

# HOUSE BILL No. 5334

October 30, 1997, Introduced by Reps. Kelly, Hale, Leland and Law and referred to the Committee on Appropriations.

A bill to amend 1939 PA 288, entitled

"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,"

by amending sections 1, 2, 2d, 8, 11, 16, 18, 18k, 25, and 28 of chapter XIIIA (MCL 712A.1, 712A.2, 712A.2d, 712A.8, 712A.11, 712A.16, 712A.18, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 11, 16, and 28 as amended by 1996 PA 409, section 2d as added

and section 18 as amended by 1996 PA 244, and section 18k as added by 1996 PA 507, and by adding section 2e to chapter XIIA.

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

CHAPTER XIIA

Sec. 1. (1) As used in this chapter: ~~—, "court"—~~

(A) "CIVIL INFRACTION" MEANS THAT TERM AS DEFINED IN SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.113.

(B) "COUNTY JUVENILE AGENCY" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE COUNTY JUVENILE AGENCY ACT.

(C) "COURT" means the family division of circuit court.

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

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

Sec. 2. The court has the following authority and jurisdiction:

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

1       (1) Except as otherwise provided in this sub-subdivision,  
2 the juvenile has violated any municipal ordinance or law of the  
3 state or of the United States. IF THE COURT ENTERS INTO AN  
4 AGREEMENT UNDER SECTION 2E OF THIS CHAPTER, THE COURT HAS JURIS-  
5 DICTION OVER A JUVENILE WHO COMMITTED A CIVIL INFRACTION ONLY AS  
6 PROVIDED IN THAT AGREEMENT. The court has jurisdiction over a  
7 juvenile 14 years of age or older who is charged with a specified  
8 juvenile violation only if the prosecuting attorney files a peti-  
9 tion in the court instead of authorizing a complaint and  
10 warrant. As used in this sub-subdivision, "specified juvenile  
11 violation" means any of the following:

12       (A) A violation of section 72, 83, 86, 89, 91, 316, 317,  
13 349, 520b, 529, 529a, or 531 of the Michigan penal code, ~~Act~~  
14 ~~No. 328 of the Public Acts of 1931, being sections~~ 1931 PA 328,  
15 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,  
16 750.349, 750.520b, 750.529, 750.529a, and 750.531. ~~of the~~  
17 ~~Michigan Compiled Laws.~~

18       (B) A violation of section 84 or 110a(2) of ~~Act No. 328 of~~  
19 ~~the Public Acts of 1931, being sections 750.84 and 750.110a of~~  
20 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
21 MCL 750.84 AND 750.110A, if the juvenile is armed with a danger-  
22 ous weapon. As used in this paragraph, "dangerous weapon" means  
23 1 or more of the following:

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

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

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

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

10       (C) A violation of section 186a of ~~Act No. 328 of the~~  
11 ~~Public Acts of 1931, being section 750.186a of the Michigan~~  
12 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
13 750.186A, regarding escape or attempted escape from a juvenile  
14 facility, but only if the juvenile facility from which the indi-  
15 vidual escaped or attempted to escape was 1 of the following:

16       (i) A high-security or medium-security facility operated by  
17 the family independence agency OR A COUNTY JUVENILE AGENCY.

18       (ii) A high-security facility operated by a private agency  
19 under contract with the family independence agency OR A COUNTY  
20 JUVENILE AGENCY.

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

25       (E) An attempt to commit a violation described in paragraphs  
26 (A) to (D).

1 (F) Conspiracy to commit a violation described in paragraphs  
2 (A) to (D).

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

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

8 (I) Any other violation arising out of the same transaction  
9 as a violation described in paragraphs (A) to (G) if the individ-  
10 ual is charged with a violation described in paragraphs (A) to  
11 (G).

12 (2) The juvenile has deserted his or her home without suffi-  
13 cient cause and the court finds on the record that the juvenile  
14 has been placed or refused alternative placement or the juvenile  
15 and the juvenile's parent, guardian, or custodian have exhausted  
16 or refused family counseling.

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

21 (4) The juvenile willfully and repeatedly absents himself or  
22 herself from school or other learning program intended to meet  
23 the juvenile's educational needs, or repeatedly violates rules  
24 and regulations of the school or other learning program, and the  
25 court finds on the record that the juvenile, the juvenile's  
26 parent, guardian, or custodian, and school officials or learning  
27 program personnel have met on the juvenile's educational problems

1 — and educational counseling and alternative agency help have  
2 been sought. As used in this sub-subdivision only, "learning  
3 program" means an organized educational program that is appropri-  
4 ate, given the age, intelligence, ability, and any psychological  
5 limitations of a juvenile, in the subject areas of reading,  
6 spelling, mathematics, science, history, civics, writing, and  
7 English grammar.

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

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

18 (A) "Education" means learning based on an organized educa-  
19 tional program that is appropriate, given the age, intelligence,  
20 ability, and any psychological limitations of a juvenile, in the  
21 subject areas of reading, spelling, mathematics, science, histo-  
22 ry, civics, writing, and English grammar.

23 (B) "Without proper custody or guardianship" does not mean a  
24 parent has placed the juvenile with another person who is legally  
25 responsible for the care and maintenance of the juvenile and who  
26 is able to and does provide the juvenile with proper care and  
27 maintenance.

1       (2) Whose home or environment, by reason of neglect,  
2 cruelty, drunkenness, criminality, or depravity on the part of a  
3 parent, guardian, or other custodian, is an unfit place for the  
4 juvenile to live in.

5       (3) Whose parent has substantially failed, without good  
6 cause, to comply with a limited guardianship placement plan  
7 described in section 424a of the revised probate code, ~~Act~~  
8 ~~No. 642 of the Public Acts of 1978, being section 700.424a of the~~  
9 ~~Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424A, regarding the  
10 juvenile.

11       (4) Whose parent has substantially failed, without good  
12 cause, to comply with a court-structured plan described in  
13 section 424b or 424c of the revised probate code, ~~Act No. 642 of~~  
14 ~~the Public Acts of 1978, being sections 700.424b and 700.424c of~~  
15 ~~the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424B AND  
16 700.424C, regarding the juvenile.

17       (5) If the juvenile has a guardian under the revised probate  
18 code, ~~Act No. 642 of the Public Acts of 1978, being sections~~  
19 ~~700.1 to 700.993 of the Michigan Compiled Laws~~ 1978 PA 642, MCL  
20 700.1 TO 700.993, and the juvenile's parent meets both of the  
21 following criteria:

22       (A) The parent, having the ability to support or assist in  
23 supporting the juvenile, has failed or neglected, without good  
24 cause, to provide regular and substantial support for the juve-  
25 nile for ~~a period of~~ 2 years or more before the filing of the  
26 petition or, if a support order has been entered, has failed to

1 substantially comply with the order for ~~a period of~~ 2 years or  
2 more before the filing of the petition.

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

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

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

23 (d) If the court finds on the record that voluntary services  
24 have been exhausted or refused, concurrent jurisdiction in pro-  
25 ceedings concerning any juvenile between the ages of 17 and 18  
26 found within the county WHO IS ANY OF THE FOLLOWING:



1       (1) ~~Who is repeatedly~~ REPEATEDLY addicted to the use of  
2 drugs or the intemperate use of alcoholic liquors.

3       (2) ~~Who repeatedly associates~~ REPEATEDLY ASSOCIATING with  
4 criminal, dissolute, or disorderly persons.

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

7       (4) ~~Who repeatedly associates~~ REPEATEDLY ASSOCIATING with  
8 thieves, prostitutes, pimps, or procurers.

9       (5) ~~Who is willfully~~ WILLFULLY disobedient to the reason-  
10 able and lawful commands of his or her parents, guardian, or  
11 other custodian and ~~is~~ in danger of becoming morally depraved.

12       If any juvenile is brought before the ~~family division of~~  
13 ~~circuit~~ court in a county other than that in which the juvenile  
14 resides, ~~the court may,~~ before a hearing and with the consent  
15 of the judge of the ~~family division of circuit~~ court in the  
16 county of residence, THE COURT MAY enter an order transferring  
17 ~~the~~ jurisdiction of the matter to the court of the county of  
18 residence. CONSENT TO TRANSFER JURISDICTION IS NOT REQUIRED IF  
19 THE COUNTY OF RESIDENCE IS A COUNTY JUVENILE AGENCY AND SATISFAC-  
20 TORY PROOF OF RESIDENCE IS FURNISHED TO THE COURT OF THE COUNTY  
21 OF RESIDENCE. The order is not a legal settlement as defined in  
22 section 55 of the social welfare act, ~~Act No. 280 of the Public~~  
23 ~~Acts of 1939, being section 400.55 of the Michigan Compiled Laws~~  
24 1939 PA 280, MCL 400.55. The order ~~, together with~~ AND a cer-  
25 tified copy of the proceedings in the transferring court ~~,~~  
26 shall be delivered to the court of the county ~~or circuit~~ of  
27 residence. A case designated as a case in which the juvenile

1 shall be tried in the same manner as an adult under section 2d of  
2 this chapter may be transferred for venue or for juvenile dispo-  
3 sition, but shall not be transferred on grounds of residency. If  
4 the case is not transferred, the case shall be tried by the ~~the~~  
5 ~~family division of circuit~~ court having jurisdiction of the  
6 offense.

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

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

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

11 Sec. 2d. (1) In a petition or amended petition alleging  
12 that a juvenile is within the court's jurisdiction under  
13 section 2(a)(1) of this chapter for a specified juvenile viola-  
14 tion, the prosecuting attorney may designate the case as a case  
15 in which the juvenile is to be tried in the same manner as an  
16 adult. An amended petition making a designation under this sub-  
17 section shall be filed only by leave of the court.

18 (2) In a petition alleging that a juvenile is within the  
19 court's jurisdiction under section 2(a)(1) of this chapter for an  
20 offense other than a specified juvenile violation, the prosecut-  
21 ing attorney may request that the court designate the case as a  
22 case in which the juvenile is to be tried in the same manner as  
23 an adult. The court may designate the case following a hearing  
24 if it determines that the best interests of the juvenile and the  
25 public would be served by the juvenile being tried in the same  
26 manner as an adult. In determining whether the best interests of  
27 the juvenile and the public would be served, the court shall

1 consider all of the following factors, giving greater weight to  
2 the seriousness of the alleged offense and the juvenile's prior  
3 delinquency record than to the other factors:

4 (a) The seriousness of the alleged offense in terms of com-  
5 munity protection, including, but not limited to, the existence  
6 of any aggravating factors recognized by the sentencing guide-  
7 lines, the use of a firearm or other dangerous weapon, and the  
8 impact on any victim.

9 (b) The JUVENILE'S culpability ~~of the juvenile~~ in commit-  
10 ting the alleged offense, including, but not limited to, the  
11 level of the juvenile's participation in planning and carrying  
12 out the offense and the existence of any aggravating or mitigat-  
13 ing factors recognized by the sentencing guidelines.

14 (c) The juvenile's prior record of delinquency including,  
15 but not limited to, any record of detention, any police record,  
16 any school record, or any other evidence indicating prior delin-  
17 quent behavior.

18 (d) The juvenile's programming history, including, but not  
19 limited to, the juvenile's past willingness to participate mean-  
20 ingfully in available programming.

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

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

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

1       (4) If the petition in a case designated under this section  
2 alleges an offense that if committed by an adult would be a  
3 felony or punishable by imprisonment for more than 1 year, the  
4 court shall conduct a probable cause hearing not later than 14  
5 days after the case is designated to determine whether there is  
6 probable cause to believe the offense was committed and whether  
7 there is probable cause to believe the juvenile committed the  
8 offense. This hearing may be combined with the DESIGNATION hear-  
9 ing under subsection (2) ~~on the designation of a case involving~~  
10 FOR an offense other than a specified juvenile offense. A proba-  
11 ble cause hearing under this section is the equivalent of the  
12 preliminary examination in a court of general criminal jurisdic-  
13 tion and satisfies the requirement for that hearing. A probable  
14 cause hearing shall be conducted by a judge other than the judge  
15 who will try the case if the juvenile is tried in the same manner  
16 as an adult.

17       (5) If the court determines ~~that~~ there is probable cause  
18 to believe the offense alleged in the petition was committed and  
19 ~~there is~~ probable cause to believe the juvenile committed the  
20 offense, the case shall be set for trial in the same manner as  
21 the trial of an adult in a court of general criminal  
22 jurisdiction.

23       (6) If the court determines that an offense did not occur or  
24 ~~that~~ there is not probable cause to believe the juvenile com-  
25 mitted ~~an~~ THE offense, the court shall dismiss the petition.  
26 If the court determines there is probable cause to believe ~~that~~  
27 another offense was committed and there is probable cause to

1 believe the juvenile committed that offense, the court may  
 2 further determine whether the case should be designated as a case  
 3 in which the juvenile should be tried in the same manner as an  
 4 adult as provided in subsection (2). If the court designates the  
 5 case, the case shall be set for trial in the same manner as the  
 6 trial of an adult in a court of general criminal jurisdiction.

7 (7) If a case is designated under this section, the proceed-  
 8 ings are criminal proceedings and shall afford all procedural  
 9 protections and guarantees to which the juvenile would be enti-  
 10 tled if being tried for the offense in a court of general crimi-  
 11 nal jurisdiction. A plea of guilty or nolo contendere or a ver-  
 12 dict of guilty shall result in entry of a judgment of  
 13 conviction. The conviction shall have the same effect and  
 14 liabilities as if it had been obtained in a court of general  
 15 criminal jurisdiction.

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

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

21 (a) A violation of section 72, 83, 86, 89, 91, 316, 317,  
 22 349, 520b, 529, 529a, or 531 of the Michigan penal code, ~~Act~~  
 23 ~~No. 328 of the Public Acts of 1931, being sections 750.72,~~  
 24 ~~750.83, 750.86, 750.89, 750.91, 750.316, 750.317, 750.349,~~  
 25 ~~750.520b, 750.529, 750.529a, and 750.531 of the Michigan Compiled~~  
 26 ~~Laws~~ 1931 PA 328, MCL 750.72, 750.83, 750.86, 750.89, 750.91,

1 750.316, 750.317, 750.349, 750.520B, 750.529, 750.529A, AND  
2 750.531.

3 (b) A violation of section 84 or 110a(2) of ~~Act No. 328 of~~  
4 ~~the Public Acts of 1931, being sections 750.84 and 750.110a of~~  
5 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
6 MCL 750.84 AND 750.110A, if the juvenile is armed with a danger-  
7 ous weapon. As used in this subdivision, "dangerous weapon"  
8 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, black-  
12 jack, club, or other object specifically designed or customarily  
13 carried or possessed for use as a weapon.

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

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

20 (c) A violation of section 186a of ~~Act No. 328 of the~~  
21 ~~Public Acts of 1931, being section 750.186a of the Michigan~~  
22 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
23 750.186A, regarding escape or attempted escape from a juvenile  
24 facility, but only if the juvenile facility from which the juve-  
25 nile escaped or attempted to escape was 1 of the following:

26 (i) A high-security or medium-security facility operated by  
27 the family independence agency OR A COUNTY JUVENILE AGENCY.

1 (ii) A high-security facility operated by a private agency  
2 under contract with the family independence agency OR A COUNTY  
3 JUVENILE AGENCY.

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

8 (e) An attempt to commit a violation described in subdivi-  
9 sions (a) to (d).

10 (f) Conspiracy to commit a violation described in subdivi-  
11 sions (a) to (d).

12 (g) Solicitation to commit a violation described in subdivi-  
13 sions (a) to (d).

14 (h) Any lesser included offense of an offense described in  
15 subdivisions (a) to (g) if the juvenile is alleged in the peti-  
16 tion to have committed an offense described in subdivisions (a)  
17 to (g).

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

22 SEC. 2E. (1) THE COURT MAY ENTER INTO AN AGREEMENT WITH ANY  
23 OR ALL DISTRICT COURTS OR MUNICIPAL COURTS WITHIN THE COURT'S  
24 GEOGRAPHIC JURISDICTION TO WAIVE JURISDICTION OVER ANY OR ALL  
25 CIVIL INFRACTIONS ALLEGED TO HAVE BEEN COMMITTED BY JUVENILES  
26 WITHIN THE GEOGRAPHIC JURISDICTION OF THE DISTRICT COURT OR



1 MUNICIPAL COURT. THE AGREEMENT SHALL SPECIFY FOR WHICH CIVIL  
2 INFRACTIONS THE COURT WAIVES JURISDICTION.

3 (2) FOR A CIVIL INFRACTION WAIVED UNDER SUBSECTION (1) COM-  
4 MITTED BY A JUVENILE ON OR AFTER THE EFFECTIVE DATE OF THE AGREE-  
5 MENT, THE DISTRICT COURT OR MUNICIPAL COURT HAS JURISDICTION OVER  
6 THE JUVENILE IN THE SAME MANNER AS IF AN ADULT HAD COMMITTED THE  
7 CIVIL INFRACTION. THE COURT HAS JURISDICTION OVER JUVENILES WHO  
8 COMMIT ANY OTHER CIVIL INFRACTION.

9 Sec. 8. The office of county agent is created. The county  
10 agent ~~shall be~~ IS an officer of the court and under the general  
11 supervision of the judges of the court and shall serve at their  
12 pleasure. The county agent shall organize, direct and develop  
13 the juvenile welfare work of the court as authorized by the  
14 judge. When requested by the superintendent or director, the  
15 county agent shall supervise juveniles released from public  
16 institutions or agencies and may perform other juvenile welfare  
17 work as requested and with the approval of the judge, including  
18 services to school-age juveniles of the various school districts  
19 within the county, after consultation and agreement with the  
20 county school commissioner and the superintendents of schools in  
21 a county. ~~The~~ WITH THE JUDGE'S APPROVAL, THE county agent or  
22 HIS OR HER assistants shall ~~, with the approval of the judge,~~  
23 ~~make investigations and reports~~ INVESTIGATE AND REPORT on juve-  
24 niles or families within the county as requested by the family  
25 independence agency, THE COUNTY JUVENILE AGENCY, or ~~by~~ the  
26 superintendent of any state institution regarding the welfare of

1 any juvenile. Assistant county agents shall perform the duties  
2 assigned to them by the county agent.

3       Sec. 11. (1) Except as provided in subsection (2), if a  
4 person gives information to the court that a juvenile is within  
5 section 2(a)(2) to (6), (b), (c), or (d) of this chapter, a pre-  
6 liminary inquiry may be made to determine whether the interests  
7 of the public or the juvenile require that further action be  
8 taken. If the court determines that formal jurisdiction should  
9 be acquired, the court shall authorize a petition to be filed.

10       (2) Only the prosecuting attorney may file a petition  
11 requesting the court to take jurisdiction of a juvenile allegedly  
12 within section 2(a)(1) of this chapter. If the prosecuting  
13 attorney submits a petition requesting the court to take juris-  
14 diction of a juvenile allegedly within section 2(a)(1) of this  
15 chapter and the court determines that formal jurisdiction should  
16 be acquired, the court shall authorize a petition to be filed.

17       (3) IF THE COURT AUTHORIZES A PETITION TO BE FILED AND  
18 ASSUMES JURISDICTION UPON DIFFERENT GROUNDS THAN ORIGINALLY  
19 ALLEGED IN A PETITION OR PROVIDED IN INFORMATION TO THE COURT,  
20 THE COURT SHALL ARTICULATE ON THE RECORD ITS REASONS FOR FINDING  
21 JURISDICTION UPON THOSE GROUNDS IF EITHER OF THE FOLLOWING  
22 APPLIES:

23       (A) THE JUVENILE WAS ALLEGED TO BE WITHIN SECTION 2(A) OR  
24 (D) OF THIS CHAPTER AND THE PETITION WAS AUTHORIZED UNDER SECTION  
25 2(B) OR (C) OF THIS CHAPTER.

1 (B) THE JUVENILE WAS ALLEGED TO BE WITHIN SECTION 2(B) OR  
2 (C) OF THIS CHAPTER AND THE PETITION WAS AUTHORIZED UNDER SECTION  
3 2(A) OR (D) OF THIS CHAPTER.

4 (4) ~~-(3)-~~ The petition described in subsections (1) and (2)  
5 shall be verified and may be upon information and belief. The  
6 petition shall set forth plainly the facts that bring the juve-  
7 nile within this chapter and shall contain all of the following  
8 information:

9 (a) The juvenile's name, birth date, and address.

10 (b) The name and address of the juvenile's parents.

11 (c) The name and address of the juvenile's legal guardian,  
12 if there is one.

13 (d) The name and address of each person having custody or  
14 control of the juvenile.

15 (e) The name and address of the juvenile's nearest known  
16 relative, if no parent or guardian can be found.

17 (5) ~~-(4)-~~ If any of the facts required under subsection  
18 ~~-(3)-~~ (4) are not known to the petitioner, the petition shall  
19 state that the facts are not known. If the juvenile attains his  
20 or her seventeenth birthday after the filing of the petition, the  
21 court's jurisdiction shall continue beyond the juvenile's seven-  
22 teenth birthday and the court may hear and dispose of the peti-  
23 tion under this chapter.

24 (6) ~~-(5)-~~ When a petition is authorized, the court shall  
25 examine the court file to determine if a juvenile has had finger-  
26 prints taken as required under section 3 of ~~Act No. 289 of the~~  
27 ~~Public Acts of 1925, being section 28.243 of the Michigan~~

1 ~~Compiled Laws~~ 1925 PA 289, MCL 28.243. If a juvenile has not  
2 had his or her fingerprints taken, the court shall do either of  
3 the following:

4 (a) Order the juvenile to submit himself or herself to the  
5 police agency that arrested or obtained the warrant for the  
6 JUVENILE'S arrest ~~of the juvenile~~ so the juvenile's finger-  
7 prints can be taken.

8 (b) Order the juvenile committed to the SHERIFF'S custody  
9 ~~of the sheriff~~ for ~~the~~ taking ~~of~~ the juvenile's  
10 fingerprints.

11 (7) ~~(6)~~ A petition or other court record may be amended at  
12 any stage of the proceedings as the ends of justice require.

13 (8) ~~(7)~~ If the juvenile diversion act, ~~Act No. 13 of the~~  
14 ~~Public Acts of 1988, being sections 722.821 to 722.831 of the~~  
15 ~~Michigan Compiled Laws~~ 1988 PA 13, MCL 722.821 TO 722.831, is  
16 complied with and the court determines that court services can be  
17 used in the prevention of delinquency without formal jurisdic-  
18 tion, the court may offer court services to a juvenile without a  
19 petition being authorized as provided in section 2(e) of this  
20 chapter.

21 Sec. 16. (1) If a juvenile under the age of 17 years is  
22 taken into custody or detained, the juvenile shall not be con-  
23 fined in any police station, prison, jail, lock-up, or reforma-  
24 tory ~~—~~ or ~~be~~ transported with, or compelled or permitted to  
25 associate or mingle with, criminal or dissolute persons.  
26 However, except as otherwise provided in section 15(3), (4), and  
27 (5) of this chapter, THE COURT MAY ORDER a juvenile 15 years of

1 age or older whose habits or conduct are considered a menace to  
2 other juveniles, or who may not otherwise be safely detained,  
3 ~~may, on order of the court, be~~ placed in a jail or other place  
4 of detention for adults, but in a room or ward separate from  
5 adults ~~—, and for a period not to exceed~~ MORE THAN 30 days,  
6 unless longer detention is necessary for the service of process.

7 (2) ~~Provision may be made by the~~ THE county board of com-  
8 missioners in each county or of counties contracting together MAY  
9 PROVIDE for the diagnosis, treatment, care, training, and deten-  
10 tion of juveniles in a child care home ~~to be~~ OR FACILITY con-  
11 ducted as an agency of the county if the home or facility meets  
12 licensing standards established ~~by the family independence~~  
13 ~~agency pursuant to subsection (5)~~ UNDER 1973 PA 116, MCL 722.111  
14 TO 722.128. The court or a court approved agency may arrange for  
15 the boarding of juveniles ~~by~~ IN any of the following:

16 (a) If a juvenile is within the court's jurisdiction under  
17 section 2(a) of this chapter, ~~in~~ a suitable foster care home  
18 subject to the court's supervision. If a juvenile is within the  
19 court's jurisdiction under section 2(b) of this chapter, the  
20 court shall not place a juvenile in a foster care home subject to  
21 the court's supervision.

22 (b) ~~In a~~ A child ~~care~~ CARING institution or child plac-  
23 ing agency licensed by the ~~family independence agency~~  
24 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES to receive for care  
25 juveniles within the COURT'S jurisdiction. ~~of the court.~~

1 (c) If in a room or ward ~~—~~ separate and apart from adult  
2 criminals, ~~in~~ the county jail ~~in cases of~~ FOR juveniles over  
3 17 years of age within the COURT'S jurisdiction. ~~of the court.~~

4 (3) If a detention home OR FACILITY is established as an  
5 agency of the county, the judge may appoint a superintendent and  
6 other necessary employees for the home OR FACILITY who shall  
7 receive compensation as ~~shall be~~ provided by the county board  
8 of commissioners of the county. This section does not alter or  
9 diminish the legal responsibility of the family independence  
10 agency OR A COUNTY JUVENILE AGENCY to receive juveniles committed  
11 by the ~~probate courts~~ COURT.

12 (4) If the court under subsection (2) arranges for the board  
13 of juveniles temporarily detained in private homes or in a child  
14 ~~care~~ CARING institution or child placing agency, a reasonable  
15 sum ~~—, to be~~ fixed by the court ~~—~~ for ~~the~~ THEIR board ~~of~~  
16 ~~the juveniles~~ shall be paid by the county treasurer ~~out of the~~  
17 ~~general fund of the county~~ AS PROVIDED IN SECTION 25 OF THIS  
18 CHAPTER.

19 (5) A court shall not provide foster care home services  
20 subject to the court's supervision to juveniles within section  
21 2(b) 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 com-  
24 missioners or, in a county that has an elected county executive,  
25 under the COUNTY EXECUTIVE'S direction. ~~of the county~~  
26 ~~executive.~~ However, a different method for directing the  
27 operation of a ~~youth~~ detention home may be agreed to in any

1 county by the chief judge of the circuit court in that county and  
2 the county board of commissioners or, in a county that has an  
3 elected county executive, the county executive.

4       Sec. 18. (1) If the court finds that a juvenile concerning  
5 whom a petition is filed is not within this chapter, the court  
6 shall enter an order dismissing the petition. Except as other-  
7 wise provided in subsection (10), if the court finds that a juve-  
8 nile is within this chapter, the court may enter any of the fol-  
9 lowing orders of disposition that are appropriate for the welfare  
10 of the juvenile and society in view of the facts proven and  
11 ascertained:

12       (a) Warn the juvenile or the juvenile's parents, guardian,  
13 or custodian and, except as provided in subsection (7), dismiss  
14 the petition.

15       (b) Place the juvenile on probation, or under supervision in  
16 the juvenile's own home or in the home of an adult who is related  
17 to the juvenile. As used in this subdivision, "related" means  
18 being a parent, grandparent, brother, sister, stepparent, step-  
19 sister, stepbrother, uncle, or aunt by marriage, blood, or  
20 adoption. The court shall order the terms and conditions of pro-  
21 bation or supervision, including reasonable rules for the conduct  
22 of the parents, guardian, or custodian, if any, as the court  
23 determines necessary for the physical, mental, or moral  
24 well-being and behavior of the juvenile.

25       (c) If a juvenile is within the court's jurisdiction under  
26 section 2(a) of this chapter, place the juvenile in a suitable  
27 foster care home subject to the court's supervision. If a

1 juvenile is within the court's jurisdiction under section 2(b) of  
2 this chapter, the court shall not place a juvenile in a foster  
3 care home subject to the court's supervision.

4       (d) ~~Place~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVI-  
5 SION, PLACE the juvenile in or commit the juvenile to a private  
6 institution or agency approved or licensed by the ~~family inde-~~  
7 ~~pendence agency~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES for  
8 the care of juveniles of similar age, sex, and characteristics.  
9 IF THE COUNTY IS A COUNTY JUVENILE AGENCY, THE COURT SHALL COMMIT  
10 THE JUVENILE TO THAT COUNTY JUVENILE AGENCY FOR PLACEMENT IN OR  
11 COMMITMENT TO SUCH AN INSTITUTION OR AGENCY UNDER CONTRACT WITH  
12 THE COUNTY JUVENILE AGENCY AS THE COURT ORDERS OR, TO THE EXTENT  
13 AUTHORIZED BY COURT ORDER AND SUBJECT TO ANY LEVEL OF PLACEMENT  
14 THE COURT DESIGNATES BY ORDER, AS THE COUNTY JUVENILE AGENCY  
15 DETERMINES IS MOST APPROPRIATE.

16       (e) ~~Commit~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVI-  
17 SION, COMMIT the juvenile to a public institution, county facili-  
18 ty, institution operated as an agency of the court or county, or  
19 agency authorized by law to receive juveniles of similar age,  
20 sex, and characteristics. IF THE COUNTY IS A COUNTY JUVENILE  
21 AGENCY, THE COURT SHALL COMMIT THE JUVENILE TO THAT COUNTY JUVE-  
22 NILE AGENCY FOR PLACEMENT IN OR COMMITMENT TO SUCH AN INSTITUTION  
23 OR FACILITY OPERATED BY OR UNDER CONTRACT WITH THE COUNTY JUVE-  
24 NILE AGENCY AS THE COURT ORDERS OR, TO THE EXTENT AUTHORIZED BY  
25 COURT ORDER AND SUBJECT TO ANY LEVEL OF PLACEMENT THE COURT DES-  
26 IGNATES BY ORDER, AS THE COUNTY JUVENILE AGENCY DETERMINES IS  
27 MOST APPROPRIATE. In a placement under subdivision (d) or a



1 commitment under this subdivision, except to a state institution  
2 OR COUNTY JUVENILE AGENCY INSTITUTION, the JUVENILE'S religious  
3 affiliation ~~of the juvenile~~ shall be protected by placement or  
4 commitment to a private child-placing or child-caring agency or  
5 institution, if available. ~~In every~~ EXCEPT FOR COMMITMENT TO A  
6 COUNTY JUVENILE AGENCY, AN order of commitment under this subdi-  
7 vision to a state institution or agency described in the youth  
8 rehabilitation services act, ~~Act No. 150 of the Public Acts of~~  
9 ~~1974, being sections 803.301 to 803.309 of the Michigan Compiled~~  
10 ~~Laws~~ 1974 PA 150, MCL 803.301 TO 803.309, or in ~~Act No. 220 of~~  
11 ~~the Public Acts of 1935, being sections 400.201 to 400.214 of the~~  
12 ~~Michigan Compiled Laws~~ 1935 PA 220, MCL 400.201 TO 400.214, the  
13 court shall name the superintendent of the institution to which  
14 the juvenile is committed as a special guardian to receive bene-  
15 fits due the juvenile from the government of the United States.  
16 ~~, and the~~ AN ORDER OF COMMITMENT UNDER THIS SUBDIVISION TO A  
17 COUNTY JUVENILE AGENCY SHALL NAME THE COUNTY JUVENILE AGENCY AS A  
18 SPECIAL GUARDIAN TO RECEIVE THOSE BENEFITS. THE benefits  
19 RECEIVED BY THE SPECIAL GUARDIAN shall be used to the extent nec-  
20 essary to pay for the portions of the cost of care in the insti-  
21 tution OR FACILITY that the parent or parents are found unable to  
22 pay.

23 (f) Provide the juvenile with medical, dental, surgical, or  
24 other health care, in a local hospital, if available, or else-  
25 where, maintaining as much as possible a local physician-patient  
26 relationship, and with clothing and other incidental items ~~as~~  
27 the court ~~considers~~ DETERMINES ARE necessary.

1 (g) Order the parents, guardian, custodian, or any other  
2 person to refrain from continuing conduct that the court deter-  
3 mines has caused or tended to cause the juvenile to come within  
4 or to remain under this chapter ~~—~~ or that obstructs placement  
5 or commitment of the juvenile pursuant to an order under this  
6 section.

7 (h) Appoint a guardian under section 424 of the revised pro-  
8 bate code, ~~Act No. 642 of the Public Acts of 1978, being section~~  
9 ~~700.424 of the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424,  
10 pursuant to a petition filed with the court by a person inter-  
11 ested in the JUVENILE'S welfare. ~~of the juvenile.~~ If the court  
12 appoints a guardian pursuant to this subdivision, it may ~~enter~~  
13 ~~an order dismissing~~ DISMISS the petition under this chapter.

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

15 (j) If the court finds that a juvenile has violated a munic-  
16 ipal ordinance or a state or federal law, order the juvenile to  
17 pay a civil fine in the amount of the civil or penal fine pro-  
18 vided by the ordinance or law. Money collected from fines levied  
19 under this subsection shall be distributed as provided in section  
20 29 of this chapter.

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

24 (l) If a juvenile is within the court's jurisdiction under  
25 section 2(a)(1) of this chapter, order the juvenile's parent or  
26 guardian to personally participate in treatment reasonably  
27 available in the parent's or guardian's location.

1 (m) If a juvenile is within the court's jurisdiction under  
2 section 2(a)(1) of this chapter, place the juvenile in and order  
3 the juvenile to complete satisfactorily a program of training in  
4 a juvenile boot camp established by the family independence  
5 agency under the juvenile boot camp act, 1996 PA 263, MCL  
6 400.1301 TO 400.1309, as provided in that act. IF THE COUNTY IS  
7 A COUNTY JUVENILE AGENCY, HOWEVER, THE COURT SHALL COMMIT THE  
8 JUVENILE TO THAT COUNTY JUVENILE AGENCY FOR PLACEMENT IN THE PRO-  
9 GRAM UNDER THAT ACT. Upon receiving a report of satisfactory com-  
10 pletion of the program from the family independence agency, the  
11 court shall authorize the juvenile's release from placement in  
12 the juvenile boot camp. Following satisfactory completion of the  
13 juvenile boot camp program, the juvenile shall complete an addi-  
14 tional period of not less than 120 days or more than 180 days of  
15 intensive supervised community reintegration in the juvenile's  
16 local community. To place OR COMMIT a juvenile ~~in a juvenile~~  
17 ~~boot camp program~~ UNDER THIS SUBDIVISION, the court shall deter-  
18 mine all of the following:

19 (i) Placement in a juvenile boot camp will benefit the  
20 juvenile.

21 (ii) The juvenile is physically able to participate in the  
22 program.

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

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

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

(vi) IF THE COURT MUST COMMIT THE JUVENILE TO A COUNTY

JUVENILE AGENCY, THE COUNTY JUVENILE AGENCY IS ABLE TO PLACE THE JUVENILE IN A JUVENILE BOOT CAMP PROGRAM.

(n) If the court entered a judgment of conviction under section 2d of this chapter, enter any disposition under this section or, if the court determines that the best interests of the public would be served, impose any sentence upon the juvenile that could be imposed upon an adult convicted of the offense for which the juvenile was convicted. If the juvenile is convicted of a violation or conspiracy to commit a violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401 and 333.7403 of the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.7401 AND 333.7403, the court may impose the alternative sentence permitted under those sections if the court determines that the best interests of the public would be served. The court may delay imposing a sentence of imprisonment under this subdivision for a period not longer than the period during which the court has jurisdiction over the juvenile under this chapter by entering an order of disposition delaying imposition of sentence and placing the juvenile on probation upon the terms and conditions it considers appropriate, including any disposition under this section. If the court delays imposing sentence under this section, section 18i of this chapter applies. If the court imposes sentence, it shall enter a judgment of sentence. If the court imposes a sentence of imprisonment, the juvenile shall receive credit against the

1 sentence for time served before sentencing. In determining  
2 whether to enter an order of disposition or impose a sentence  
3 under this subdivision, the court shall consider all of the fol-  
4 lowing factors, giving greater weight to the seriousness of the  
5 offense and the juvenile's prior record:

6       (i) The seriousness of the offense in terms of community  
7 protection, including, but not limited to, the existence of any  
8 aggravating factors recognized by the sentencing guidelines, the  
9 use of a firearm or other dangerous weapon, and the impact on any  
10 victim.

11       (ii) The culpability of the juvenile in committing the  
12 offense, including, but not limited to, the level of the  
13 juvenile's participation in planning and carrying out the offense  
14 and the existence of any aggravating or mitigating factors recog-  
15 nized by the sentencing guidelines.

16       (iii) The juvenile's prior record of delinquency including,  
17 but not limited to, any record of detention, any police record,  
18 any school record, or any other evidence indicating prior delin-  
19 quent behavior.

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

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

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

26       (2) An order of disposition placing a juvenile in or  
27 committing a juvenile to care outside of the juvenile's own home

1 and under state, COUNTY JUVENILE AGENCY, or court supervision  
2 shall contain a provision for reimbursement by the juvenile,  
3 parent, guardian, or custodian to the court for the cost of care  
4 or service. The order shall be reasonable, taking into account  
5 both the income and resources of the juvenile, parent, guardian,  
6 or custodian. The amount may be based upon the guidelines and  
7 model schedule created under subsection (6). If the juvenile is  
8 receiving an adoption support subsidy pursuant to section 115j(4)  
9 of the social welfare act, ~~Act No. 280 of the Public Acts of~~  
10 ~~1939, being section 400.115j of the Michigan Compiled Laws 1939~~  
11 ~~PA 280, MCL 400.115J,~~ the amount shall not exceed the amount of  
12 the support subsidy. The reimbursement provision applies during  
13 the entire period the juvenile remains in care outside of the  
14 juvenile's own home and under state, COUNTY JUVENILE AGENCY, or  
15 court supervision, unless the juvenile is in the COURT'S per-  
16 manent custody. ~~of the court.~~ The court shall provide for the  
17 collection of all amounts ordered to be reimbursed ~~—,~~ and the  
18 money collected shall be accounted for and reported to the county  
19 board of commissioners. Collections to cover delinquent accounts  
20 or to pay the balance due on reimbursement orders may be made  
21 after a juvenile is released or discharged from care outside the  
22 juvenile's own home and under state, COUNTY JUVENILE AGENCY, or  
23 court supervision. Twenty-five percent of all amounts collected  
24 pursuant to an order entered under this subsection shall be cred-  
25 ited to the appropriate fund of the county to offset the adminis-  
26 trative cost of collections. The balance of all amounts  
27 collected pursuant to an order entered under this subsection

1 shall be divided in the same ratio in which the county, state,  
2 and federal government participate in the cost of care outside  
3 the juvenile's own home and under state, COUNTY JUVENILE AGENCY,  
4 or court supervision. The court may also collect benefits paid  
5 for the cost of care of a court ward from the government of the  
6 United States. Money collected for juveniles placed BY THE COURT  
7 with or committed to the family independence agency OR A COUNTY  
8 JUVENILE AGENCY shall be accounted for and reported on an indi-  
9 vidual juvenile basis. In cases of delinquent accounts, the  
10 court may also enter an order to intercept state or federal tax  
11 refunds of a juvenile, parent, guardian, or custodian and initi-  
12 ate the necessary offset proceedings in order to recover the cost  
13 of care or service. The court shall send to the person who is  
14 the subject of the intercept order advance written notice of the  
15 proposed offset. The notice shall include notice of the opportu-  
16 nity to contest the offset on the grounds that the intercept is  
17 not proper because of a mistake of fact concerning the amount of  
18 the delinquency or the identity of the person subject to the  
19 order. The court shall provide for the prompt reimbursement of  
20 an amount withheld in error or an amount found to exceed the  
21 delinquent amount.

22       (3) An order of disposition placing a juvenile in the  
23 juvenile's own home under subsection (1)(b) may contain a provi-  
24 sion for reimbursement by the juvenile, parent, guardian, or cus-  
25 todian to the court for the cost of service. If an order is  
26 entered under this subsection, an amount due shall be determined

1 and treated in the same manner provided for an order entered  
2 under subsection (2).

3 (4) An order directed to a parent or a person other than the  
4 juvenile is not effective and binding on the parent or other  
5 person unless opportunity for hearing is given ~~pursuant to~~ BY  
6 issuance of summons or notice as provided in sections 12 and 13  
7 of this chapter ~~—~~ and until a copy of the order, bearing the  
8 seal of the court, is served on the parent or other person as  
9 provided in section 13 of this chapter.

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

14 (6) The office of the state court administrator, under the  
15 supervision and direction of the supreme court and in consulta-  
16 tion with the family independence agency and the Michigan probate  
17 judges association, shall create guidelines and a model schedule  
18 ~~that THE COURT may be used by the court~~ USE in determining  
19 the ability of the juvenile, parent, guardian, or custodian to  
20 pay for care and any costs of service ordered under subsection  
21 (2) or (3). The guidelines and model schedule shall take into  
22 account both the income and resources of the juvenile, parent,  
23 guardian, or custodian.

24 (7) If the court finds that a juvenile comes under section  
25 30 of this chapter, the court shall order the juvenile or the  
26 juvenile's parent to pay restitution as provided in sections 30  
27 and 31 of this chapter and in sections 44 and 45 of the crime



1 victim's rights act, ~~Act No. 87 of the Public Acts of 1985,~~  
2 ~~being sections 780.794 and 780.795 of the Michigan Compiled Laws~~  
3 ~~1985 PA 87, MCL 780.794 AND 780.795.~~

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

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

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

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

18 (10) ~~For the purposes of this subsection and~~  
19 ~~subsection (11), "juvenile offense" means that term as defined in~~  
20 ~~section 1a of Act No. 289 of the Public Acts of 1925, being sec-~~  
21 ~~tion 28.241a of the Michigan Compiled Laws.~~ The court shall not  
22 enter an order of disposition for a juvenile offense AS DEFINED  
23 IN SECTION 1A OF 1925 PA 289, MCL 28.241A, OR A JUDGMENT OF SEN-  
24 TENCE FOR A CONVICTION until the court has examined the court  
25 file and has determined that the juvenile's fingerprints have  
26 been taken as required by section 3 of ~~Act No. 289 of the Public~~  
27 ~~Acts of 1925, being section 28.243 of the Michigan Compiled Laws~~

1 1925 PA 289, MCL 28.243. If a juvenile has not had his or her  
2 fingerprints taken, the court shall do either of the following:

3 (a) Order the juvenile to submit himself or herself to the  
4 police agency that arrested or obtained the warrant for the  
5 JUVENILE'S arrest ~~of the juvenile~~ so the juvenile's finger-  
6 prints can be taken.

7 (b) Order the juvenile committed to the SHERIFF'S custody  
8 ~~of the sheriff~~ for ~~the~~ taking ~~of~~ the juvenile's  
9 fingerprints.

10 (11) Upon FINAL disposition, CONVICTION, ACQUITTAL, or dis-  
11 missal of ~~a juvenile~~ AN offense WITHIN THE COURT'S JURISDICTION  
12 UNDER SECTION 2(A)(1) OF THIS CHAPTER, the clerk of the court  
13 entering the FINAL disposition, CONVICTION, ACQUITTAL, or dis-  
14 missal shall immediately advise the department of state police of  
15 the FINAL disposition, CONVICTION, ACQUITTAL, or dismissal on  
16 forms approved by the state court administrator, AS REQUIRED BY  
17 SECTION 3 OF 1925 PA 289, MCL 28.243. The report to the depart-  
18 ment of state police shall include information as to the finding  
19 of the judge or jury and a summary of the disposition OR SENTENCE  
20 imposed.

21 (12) If the court enters an order of disposition based on an  
22 act that is a juvenile offense as defined in section 1 of ~~Act~~  
23 ~~No. 196 of the Public Acts of 1989, being section 780.901 of the~~  
24 ~~Michigan Compiled Laws~~ 1989 PA 196, MCL 780.901, the court shall  
25 order the juvenile to pay the assessment as provided in that  
26 act. If the court enters a judgment of conviction under  
27 section 2d of this chapter for an offense that is a felony,

1 serious misdemeanor, or specified misdemeanor as defined in  
2 section 1 of ~~Act No. 196 of the Public Acts of 1989~~ 1989 PA  
3 196, MCL 780.901, the court shall order the juvenile to pay the  
4 assessment as provided in that act.

5 (13) If the court has entered an order of disposition OR A  
6 JUDGMENT OF CONVICTION for a listed offense as defined in section  
7 2 of the sex offenders registration act, ~~Act No. 295 of the~~  
8 ~~Public Acts of 1994, being section 28.722 of the Michigan~~  
9 ~~Compiled Laws~~ 1994 PA 295, MCL 28.722, the court, ~~or~~ the  
10 family independence agency, OR THE COUNTY JUVENILE AGENCY shall  
11 register the juvenile or accept the juvenile's registration as  
12 provided in the sex offenders registration act, ~~Act No. 295 of~~  
13 ~~the Public Acts of 1994, being sections 28.721 to 28.732 of the~~  
14 ~~Michigan Compiled Laws~~ 1994 PA 295, MCL 28.721 TO 28.732.

15 (14) If the court enters an order of disposition placing a  
16 juvenile in a juvenile boot camp program, OR COMMITTING A JUVENILE  
17 TO A COUNTY JUVENILE AGENCY FOR PLACEMENT IN A JUVENILE BOOT  
18 CAMP PROGRAM, and the court receives from the family independence  
19 agency a report that the juvenile has failed to perform satisfactorily  
20 in the program, ~~or a report~~ that the juvenile does not  
21 meet the program's requirements or is medically unable to participate  
22 in the program for more than 25 days, ~~or a report~~ that  
23 there is ~~not an~~ NO opening in a juvenile boot camp program, OR  
24 THAT THE COUNTY JUVENILE AGENCY IS UNABLE TO PLACE THE JUVENILE  
25 IN A JUVENILE BOOT CAMP PROGRAM, the court shall release the  
26 juvenile from THE placement ~~in the juvenile boot camp~~ OR  
27 COMMITMENT and enter an alternative order of disposition. A

1 juvenile shall not be placed in a juvenile boot camp ~~pursuant~~  
2 ~~to~~ UNDER an order of disposition more than once, except that a  
3 juvenile returned to the court for a medical condition, ~~or~~  
4 because there was ~~not an~~ NO opening in a juvenile boot camp  
5 program, OR BECAUSE THE COUNTY JUVENILE AGENCY WAS UNABLE TO  
6 PLACE THE JUVENILE IN A JUVENILE BOOT CAMP PROGRAM may be placed  
7 again in the juvenile boot camp program after the medical condi-  
8 tion is corrected, ~~or~~ an opening becomes available, ~~in a juve-~~  
9 ~~nile boot camp program~~ OR THE COUNTY JUVENILE AGENCY IS ABLE TO  
10 PLACE THE JUVENILE.

11 (15) The court shall not impose a sentence of imprisonment  
12 in the county jail under subsection (1)(n) unless the present  
13 county jail facility for the JUVENILE'S imprisonment ~~of the~~  
14 ~~juvenile~~ would meet all requirements under federal law and regu-  
15 lations for housing juveniles. ~~, and the~~ THE court shall not  
16 impose the sentence OF IMPRISONMENT until it consults with the  
17 sheriff to determine when the sentence will begin to ensure that  
18 space will be available for the juvenile.

19 Sec. 18k. (1) An individual convicted of or found responsi-  
20 ble for a violation of section 91, 316, or 317 OF THE MICHIGAN  
21 PENAL CODE, 1931 PA 328, MCL 750.91, 750.316, AND 750.317, or a  
22 violation or attempted violation of section 349, 520b, 520c,  
23 520d, 520e, or 520g OF THAT ACT, MCL 750.349, 750.520B, 750.520C,  
24 750.520D, 750.520E, AND 750.520G, shall provide samples for chem-  
25 ical testing for DNA identification profiling or a determination  
26 of the sample's genetic markers and shall provide samples for  
27 chemical testing for a determination of his or her secretor

1 status. However, if at the time the individual is convicted of  
2 or found responsible for the violation the investigating law  
3 enforcement agency, the department of state police, ~~or~~ the  
4 family independence agency, OR THE COUNTY JUVENILE AGENCY already  
5 has a sample from the individual that meets the requirements of  
6 the rules promulgated under the DNA identification profiling  
7 system act, ~~Act No. 250 of the Public Acts of 1990, being~~  
8 ~~sections 28.171 to 28.176 of the Michigan Compiled Laws~~ 1990 PA  
9 250, MCL 28.171 TO 28.176, the individual is not required to pro-  
10 vide another sample.

11 (2) The investigating law enforcement agency shall provide  
12 for collecting the samples required to be provided under  
13 subsection (1) in a medically approved manner by qualified per-  
14 sons using supplies provided by the department of state police  
15 and shall forward those samples and any samples described in  
16 subsection (1) that were already in the agency's possession to  
17 the department of state police. The collecting and forwarding of  
18 samples shall be done in the manner required under the rules  
19 promulgated under the DNA identification profiling system act,  
20 ~~Act No. 250 of the Public Acts of 1990~~ 1990 PA 250, MCL 28.171  
21 TO 28.176.

22 (3) The family independence agency or ~~an~~ A COUNTY JUVENILE  
23 AGENCY, investigating law enforcement agency, prosecuting agency,  
24 or court that has in its possession a DNA identification profile  
25 obtained from a sample of an individual convicted of or found  
26 responsible for an offense described in subsection (1) shall  
27 forward the DNA identification profile to the department of state

1 police at or before the time the court imposes sentence or enters  
2 an order of disposition upon that conviction or finding of  
3 responsibility unless the department of state police already has  
4 a DNA identification profile of the individual.

5 (4) As used in this section:

6 (a) "DNA identification profile" and "DNA identification  
7 profiling" mean those terms as defined in section 2 of the DNA  
8 identification profiling system act, ~~Act No. 250 of the Public~~  
9 ~~Acts of 1990, being section 28.172 of the Michigan Compiled Laws~~  
10 1990 PA 250, MCL 28.172.

11 (b) "Investigating law enforcement agency" means the law  
12 enforcement agency responsible for the investigation of the  
13 offense for which the individual is convicted or found  
14 responsible.

15 (c) "Sample" means a portion of an individual's blood,  
16 saliva, or tissue collected from the individual.

17 Sec. 25. (1) ~~Expenses~~ EXCEPT AS OTHERWISE PROVIDED BY  
18 LAW, EXPENSES incurred in carrying out this chapter ~~, except as~~  
19 ~~may otherwise be specifically provided by law,~~ shall be paid  
20 upon the COURT'S order ~~of the judge of probate~~ by the county  
21 treasurer from the COUNTY'S general fund. ~~of the county.~~

22 (2) A COUNTY THAT IS A COUNTY JUVENILE AGENCY MAY PAY  
23 EXPENSES FOR COUNTY JUVENILE AGENCY SERVICES INCURRED IN CARRYING  
24 OUT THIS CHAPTER FROM THE BLOCK GRANT DISTRIBUTED UNDER  
25 SECTION 117A OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL  
26 400.117A, AND IS NOT OBLIGATED UNDER SUBSECTION (1) TO PAY FOR  
27 JUVENILE JUSTICE SERVICES OTHER THAN COUNTY JUVENILE AGENCY

1 SERVICES AS REQUIRED BY SECTION 117A OF THE SOCIAL WELFARE ACT.  
2 AS USED IN THIS SUBSECTION, "COUNTY JUVENILE AGENCY SERVICES" AND  
3 "JUVENILE JUSTICE SERVICE" MEAN THOSE TERMS AS DEFINED IN SECTION  
4 117A OF THE SOCIAL WELFARE ACT.

5       Sec. 28. (1) Before June 1, 1988, the court shall maintain  
6 records of all cases brought before it and as provided in the  
7 juvenile diversion act. ~~, Act No. 13 of the Public Acts of 1988,~~  
8 ~~being sections 722.821 to 722.831 of the Michigan Compiled Laws.~~  
9 The records shall be open only by COURT order ~~of the court~~ to  
10 persons having a legitimate interest, except that diversion  
11 records shall be open only as provided in ~~Act No. 13 of the~~  
12 ~~Public Acts of 1988~~ THE JUVENILE DIVERSION ACT.

13       (2) Beginning June 1, 1988, the court shall maintain records  
14 of all cases brought before it and as provided in ~~Act No. 13 of~~  
15 ~~the Public Acts of 1988~~ THE JUVENILE DIVERSION ACT. Except as  
16 otherwise provided in this subsection, records of a case brought  
17 before the court shall be open to the general public. Diversion  
18 records shall be open only as provided in ~~Act No. 13 of the~~  
19 ~~Public Acts of 1988~~ THE JUVENILE DIVERSION ACT. Except as oth-  
20 erwise provided in section 49 of the crime victim's rights act,  
21 ~~Act No. 87 of the Public Acts of 1985, being section 780.799 of~~  
22 ~~the Michigan Compiled Laws~~ 1985 PA 87, MCL 780.799, if the hear-  
23 ing of a case brought before the court is closed under section 17  
24 of this chapter, the records of that hearing shall be open only  
25 by COURT order ~~of the court~~ to persons having a legitimate  
26 interest.

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

12 (4) As used in ~~subsections (1) and (2), "persons"~~ THIS  
13 SECTION:

14 (A) "JUVENILE DIVERSION ACT" MEANS THE JUVENILE DIVERSION  
15 ACT, 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 ~~Act~~  
18 ~~No. 422 of the Public Acts of 1984, being sections 722.131 to~~  
19 ~~722.140 of the Michigan Compiled Laws~~ 1984 PA 422, MCL 722.131  
20 TO 722.139A.

21 Enacting section 1. This amendatory act does not take  
22 effect unless the United States department of health and human  
23 services grants part 3 of the family independence agency's waiver  
24 filed under the child welfare demonstration project to permit a  
25 transfer of title IV-E funding from the state to 1 or more coun-  
26 ties and the family independence agency files with the secretary  
27 of state a certification that the necessary waiver was granted.



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

4 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
5 no. 03597'97 \*).

6 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
7 no. 03598'97 \*).

8 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
9 no. 03598'97 a \*).

10 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
11 no. 03598'97 b \*).

12 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
13 no. 03644'97 \*).

14 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
15 no. 03917'97 \*).