 not place a child in a foster care home subject to the court's
7 supervision.

8 (c) In a child care institution or child placing agency
9 licensed by the state department of social services to receive
10 for care children within the jurisdiction of the court.

11 (d) In a suitable place of detention.

12 (4) Except as otherwise provided in subsection (5), if a
13 court is providing at the time of the enactment of this subsec-
14 tion foster care home services subject to the court's supervision
15 to children within section 2(b) of this chapter, the court may
16 continue to provide those services through December 31, 1989.
17 Beginning January 1, 1990, the court shall discontinue providing
18 those services.

19 (5) If a court located in a county with a population in
20 excess of 650,000 is providing at the time of the enactment of
21 this subsection foster care home services subject to the court's
22 supervision to children within section 2(b) of this chapter, the
23 court may continue to provide those services through
24 December 31, 1991. Beginning January 1, 1992, the court shall
25 discontinue those services.

26 Sec. 15. (1) In the case of a child concerning whom a
27 complaint has been made or a petition ~~or supplemental petition~~

1 ~~or petition for revocation of probation~~ has been filed pursuant
2 to this chapter, the court may order the child, pending the hear-
3 ing, detained in a facility as the court shall designate. The
4 court may release the child, pending the hearing, in the custody
5 of a parent, guardian, or custodian, to be brought before the
6 court at the time designated. AS USED IN THIS SUBSECTION,
7 "PETITION" INCLUDES ALL OF THE FOLLOWING:

8 (A) PETITION.

9 (B) SUPPLEMENTAL PETITION.

10 (C) PETITION FOR REVOCATION OF PROBATION.

11 (D) SUPPLEMENTAL PETITION ALLEGING A VIOLATION OF A PERSONAL
12 PROTECTION ORDER.

13 (2) Custody, pending hearing, is limited to the following
14 children:

15 (a) Those whose home conditions make immediate removal
16 necessary.

17 (b) Those who have a record of unexcused failures to appear
18 at juvenile court proceedings.

19 (c) Those who have run away from home.

20 (d) Those who have failed to remain in a detention or nonse-
21 cure facility or placement in violation of a court order.

22 (e) Those whose offenses are so serious that release would
23 endanger public safety.

24 (F) THOSE WHO HAVE ALLEGEDLY VIOLATED A PERSONAL PROTECTION
25 ORDER AND FOR WHOM IT APPEARS THERE IS A SUBSTANTIAL LIKELIHOOD
26 OF RETALIATION OR CONTINUED VIOLATION.

1 (3) A child taken into custody pursuant to section 2(a)(2)
2 to ~~to (6)~~ (4) of this chapter or subsection (2)(c) ~~, who is not~~
3 ~~under the jurisdiction of the court pursuant to section 2(a)(1)~~
4 ~~of this chapter,~~ shall not be detained in any secure facility
5 designed to physically restrict the movements and activities of
6 alleged or adjudicated juvenile offenders unless the court finds
7 that the child willfully violated a court order and the court
8 finds, after a hearing and on the record, that there is not a
9 less restrictive alternative more appropriate to the needs of the
10 child. THIS SUBSECTION DOES NOT APPLY TO A CHILD WHO IS UNDER
11 THE JURISDICTION OF THE COURT PURSUANT TO SECTION 2(A)(1) OF THIS
12 CHAPTER OR A CHILD WHO IS NOT LESS THAN 17 YEARS OF AGE AND WHO
13 IS UNDER THE JURISDICTION OF THE COURT PURSUANT TO A SUPPLEMENTAL
14 PETITION UNDER SECTION 2(H) OF THIS CHAPTER.

15 (4) A child taken into custody pursuant to section 2(b) of
16 this chapter or subsection (2)(a) shall not be detained in any
17 secure facility designed to physically restrict the movements and
18 activities of alleged or adjudicated juvenile offenders or in a
19 cell or other secure area of any secure facility designed to
20 incarcerate adults.

21 (5) A child taken into custody pursuant to section 2(a)(2)
22 to ~~to (6)~~ (4) of this chapter or subsection (2)(c) ~~who is not~~
23 ~~under the jurisdiction of the court pursuant to the provisions of~~
24 ~~section 2(a)(1) of this chapter for an offense which, if commit-~~
25 ~~ted by an adult, would be a felony~~ shall not be detained in a
26 cell or other secure area of any secure facility designed to
27 incarcerate adults ~~—~~ UNLESS EITHER OF THE FOLLOWING APPLIES:

1 (A) A CHILD IS UNDER THE JURISDICTION OF THE COURT PURSUANT
2 TO SECTION 2(A)(1) OF THIS CHAPTER FOR AN OFFENSE WHICH, IF COM-
3 MITTED BY AN ADULT, WOULD BE A FELONY.

4 (B) A CHILD IS NOT LESS THAN 17 YEARS OF AGE AND IS UNDER
5 THE JURISDICTION OF THE COURT PURSUANT TO A SUPPLEMENTAL PETITION
6 UNDER SECTION 2(H) OF THIS CHAPTER.

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

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

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

25 (2) ~~In~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN
26 a hearing other than a criminal trial under this chapter, any
27 person interested in the hearing may demand a jury of 6

1 individuals, or the court, on its own motion, may order a jury of
2 6 individuals to try the case. IN A PROCEEDING UNDER SECTION
3 2(H) OF THIS CHAPTER, A JURY MAY ONLY BE DEMANDED ON A SUPPLEMEN-
4 TAL PETITION ALLEGING A VIOLATION OF A PERSONAL PROTECTION ORDER.
5 In a criminal trial, a jury may be demanded as provided by law.
6 The jury shall be summoned and impaneled in accordance with chap-
7 ter 13 of the revised judicature act of 1961, 1961 PA 236, MCL
8 600.1300 to 600.1376, and, in the case of a criminal trial, as
9 provided in chapter VIII of the code of criminal procedure, 1927
10 PA 175, MCL 768.1 to 768.36.

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

15 (4) The prosecuting attorney shall appear for the people
16 when requested by the court, and in a proceeding under section
17 2(a)(1) of this chapter, the prosecuting attorney shall appear if
18 the proceeding requires a hearing and the taking of testimony.

19 (5) In a proceeding under section 2(b) of this chapter, upon
20 request of the family independence agency or an agent of the
21 family independence agency under contract with the family inde-
22 pendence agency, the prosecuting attorney shall serve as a legal
23 consultant to the family independence agency or its agent at all
24 stages of the proceeding. If in a proceeding under section 2(b)
25 of this chapter the prosecuting attorney does not appear on
26 behalf of the family independence agency or its agent, the family

1 independence agency may contract with an attorney of its choice
2 for legal representation.

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

6 (7) Upon motion of any party or a victim, the court may
7 close the hearing of a case brought under this chapter to members
8 of the general public during the testimony of a juvenile witness
9 or the victim if the court finds that closing the hearing is nec-
10 essary to protect the welfare of the juvenile witness or the
11 victim. In determining whether closing the hearing is necessary
12 to protect the welfare of the juvenile witness or the victim, the
13 court shall consider the following:

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

15 (b) The psychological maturity of the juvenile witness or
16 the victim.

17 (c) The nature of the proceeding.

18 (d) The desire of the juvenile witness or his or her family
19 or guardian or the desire of the victim to have the testimony
20 taken in a room closed to the public.

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

24 Sec. 17c. (1) In a proceeding under section 2(a) or (d) OF
25 THIS CHAPTER OR A PROCEEDING REGARDING A SUPPLEMENTAL PETITION
26 ALLEGING A VIOLATION OF A PERSONAL PROTECTION ORDER UNDER
27 SECTION 2(H) of this chapter, the court shall advise the child

1 that the child has a right to an attorney at each stage of the
2 proceeding.

3 (2) In a proceeding under section 2(a) or (d) of this chap-
4 ter, the court shall appoint an attorney to represent the child
5 if 1 or more of the following apply:

6 (a) The child's parent refuses or fails to appear and par-
7 ticipate in the proceedings.

8 (b) The child's parent is the complainant or victim.

9 (c) The child and those responsible for his or her support
10 are financially unable to employ an attorney and the child does
11 not waive his or her right to an attorney.

12 (d) Those responsible for the child's support refuse or
13 neglect to employ an attorney for the child and the child does
14 not waive his or her right to an attorney.

15 (e) The court determines that the best interests of the
16 child or the public require appointment.

17 (3) Except as otherwise provided in this subsection, in a
18 proceeding under section 2(a) or (d) of this chapter, the child
19 may waive his or her right to an attorney. The waiver by a child
20 shall be made in open court, on the record, and shall not be made
21 unless the court finds on the record that the waiver was volun-
22 tarily and understandingly made. The child may not waive his or
23 her right to an attorney if the child's parent or guardian ad
24 litem objects or if the appointment is made pursuant to subsec-
25 tion (2)(e).

1 (4) In a proceeding under section 2(b) or (c) of this
2 chapter, the court shall advise the respondent at the
3 respondent's first court appearance of all of the following:

4 (a) The right to an attorney at each stage of the
5 proceeding.

6 (b) The right to a court-appointed attorney if the respon-
7 dent is financially unable to employ an attorney.

8 (c) If the respondent is not represented by an attorney, the
9 right to request and receive a court-appointed attorney at a
10 later proceeding.

11 (5) If it appears to the court in a proceeding under section
12 2(b) or (c) of this chapter that the respondent wants an attorney
13 and is financially unable to retain an attorney, the court shall
14 appoint an attorney to represent the respondent.

15 (6) Except as otherwise provided in this subsection, in a
16 proceeding under section 2(b) or (c) of this chapter, the respon-
17 dent may waive his or her right to an attorney. A respondent who
18 is a minor may not waive his or her right to an attorney if the
19 respondent's parent or guardian ad litem objects.

20 (7) In a proceeding under section 2(b) or (c) of this chap-
21 ter, the court shall appoint an attorney to represent the child.
22 The child shall not waive the assistance of an attorney. The
23 appointed attorney shall observe and, dependent upon the child's
24 age and capability, interview the child. If the child is placed
25 in foster care, the attorney shall, before representing the child
26 in each subsequent proceeding or hearing, review the agency case
27 file and consult with the foster parents and the caseworker. The

1 child's attorney shall be present at all hearings concerning the
2 child and shall not substitute counsel unless the court
3 approves.

4 (8) If an attorney is appointed for a party under this sec-
5 tion, the court may enter an order assessing attorney costs
6 against the party or the person responsible for the support of
7 that party. An order assessing attorney costs may be enforced
8 through contempt proceedings.

9 (9) An attorney appointed by the court under this section
10 shall serve until discharged by the court. If the child's case
11 was petitioned under section 2(b) of this chapter, the court
12 shall not discharge the attorney for the child as long as the
13 child is subject to the jurisdiction, control, or supervision of
14 the court, or of the Michigan children's institute or other
15 agency, unless the court discharges the attorney for good cause
16 shown on the record. If the child remains subject to the juris-
17 diction, control, or supervision of the court, or the Michigan
18 children's institute or other agency, the court shall immediately
19 appoint another attorney to represent the child.

20 Sec. 18. (1) If the court finds that a juvenile concerning
21 whom a petition is filed is not within this chapter, the court
22 shall enter an order dismissing the petition. Except as other-
23 wise provided in subsection (10), if the court finds that a juve-
24 nile is within this chapter, the court may enter any of the fol-
25 lowing orders of disposition that are appropriate for the welfare
26 of the juvenile and society in view of the facts proven and
27 ascertained:

1 (a) Warn the juvenile or the juvenile's parents, guardian,
2 or custodian and, except as provided in subsection (7), dismiss
3 the petition.

4 (b) Place the juvenile on probation, or under supervision in
5 the juvenile's own home or in the home of an adult who is related
6 to the juvenile. As used in this subdivision, "related" means
7 being a parent, grandparent, brother, sister, stepparent, step-
8 sister, stepbrother, uncle, or aunt by marriage, blood, or
9 adoption. The court shall order the terms and conditions of pro-
10 bation or supervision, including reasonable rules for the conduct
11 of the parents, guardian, or custodian, if any, as the court
12 determines necessary for the physical, mental, or moral
13 well-being and behavior of the juvenile.

14 (c) If a juvenile is within the court's jurisdiction under
15 section 2(a) of this chapter, OR UNDER SECTION 2(H) OF THIS CHAP-
16 TER FOR A SUPPLEMENTAL PETITION, place the juvenile in a suitable
17 foster care home subject to the court's supervision. If a juve-
18 nile is within the court's jurisdiction under section 2(b) of
19 this chapter, the court shall not place a juvenile in a foster
20 care home subject to the court's supervision.

21 (d) Place the juvenile in or commit the juvenile to a pri-
22 vate institution or agency approved or licensed by the department
23 of consumer and industry services for the care of juveniles of
24 similar age, sex, and characteristics.

25 (e) Commit the juvenile to a public institution, county
26 facility, institution operated as an agency of the court or
27 county, or agency authorized by law to receive juveniles of

1 similar age, sex, and characteristics. IF A CHILD IS NOT LESS
2 THAN 17 YEARS OF AGE AND IS IN VIOLATION OF A PERSONAL PROTECTION
3 ORDER, THE COURT MAY COMMIT THE CHILD TO A COUNTY JAIL WITHIN THE
4 ADULT PRISONER POPULATION. In a placement under subdivision (d)
5 or a commitment under this subdivision, except to a state insti-
6 tution, the religious affiliation of the juvenile shall be pro-
7 tected by placement or commitment to a private child-placing or
8 child-caring agency or institution, if available. In every order
9 of commitment under this subdivision to a state institution or
10 agency described in the youth rehabilitation services act, 1974
11 PA 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to
12 400.214, the court shall name the superintendent of the institu-
13 tion to which the juvenile is committed as a special guardian to
14 receive benefits due the juvenile from the government of the
15 United States, and the benefits shall be used to the extent nec-
16 essary to pay for the portions of the cost of care in the insti-
17 tution that the parent or parents are found unable to pay.

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

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

1 commitment of the juvenile pursuant to an order under this
2 section.

3 (h) Appoint a guardian under section 424 of the revised pro-
4 bate code, 1978 PA 642, MCL 700.424, pursuant to a petition filed
5 with the court by a person interested in the welfare of the
6 juvenile. If the court appoints a guardian pursuant to this sub-
7 division, it may enter an order dismissing the petition under
8 this chapter.

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

10 (j) If the court finds that a juvenile has violated a munic-
11 ipal ordinance or a state or federal law, order the juvenile to
12 pay a civil fine in the amount of the civil or penal fine pro-
13 vided by the ordinance or law. Money collected from fines levied
14 under this subsection shall be distributed as provided in section
15 29 of this chapter.

16 (k) Order the juvenile to pay court costs. Money collected
17 from costs ordered under this subsection shall be distributed as
18 provided in section 29 of this chapter.

19 (l) If a juvenile is within the court's jurisdiction under
20 section 2(a)(1) of this chapter, order the juvenile's parent or
21 guardian to personally participate in treatment reasonably avail-
22 able in the parent's or guardian's location.

23 (m) If a juvenile is within the court's jurisdiction under
24 section 2(a)(1) of this chapter, place the juvenile in and order
25 the juvenile to complete satisfactorily a program of training in
26 a juvenile boot camp established by the family independence
27 agency under the juvenile boot camp act, 1996 PA 263,

1 MCL 400.1301 to 400.1309, as provided in that act. Upon
2 receiving a report of satisfactory completion of the program from
3 the family independence agency, the court shall authorize the
4 juvenile's release from placement in the juvenile boot camp.
5 Following satisfactory completion of the juvenile boot camp pro-
6 gram, the juvenile shall complete an additional period of not
7 less than 120 days or more than 180 days of intensive supervised
8 community reintegration in the juvenile's local community. To
9 place a juvenile in a juvenile boot camp program, the court shall
10 determine all of the following:

11 (i) Placement in a juvenile boot camp will benefit the
12 juvenile.

13 (ii) The juvenile is physically able to participate in the
14 program.

15 (iii) The juvenile does not appear to have any mental handi-
16 cap that would prevent participation in the program.

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

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

20 (n) If the court entered a judgment of conviction under sec-
21 tion 2d of this chapter, enter any disposition under this section
22 or, if the court determines that the best interests of the public
23 would be served, impose any sentence upon the juvenile that could
24 be imposed upon an adult convicted of the offense for which the
25 juvenile was convicted. If the juvenile is convicted of a viola-
26 tion or conspiracy to commit a violation of section 7401(2)(a)(i)
27 or 7403(2)(a)(i) of the public health code, 1978 PA 368,

1 MCL 333.7401 and 333.7403, the court may impose the alternative
2 sentence permitted under those sections if the court determines
3 that the best interests of the public would be served. The court
4 may delay imposing a sentence of imprisonment under this subdivi-
5 sion for a period not longer than the period during which the
6 court has jurisdiction over the juvenile under this chapter by
7 entering an order of disposition delaying imposition of sentence
8 and placing the juvenile on probation upon the terms and condi-
9 tions it considers appropriate, including any disposition under
10 this section. If the court delays imposing sentence under this
11 section, section 18i of this chapter applies. If the court
12 imposes sentence, it shall enter a judgment of sentence. If the
13 court imposes a sentence of imprisonment, the juvenile shall
14 receive credit against the sentence for time served before
15 sentencing. In determining whether to enter an order of disposi-
16 tion or impose a sentence under this subdivision, the court shall
17 consider all of the following factors, giving greater weight to
18 the seriousness of the offense and the juvenile's prior record:

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

24 (ii) The culpability of the juvenile in committing the
25 offense, including, but not limited to, the level of the
26 juvenile's participation in planning and carrying out the offense

1 and the existence of any aggravating or mitigating factors
2 recognized by the sentencing guidelines.

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

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

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

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

13 (2) An order of disposition placing a juvenile in or commit-
14 ting a juvenile to care outside of the juvenile's own home and
15 under state or court supervision shall contain a provision for
16 reimbursement by the juvenile, parent, guardian, or custodian to
17 the court for the cost of care or service. The order shall be
18 reasonable, taking into account both the income and resources of
19 the juvenile, parent, guardian, or custodian. The amount may be
20 based upon the guidelines and model schedule created under sub-
21 section (6). If the juvenile is receiving an adoption support
22 subsidy under section 115j(4) of the social welfare act, 1939
23 PA 280, MCL 400.115j, the amount shall not exceed the amount of
24 the support subsidy. The reimbursement provision applies during
25 the entire period the juvenile remains in care outside of the
26 juvenile's own home and under state or court supervision, unless
27 the juvenile is in the permanent custody of the court. The court

1 shall provide for the collection of all amounts ordered to be
2 reimbursed, and the money collected shall be accounted for and
3 reported to the county board of commissioners. Collections to
4 cover delinquent accounts or to pay the balance due on reimburse-
5 ment orders may be made after a juvenile is released or dis-
6 charged from care outside the juvenile's own home and under state
7 or court supervision. Twenty-five percent of all amounts col-
8 lected pursuant to an order entered under this subsection shall
9 be credited to the appropriate fund of the county to offset the
10 administrative cost of collections. The balance of all amounts
11 collected under an order entered under this subsection shall be
12 divided in the same ratio in which the county, state, and federal
13 government participate in the cost of care outside the juvenile's
14 own home and under state or court supervision. The court may
15 also collect benefits paid for the cost of care of a court ward
16 from the government of the United States. Money collected for
17 juveniles placed with or committed to the family independence
18 agency shall be accounted for and reported on an individual juve-
19 nile basis. In cases of delinquent accounts, the court may also
20 enter an order to intercept state or federal tax refunds of a
21 juvenile, parent, guardian, or custodian and initiate the neces-
22 sary offset proceedings in order to recover the cost of care or
23 service. The court shall send to the person who is the subject
24 of the intercept order advance written notice of the proposed
25 offset. The notice shall include notice of the opportunity to
26 contest the offset on the grounds that the intercept is not
27 proper because of a mistake of fact concerning the amount of the

1 delinquency or the identity of the person subject to the order.
2 The court shall provide for the prompt reimbursement of an amount
3 withheld in error or an amount found to exceed the delinquent
4 amount.

5 (3) An order of disposition placing a juvenile in the
6 juvenile's own home under subsection (1)(b) may contain a provi-
7 sion for reimbursement by the juvenile, parent, guardian, or cus-
8 todian to the court for the cost of service. If an order is
9 entered under this subsection, an amount due shall be determined
10 and treated in the same manner provided for an order entered
11 under subsection (2).

12 (4) An order directed to a parent or a person other than the
13 juvenile is not effective and binding on the parent or other
14 person unless opportunity for hearing is given pursuant to issu-
15 ance of summons or notice as provided in sections 12 and 13 of
16 this chapter, and until a copy of the order, bearing the seal of
17 the court, is served on the parent or other person as provided in
18 section 13 of this chapter.

19 (5) If the court appoints an attorney to represent a juve-
20 nile, parent, guardian, or custodian, the court may require in an
21 order entered under this section that the juvenile, parent,
22 guardian, or custodian reimburse the court for attorney fees.

23 (6) The office of the state court administrator, under the
24 supervision and direction of the supreme court and in consulta-
25 tion with the family independence agency and the Michigan probate
26 judges association, shall create guidelines and a model schedule
27 that may be used by the court in determining the ability of the

1 juvenile, parent, guardian, or custodian to pay for care and any
2 costs of service ordered under subsection (2) or (3). The guide-
3 lines and model schedule shall take into account both the income
4 and resources of the juvenile, parent, guardian, or custodian.

5 (7) If the court finds that a juvenile comes under section
6 30 of this chapter, the court shall order the juvenile or the
7 juvenile's parent to pay restitution as provided in sections 30
8 and 31 of this chapter and in sections 44 and 45 of the crime
9 victim's rights act, 1985 PA 87, MCL 780.794 and 780.795.

10 (8) If the court imposes restitution as a condition of pro-
11 bation, the court shall require the juvenile to do either of the
12 following as an additional condition of probation:

13 (a) Engage in community service or, with the victim's con-
14 sent, perform services for the victim.

15 (b) Seek and maintain paid employment and pay restitution to
16 the victim from the earnings of that employment.

17 (9) If the court finds that the juvenile is in intentional
18 default of the payment of restitution, a court may, as provided
19 in section 31 of this chapter, revoke or alter the terms and con-
20 ditions of probation for nonpayment of restitution. If a juve-
21 nile who is ordered to engage in community service intentionally
22 refuses to perform the required community service, the court may
23 revoke or alter the terms and conditions of probation.

24 (10) For the purposes of this subsection and
25 subsection (11), "juvenile offense" means that term as defined in
26 section 1a of 1925 PA 289, MCL 28.241a. The court shall not
27 enter an order of disposition for a juvenile offense until the

1 court has examined the court file and has determined that the
2 juvenile's fingerprints have been taken as required by section 3
3 of 1925 PA 289, MCL 28.243. If a juvenile has not had his or her
4 fingerprints taken, the court shall do either of the following:

5 (a) Order the juvenile to submit himself or herself to the
6 police agency that arrested or obtained the warrant for the
7 arrest of the juvenile so the juvenile's fingerprints can be
8 taken.

9 (b) Order the juvenile committed to the custody of the sher-
10 iff for the taking of the juvenile's fingerprints.

11 (11) Upon disposition or dismissal of a juvenile offense,
12 the clerk of the court entering the disposition or dismissal
13 shall immediately advise the department of state police of the
14 disposition or dismissal on forms approved by the state court
15 administrator. The report to the department of state police
16 shall include information as to the finding of the judge or jury
17 and a summary of the disposition imposed.

18 (12) If the court enters an order of disposition based on an
19 act that is a juvenile offense as defined in section 1 of 1989
20 PA 196, MCL 780.901, the court shall order the juvenile to pay
21 the assessment as provided in that act. If the court enters a
22 judgment of conviction under section 2d of this chapter for an
23 offense that is a felony, serious misdemeanor, or specified mis-
24 demeanor as defined in section 1 of 1989 PA 196, MCL 780.901, the
25 court shall order the juvenile to pay the assessment as provided
26 in that act.

1 (13) If the court has entered an order of disposition for a
2 listed offense as defined in section 2 of the sex offenders
3 registration act, 1994 PA 295, MCL 28.722, the court or the
4 family independence agency shall register the juvenile or accept
5 the juvenile's registration as provided in the sex offenders reg-
6 istration act, 1994 PA 295, MCL 28.721 to 28.732.

7 (14) If the court enters an order of disposition placing a
8 juvenile in a juvenile boot camp program and the court receives
9 from the family independence agency a report that the juvenile
10 has failed to perform satisfactorily in the program or a report
11 that the juvenile does not meet the program's requirements or is
12 medically unable to participate in the program for more than 25
13 days or a report that there is not an opening in a juvenile boot
14 camp program, the court shall release the juvenile from placement
15 in the juvenile boot camp and enter an alternative order of
16 disposition. A juvenile shall not be placed in a juvenile boot
17 camp pursuant to an order of disposition more than once, except
18 that a juvenile returned to the court for a medical condition or
19 because there was not an opening in a juvenile boot camp program
20 may be placed again in the juvenile boot camp program after the
21 medical condition is corrected or an opening becomes available in
22 a juvenile boot camp program.

23 (15) The court shall not impose a sentence of imprisonment
24 in the county jail under subsection (1)(n) unless the present
25 county jail facility for the imprisonment of the juvenile would
26 meet all requirements under federal law and regulations for
27 housing juveniles, and the court shall not impose the sentence

1 until it consults with the sheriff to determine when the sentence
2 will begin to ensure that space will be available for the
3 juvenile.

4 (16) IN A PROCEEDING UNDER SECTION 2(H) OF THIS CHAPTER,
5 THIS SECTION SHALL ONLY APPLY TO A DISPOSITION FOR A VIOLATION OF
6 A PERSONAL PROTECTION ORDER AND SUBSEQUENT PROCEEDINGS.

7 Sec. 26. The court shall have the power to punish for con-
8 tempt of court ~~in accordance with the provisions of~~ UNDER chap-
9 ter ~~5~~ 17 of ~~Act No. 314 of the Public Acts of 1915, "The~~
10 ~~Judicature Act of 1915," as amended,~~ THE REVISED JUDICATURE ACT
11 OF 1961, 1961 PA 236, MCL 600.1701 TO 600.1745, any person who
12 ~~wilfully~~ WILLFULLY violates, neglects, or refuses to obey and
13 perform any order or process ~~said~~ THE court has made or issued
14 ~~in the enforcement of the provisions of~~ TO ENFORCE this
15 chapter.

16 [Enacting section 1. Sections 2, 2a, 2c, 14, 15, 17, 17c, 18,
17 and 26 of chapter XIIIA of 1939 PA 288, MCL 712A.2, 712A.2a, 712A.2c,
712A.14, 712A.15, 712A.17, 712A.17c, 712A.18, and 712A.26, as
amended by this amendatory act, take effect September 1, 1998.]

18 Enacting section 2. This amendatory act does not take
19 effect unless all of the following bills of the 89th Legislature
20 are enacted into law:

21 (a) Senate Bill No. 866.

22 (b) Senate Bill No. 874.

23 (c) House Bill No. 5567.