

**SUBSTITUTE FOR
HOUSE BILL NO. 5739**

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 1 of chapter XIIA (MCL 712A.1), as amended by 1996 PA 409.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XIIA

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Sec. 1. (1) As used in this chapter, "court" means the

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family division of circuit court.

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(2) Except as otherwise provided, proceedings under this

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chapter are not criminal proceedings.

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(3) This chapter shall be liberally construed so that each

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juvenile coming within the jurisdiction of the court receives the

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care, guidance, and control, preferably in his or her own home,

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conducive to the juvenile's welfare and the best interest of the

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state. If a juvenile is removed from the control of his or her

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parents, the juvenile shall be placed in care as nearly as possi-

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ble equivalent to the care that should have been given to the

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juvenile by his or her parents.

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(4) IF A PARENT PERSONALLY APPEARS AND PARTICIPATES IN A

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HEARING HELD UNDER THIS CHAPTER AND DOES NOT OBJECT TO A LACK OF

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OR DEFECT IN A SUMMONS OR NOTICE TO HIM OR HER, THE PARENT WAIVES

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OBJECTION TO A HEARING, DETERMINATION, ORDER, OR OTHER ACTION

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UNDER THIS ACT BASED ON THE PETITION OR A SUPPLEMENTAL PETITION

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IN THE SAME CASE. THE COURT SHALL DISMISS AN APPEAL OR OTHER

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CHALLENGE BY THAT PARENT THAT IS BASED ON A LACK OF OR DEFECT IN

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A SUMMONS OR NOTICE TO THE PARENT. THIS SUBSECTION DOES NOT DIS-

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CHARGE THE DUTY OF THE COURT OR ANOTHER PERSON WHO IS REQUIRED BY

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THIS ACT TO SERVE A SUMMONS ON OR GIVE NOTICE TO A PARENT AS THIS

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ACT PRESCRIBES. THIS SUBSECTION DOES NOT PRECLUDE A PARENT FROM

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EXECUTING A WRITTEN WAIVER OF PROCESS OR NOTICE UNDER SECTION 12.