

SUBSTITUTE FOR

SENATE BILL NO. 1444

(As amended, November 4, 2004)

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, and 18 of chapter XIIA (MCL 712A.13a, 712A.13b, 712A.17d, and 712A.18), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, section 17d as added by 1998 PA 480, and section 18 as amended by 2004 PA 221.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XIIA

2

Sec. 13a. (1) As used in this section and sections 2, 6b,

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13b, 17c, 17d, 18f, 19, 19a, 19b, and 19c of this chapter:

4

(a) "Agency" means a public or private organization,

5

institution, or facility that is performing the functions under

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part D of title IV of the social security act, 42 USC 651 to 655,

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656 to 657, 658a to 660, and 663 to 669b, or that is responsible

1 under court order or contractual arrangement for a juvenile's
2 care and supervision.

3 **(b) "Agency case file" means the current file from the agency**
4 **providing direct services to the child, that can include the**
5 **child protective services file if the child has not been removed**
6 **from the home or the family independence agency or contract**
7 **agency foster care file as defined under 1973 PA 116, MCL 722.111**
8 **to 722.128.**

9 **(c) —(b)— "Attorney" means, if appointed to represent a child**
10 **in a proceeding under section 2(b) or (c) of this chapter, an**
11 **attorney serving as the child's legal advocate in a traditional**
12 **attorney-client relationship with the child, as governed by the**
13 **Michigan rules of professional conduct. An attorney defined**
14 **under this subdivision owes the same duties of undivided loyalty,**
15 **confidentiality, and zealous representation of the child's**
16 **expressed wishes as the attorney would to an adult client. For**
17 **the purpose of a notice required under these sections, attorney**
18 **includes a child's lawyer-guardian ad litem.**

19 **(d) —(e)— "Case service plan" means the plan developed by an**
20 **agency and prepared ~~pursuant to~~ **under** section 18f of this**
21 **chapter that includes services to be provided by and**
22 **responsibilities and obligations of the agency and activities,**
23 **responsibilities, and obligations of the parent. The case**
24 **service plan may be referred to using different names than case**
25 **service plan including, but not limited to, a parent/agency**
26 **agreement or a parent/agency treatment plan and service**
27 **agreement.**

1 **(e)** ~~-(d)-~~ "Foster care" means care provided to a juvenile in
2 a foster family home, foster family group home, or child caring
3 institution licensed or approved under 1973 PA 116, MCL 722.111
4 to 722.128, or care provided to a juvenile in a relative's home
5 under a court order.

6 **(f)** ~~-(e)-~~ "Guardian ad litem" means an individual whom the
7 court appoints to assist the court in determining the child's
8 best interests. A guardian ad litem does not need to be an
9 attorney.

10 **(g)** ~~-(f)-~~ "Lawyer-guardian ad litem" means an attorney
11 appointed under section 17c of this chapter. A lawyer-guardian
12 ad litem represents the child, and has the powers and duties, as
13 set forth in section 17d of this chapter. The provisions of
14 section 17d of this chapter also apply to a lawyer-guardian ad
15 litem appointed under each of the following:

16 (i) Section 5213 or 5219 of the estates and protected
17 individuals code, 1998 PA 386, MCL 700.5213 and 700.5219.

18 (ii) Section 4 of the child custody act of 1970, 1970 PA 91,
19 MCL 722.24.

20 (iii) Section 10 of the child protection law, 1975 PA 238,
21 MCL 722.630.

22 **(h)** ~~-(g)-~~ "Nonparent adult" means a person who is 18 years of
23 age or older and who, regardless of the person's domicile, meets
24 all of the following criteria in relation to a child over whom
25 the court takes jurisdiction under this chapter:

26 (i) Has substantial and regular contact with the child.

27 (ii) Has a close personal relationship with the child's

1 parent or with a person responsible for the child's health or
2 welfare.

3 (iii) Is not the child's parent or a person otherwise related
4 to the child by blood or affinity to the third degree.

5 (i) ~~(h)~~ "Permanent foster family agreement" means an
6 agreement for a child 14 years old or older to remain with a
7 particular foster family until the child is 18 years old under
8 standards and requirements established by the family independence
9 agency, which agreement is among all of the following:

10 (i) The child.

11 (ii) If the child is a temporary ward, the child's family.

12 (iii) The foster family.

13 (iv) The child placing agency responsible for the child's
14 care in foster care.

15 (j) "Relative" means an individual who is at least 18 years
16 of age and related to the child by blood, marriage, or adoption,
17 as grandparent, great-grandparent, great-great-grandparent, aunt
18 or uncle, great-aunt or great-uncle, great-great-aunt or
19 great-great-uncle, sibling, stepsibling, nephew or niece, first
20 cousin or first cousin once removed, and the spouse of any of the
21 above, even after the marriage has ended by death or divorce. A
22 child may be placed with the parent of a man whom the court has
23 found probable cause to believe is the putative father if there
24 is no man with legally established rights to the child. A
25 placement with the parent of a putative father under this
26 subdivision is not to be construed as a finding of paternity or
27 to confer legal standing on the putative father.

1 (2) If a juvenile is alleged to be within the provisions of
2 section 2(b) of this chapter, the court may authorize a petition
3 to be filed at the conclusion of the preliminary hearing or
4 inquiry. The court may authorize the petition upon a showing of
5 probable cause that 1 or more of the allegations in the petition
6 are true and fall within the provisions of section 2(b) of this
7 chapter. If a petition is before the court because the family
8 independence agency is required to submit the petition under
9 section 17 of the child protection law, 1975 PA 238, MCL 722.637,
10 the court shall hold a hearing on the petition within 24 hours or
11 on the next business day after the petition is submitted, at
12 which hearing the court shall consider at least the matters
13 governed by subsections (4) and (5).

14 (3) Except as provided in subsection (5), if a petition under
15 subsection (2) is authorized, the court may release the juvenile
16 in the custody of either of the juvenile's parents or the
17 juvenile's guardian or custodian under reasonable terms and
18 conditions necessary for either the juvenile's physical health or
19 mental well-being.

20 (4) The court may order a parent, guardian, custodian,
21 nonparent adult, or other person residing in a child's home to
22 leave the home and, except as the court orders, not to
23 subsequently return to the home if all of the following take
24 place:

25 (a) A petition alleging abuse of the child by the parent,
26 guardian, custodian, nonparent adult, or other person is
27 authorized under subsection (2).

1 (b) The court after a hearing finds probable cause to believe
2 the parent, guardian, custodian, nonparent adult, or other person
3 committed the abuse.

4 (c) The court finds on the record that the presence in the
5 home of the person alleged to have committed the abuse presents a
6 substantial risk of harm to the child's life, physical health, or
7 mental well-being.

8 (5) If a petition alleges abuse by a person described in
9 subsection (4), regardless of whether the court orders the
10 alleged abuser to leave the child's home under subsection (4),
11 the court shall not leave the child in or return the child to the
12 child's home or place the child with a person not licensed under
13 1973 PA 116, MCL 722.111 to 722.128, unless the court finds that
14 the conditions of custody at the placement and with the
15 individual with whom the child is placed are adequate to
16 safeguard the child from the risk of harm to the child's life,
17 physical health, or mental well-being.

18 (6) In determining whether to enter an order under
19 subsection (4), the court may consider whether the parent who is
20 to remain in the juvenile's home is married to the person to be
21 removed or has a legal right to retain possession of the home.

22 (7) An order entered under subsection (4) may also contain 1
23 or more of the following terms or conditions:

24 (a) The court may require the alleged abusive parent to pay
25 appropriate support to maintain a suitable home environment for
26 the juvenile during the duration of the order.

27 (b) The court may order the alleged abusive person, according

1 to terms the court may set, to surrender to a local law
2 enforcement agency any firearms or other potentially dangerous
3 weapons the alleged abusive person owns, possesses, or uses.

4 (c) The court may include any reasonable term or condition
5 necessary for the juvenile's physical or mental well-being or
6 necessary to protect the juvenile.

7 (8) If the court orders placement of the juvenile outside the
8 juvenile's home, the court shall inform the parties of the
9 following:

10 (a) That the agency has the responsibility to prepare an
11 initial services plan within 30 days of the juvenile's
12 placement.

13 (b) The general elements of an initial services plan as
14 required by the rules promulgated under 1973 PA 116, MCL 722.111
15 to 722.128.

16 (c) That participation in the initial services plan is
17 voluntary without a court order.

18 (9) Before or within 7 days after a child is placed in a
19 relative's home, the family independence agency shall perform a
20 criminal record check and central registry clearance. If the
21 child is placed in the home of a relative, the court shall order
22 a home study to be performed and a copy of the home study to be
23 submitted to the court not more than 30 days after the
24 placement.

25 (10) In determining placement of a juvenile pending trial,
26 the court shall order the juvenile placed in the most family-like
27 setting available consistent with the juvenile's needs.

1 (11) If a juvenile is removed from his or her home, the court
2 shall permit the juvenile's parent to have frequent parenting
3 time with the juvenile. ~~However, if~~ **If** parenting time, even if
4 supervised, may be harmful to the juvenile, the court shall order
5 the child to have a psychological evaluation or counseling, or
6 both, to determine the appropriateness and the conditions of
7 parenting time. The court may suspend parenting time while the
8 psychological evaluation or counseling is conducted.

9 (12) Upon the motion of any party, the court shall review
10 custody and placement orders and initial services plans pending
11 trial and may modify those orders and plans as the court
12 considers under this section are in the juvenile's best
13 interests.

14 (13) The court shall include in an order placing a child in
15 foster care an order directing the release of information
16 concerning the child in accordance with this subsection. If a
17 child is placed in foster care, within 10 days after receipt of a
18 written request, the agency shall provide the person who is
19 providing the foster care with copies of all initial, updated,
20 and revised case service plans and court orders relating to the
21 child and all of the child's medical, mental health, and
22 education reports, including reports compiled before the child
23 was placed with that person.

24 (14) In an order placing a child in foster care, the court
25 shall include both of the following:

26 (a) An order that the child's parent, guardian, or custodian
27 provide the supervising agency with the name and address of each

1 of the child's medical providers.

2 (b) An order that each of the child's medical providers
3 release the child's medical records. The order may specify
4 providers by profession or type of institution.

5 (15) As used in this section, "abuse" means 1 or more of the
6 following:

7 (a) Harm or threatened harm by a person to a juvenile's
8 health or welfare that occurs through nonaccidental physical or
9 mental injury.

10 (b) Engaging in sexual contact or sexual penetration as
11 defined in section 520a of the Michigan penal code, 1931 PA 328,
12 MCL 750.520a, with a juvenile.

13 (c) Sexual exploitation of a juvenile, which includes, but is
14 not limited to, allowing, permitting, or encouraging a juvenile
15 to engage in prostitution or allowing, permitting, encouraging,
16 or engaging in photographing, filming, or depicting a juvenile
17 engaged in a listed sexual act as defined in section 145c of the
18 Michigan penal code, 1931 PA 328, MCL 750.145c.

19 (d) Maltreatment of a juvenile.

20 Sec. 13b. (1) If a child under the court's jurisdiction
21 under section 2(b) of this chapter, or under MCI jurisdiction,
22 control, or supervision, is placed in foster care, the agency
23 shall not change the child's placement except under 1 of the
24 following circumstances:

25 (a) The person providing the foster care requests or agrees
26 to the change.

27 (b) Even though the person providing the foster care objects

1 to a proposed change in placement, 1 of the following applies:

2 (i) The court orders the child returned home.

3 (ii) The change in placement is less than 30 days after the
4 child's initial removal from his or her home.

5 (iii) The change in placement is less than 90 days after the
6 child's initial removal from his or her home, and the new
7 placement is with a relative.

8 (iv) The change in placement is in accordance with other
9 provisions of this section.

10 (2) Except as provided in subsections (1) and (7), before a
11 change in foster care placement takes effect, the agency shall do
12 all of the following:

13 (a) Notify the state court administrative office of the
14 proposed change in placement.

15 (b) Notify the foster parents of the intended change in
16 placement and inform them that, if they disagree with the
17 decision, they may appeal within 3 days to a foster care review
18 board. A foster parent may appeal orally, but must submit the
19 appeal in writing immediately following the oral appeal. The
20 agency shall provide the foster parents with the address and
21 telephone number of a foster care review board with jurisdiction
22 over the child.

23 (c) Maintain the current placement for not less than the time
24 for appeal to the foster care review board and if a foster parent
25 appeals, until the foster care review board determination.

26 (3) Upon receipt of an appeal from foster parents under
27 subsection (2) or (7), the foster care review board shall

1 investigate the change in foster care placement **within 7 days** and
2 shall report its findings and recommendations within 3 days **after**
3 **completion of the investigation** to the court or, if the child is
4 under MCI jurisdiction, control, or supervision, the MCI
5 superintendent, to the foster care parents, to the parents, and
6 to the agency.

7 (4) If after investigation the foster care review board
8 determines that the move is in the child's best interests, the
9 agency may move the child.

10 (5) If after investigation the foster care review board
11 determines that the move is not in the child's best interest, the
12 agency shall maintain the current placement until a finding and
13 order by the court or, if the child is under MCI jurisdiction,
14 control, or supervision, a decision by the MCI superintendent.
15 ~~However, the~~ **The** agency shall not return a child to a placement
16 from which the child was removed under subsection (7) unless the
17 court orders that placement's restoration under subsection (6) or
18 the MCI superintendent approves that placement's restoration
19 under this subsection. The foster care review board shall notify
20 the court, or if the child is under MCI jurisdiction, control, or
21 supervision, the MCI superintendent, about the board's and
22 agency's disagreement. The court shall set a hearing date and
23 provide notice to the foster parents, each interested party, and
24 the prosecuting attorney if the prosecuting attorney has appeared
25 in the case. The court shall set the hearing no sooner than 7
26 and no later than 14 days after receipt of the notice from the
27 foster care review board. The rules of evidence do not apply to

1 a hearing required by this subsection. Within 14 days after
2 notification under this subsection, the MCI superintendent shall
3 make a decision regarding the child's placement and shall inform
4 each interested party what the decision is.

5 (6) After hearing testimony from the agency and any other
6 interested party and considering any other evidence bearing upon
7 the proposed change in placement, the court shall order the
8 continuation or restoration of the placement unless the court
9 finds that the proposed change in placement is in the child's
10 best interests.

11 (7) If the agency has reasonable cause to believe that the
12 child has suffered sexual abuse or nonaccidental physical injury,
13 or that there is substantial risk of harm to the child's
14 emotional well-being, the agency may change the child's foster
15 care placement without complying with subsection (1) or (2)(b) or
16 (c). The agency shall include in the child's file documentation
17 of its justification for action under this subsection. If a
18 foster parent objects to the removal of a child under this
19 subsection, he or she may appeal to the foster care review board
20 within 3 days after the child's removal. The foster parent may
21 appeal orally, but must submit the appeal in writing immediately
22 following the oral appeal.

23 (8) At the time of or immediately following a child's removal
24 under subsection (7), the agency shall inform the foster parents
25 about the removal and that, if they disagree with the decision,
26 they may appeal within 3 days to a foster care review board in
27 the manner provided in subsection (7). The agency shall provide

1 the foster parents with the address and telephone number of a
2 foster care review board with jurisdiction over the child.

3 Sec. 17d. (1) A lawyer-guardian ad litem's duty is to the
4 child, and not the court. The lawyer-guardian ad litem's powers
5 and duties include at least all of the following:

6 (a) The obligations of the attorney-client privilege.

7 (b) To serve as the independent representative for the
8 child's best interests, and be entitled to full and active
9 participation in all aspects of the litigation and access to all
10 relevant information regarding the child.

11 (c) To determine the facts of the case by conducting an
12 independent investigation including, but not limited to,
13 interviewing the child, social workers, family members, and
14 others as necessary, and reviewing relevant reports and other
15 information. **The agency case file shall be reviewed before**
16 **disposition and before the hearing for termination of parental**
17 **rights. Updated materials shall be reviewed as provided to the**
18 **court and parties. The supervising agency shall provide**
19 **documentation of progress relating to all aspects of the last**
20 **court ordered treatment plan, including copies of evaluations and**
21 **therapy reports and verification of parenting time not later than**
22 **5 business days before the scheduled hearing.**

23 (d) ~~Before each proceeding or hearing, to~~ To meet with
24 ~~and~~ or observe the child ~~,~~ and assess the child's needs and
25 wishes with regard to the representation and the issues in the
26 case ~~, review the agency case file and, consistent with the~~
27 ~~rules of professional responsibility, consult with the child's~~

1 ~~parents, foster care providers, guardians, and caseworkers.~~ in
2 the following instances:

3 (i) Before the pretrial hearing.

4 (ii) Before the initial disposition, if held more than 91
5 days after the petition has been authorized.

6 (iii) Before a dispositional review hearing.

7 (iv) Before a permanency planning hearing.

8 (v) Before a post-termination review hearing.

9 (vi) At least once during the pendency of a supplemental
10 petition.

11 (vii) At other times as ordered by the court. Adjourned or
12 continued hearings do not require additional visits unless
13 directed by the court.

14 (e) The court may allow alternative means of contact with the
15 child if good cause is shown on the record.

16 (f) ~~(e)~~ To explain to the child, taking into account the
17 child's ability to understand the proceedings, the
18 lawyer-guardian ad litem's role.

19 (g) ~~(f)~~ To file all necessary pleadings and papers and
20 independently call witnesses on the child's behalf.

21 (h) ~~(g)~~ To attend all hearings and substitute
22 representation for the child only with court approval.

23 (i) ~~(h)~~ To make a determination regarding the child's best
24 interests and advocate for those best interests according to the
25 lawyer-guardian ad litem's understanding of those best interests,
26 regardless of whether the lawyer-guardian ad litem's
27 determination reflects the child's wishes. The child's wishes

1 are relevant to the lawyer-guardian ad litem's determination of
2 the child's best interests, and the lawyer-guardian ad litem
3 shall weigh the child's wishes according to the child's
4 competence and maturity. Consistent with the law governing
5 attorney-client privilege, the lawyer-guardian ad litem shall
6 inform the court as to the child's wishes and preferences.

7 (j) ~~(i)~~ To monitor the implementation of case plans and
8 court orders, and determine whether services the court ordered
9 for the child or the child's family are being provided in a
10 timely manner and are accomplishing their purpose. The
11 lawyer-guardian ad litem shall inform the court if the services
12 are not being provided in a timely manner, if the family fails to
13 take advantage of the services, or if the services are not
14 accomplishing their intended purpose.

15 (k) ~~(j)~~ Consistent with the rules of professional
16 responsibility, to identify common interests among the parties
17 and, to the extent possible, promote a cooperative resolution of
18 the matter **through consultation with the child's parent, foster**
19 **care provider, guardian, and caseworker.**

20 (l) ~~(k)~~ To request authorization by the court to pursue
21 issues on the child's behalf that do not arise specifically from
22 the court appointment.

23 (2) If, after discussion between the child and his or her
24 lawyer-guardian ad litem, the lawyer-guardian ad litem determines
25 that the child's interests as identified by the child are
26 inconsistent with the lawyer-guardian ad litem's determination of
27 the child's best interests, the lawyer-guardian ad litem shall

1 communicate the child's position to the court. If the court
2 considers the appointment appropriate considering the child's age
3 and maturity and the nature of the inconsistency between the
4 child's and the lawyer-guardian ad litem's identification of the
5 child's interests, the court may appoint an attorney for the
6 child. An attorney appointed under this subsection serves in
7 addition to the child's lawyer-guardian ad litem.

8 (3) The court or another party to the case shall not call a
9 lawyer-guardian ad litem as a witness to testify regarding
10 matters related to the case. The lawyer-guardian ad litem's file
11 of the case is not discoverable.

12 Sec. 18. (1) If the court finds that a juvenile concerning
13 whom a petition is filed is not within this chapter, the court
14 shall enter an order dismissing the petition. Except as
15 otherwise provided in subsection (10), if the court finds that a
16 juvenile is within this chapter, the court may enter any of the
17 following orders of disposition that are appropriate for the
18 welfare of the juvenile and society in view of the facts proven
19 and ascertained:

20 (a) Warn the juvenile or the juvenile's parents, guardian, or
21 custodian and, except as provided in subsection (7), dismiss the
22 petition.

23 (b) Place the juvenile on probation, or under supervision in
24 the juvenile's own home or in the home of an adult who is related
25 to the juvenile. As used in this subdivision, "related" means
26 ~~being a parent, grandparent, brother, sister, stepparent,~~
27 ~~stepsister, stepbrother, uncle, or aunt by marriage, blood, or~~

1 ~~adoption~~ an individual who is at least 18 years of age and
2 related to the child by blood, marriage, or adoption, as
3 grandparent, great-grandparent, great-great-grandparent, aunt or
4 uncle, great-aunt or great-uncle, great-great-aunt or
5 great-great-uncle, sibling, stepsibling, nephew or niece, first
6 cousin or first cousin once removed, and the spouse of any of the
7 above, even after the marriage has ended by death or divorce. A
8 child may be placed with the parent of a man whom the court has
9 found probable cause to believe is the putative father if there
10 is no man with legally established rights to the child. This
11 placement of the child with the parent of a man whom the court
12 has found probable cause to believe is the putative father is for
13 the purposes of placement only and is not to be construed as a
14 finding of paternity or to confer legal standing. The court shall
15 order the terms and conditions of probation or supervision,
16 including reasonable rules for the conduct of the parents,
17 guardian, or custodian, if any, as the court determines necessary
18 for the physical, mental, or moral well-being and behavior of the
19 juvenile. The court may order that the juvenile participate in a
20 juvenile drug treatment court under chapter 10A of the revised
21 judiciary act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082.
22 The court also shall order, as a condition of probation or
23 supervision, that the juvenile shall pay the minimum state cost
24 prescribed by section 18m of this chapter.

25 (c) If a juvenile is within the court's jurisdiction under
26 section 2(a) of this chapter, or under section 2(h) of this
27 chapter for a supplemental petition, place the juvenile in a

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

5 (d) Except as otherwise provided in this subdivision, place
6 the juvenile in or commit the juvenile to a private institution
7 or agency approved or licensed by the department of consumer and
8 industry services for the care of juveniles of similar age, sex,
9 and characteristics. If the juvenile is not a ward of the court,
10 the court shall commit the juvenile to the family independence
11 agency or, if the county is a county juvenile agency, to that
12 county juvenile agency for placement in or commitment to such an
13 institution or agency as the family independence agency or county
14 juvenile agency determines is most appropriate, subject to any
15 initial level of placement the court designates.

16 (e) Except as otherwise provided in this subdivision, commit
17 the juvenile to a public institution, county facility,
18 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 juvenile is not a ward of the
21 court, the court shall commit the juvenile to the family
22 independence agency or, if the county is a county juvenile
23 agency, to that county juvenile agency for placement in or
24 commitment to such an institution or facility as the family
25 independence agency or county juvenile agency determines is most
26 appropriate, subject to any initial level of placement the court
27 designates. If a child is not less than 17 years of age and is

1 in violation of a personal protection order, the court may commit
2 the child to a county jail within the adult prisoner population.
3 In a placement under subdivision (d) or a commitment under this
4 subdivision, except to a state institution or a county juvenile
5 agency institution, the juvenile's religious affiliation shall be
6 protected by placement or commitment to a private child-placing
7 or child-caring agency or institution, if available. Except for
8 commitment to the family independence agency or a county juvenile
9 agency, an order of commitment under this subdivision to a state
10 institution or agency described in the youth rehabilitation
11 services act, 1974 PA 150, MCL 803.301 to 803.309, or in 1935 PA
12 220, MCL 400.201 to 400.214, the court shall name the
13 superintendent of the institution to which the juvenile is
14 committed as a special guardian to receive benefits due the
15 juvenile from the government of the United States. An order of
16 commitment under this subdivision to the family independence
17 agency or a county juvenile agency shall name that agency as a
18 special guardian to receive those benefits. The benefits
19 received by the special guardian shall be used to the extent
20 necessary to pay for the portions of the cost of care in the
21 institution or facility that the parent or parents are found
22 unable to pay.

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

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

7 (h) Appoint a guardian under section 5204 of the estates and
8 protected individuals code, 1998 PA 386, MCL 700.5204, in
9 response to a petition filed with the court by a person
10 interested in the juvenile's welfare. If the court appoints a
11 guardian as authorized by this subdivision, it may dismiss the
12 petition under this chapter.

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

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

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

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

1 agency under the juvenile boot camp act, 1996 PA 263, MCL
2 400.1301 to 400.1309, as provided in that act. If the county is
3 a county juvenile agency, however, the court shall commit the
4 juvenile to that county juvenile agency for placement in the
5 program under that act. Upon receiving a report of satisfactory
6 completion of the program from the family independence agency,
7 the court shall authorize the juvenile's release from placement
8 in the juvenile boot camp. Following satisfactory completion of
9 the juvenile boot camp program, the juvenile shall complete an
10 additional period of not less than 120 days or more than 180 days
11 of intensive supervised community reintegration in the juvenile's
12 local community. To place or commit a juvenile under this
13 subdivision, the court shall determine all of the following:

14 (i) Placement in a juvenile boot camp will benefit the
15 juvenile.

16 (ii) The juvenile is physically able to participate in the
17 program.

18 (iii) The juvenile does not appear to have any mental
19 handicap that would prevent participation in the program.

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

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

23 (vi) If the court must commit the juvenile to a county
24 juvenile agency, the county juvenile agency is able to place the
25 juvenile in a juvenile boot camp program.

26 (m) If the court entered a judgment of conviction under
27 section 2d of this chapter, enter any disposition under this

1 section or, if the court determines that the best interests of
2 the public would be served, impose any sentence upon the juvenile
3 that could be imposed upon an adult convicted of the offense for
4 which the juvenile was convicted. If the juvenile is convicted
5 of a violation or conspiracy to commit a violation of section
6 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL
7 333.7403, the court may impose the alternative sentence permitted
8 under that section if the court determines that the best
9 interests of the public would be served. The court may delay
10 imposing a sentence of imprisonment under this subdivision for a
11 period not longer than the period during which the court has
12 jurisdiction over the juvenile under this chapter by entering an
13 order of disposition delaying imposition of sentence and placing
14 the juvenile on probation upon the terms and conditions it
15 considers appropriate, including any disposition under this
16 section. If the court delays imposing sentence under this
17 section, section 18i of this chapter applies. If the court
18 imposes sentence, it shall enter a judgment of sentence. If the
19 court imposes a sentence of imprisonment, the juvenile shall
20 receive credit against the sentence for time served before
21 sentencing. In determining whether to enter an order of
22 disposition or impose a sentence under this subdivision, the
23 court shall consider all of the following factors, giving greater
24 weight to the seriousness of the offense and the juvenile's prior
25 record:

26 (i) The seriousness of the offense in terms of community
27 protection, including, but not limited to, the existence of any

1 aggravating factors recognized by the sentencing guidelines, the
2 use of a firearm or other dangerous weapon, and the impact on any
3 victim.

4 (ii) The juvenile's culpability in committing the offense,
5 including, but not limited to, the level of the juvenile's
6 participation in planning and carrying out the offense and the
7 existence of any aggravating or mitigating factors recognized by
8 the sentencing guidelines.

9 (iii) The juvenile's prior record of delinquency including,
10 but not limited to, any record of detention, any police record,
11 any school record, or any other evidence indicating prior
12 delinquent behavior.

13 (iv) The juvenile's programming history, including, but not
14 limited to, the juvenile's past willingness to participate
15 meaningfully in available programming.

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

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

19 (2) An order of disposition placing a juvenile in or
20 committing a juvenile to care outside of the juvenile's own home
21 and under state, county juvenile agency, or court supervision
22 shall contain a provision for reimbursement by the juvenile,
23 parent, guardian, or custodian to the court for the cost of care
24 or service. The order shall be reasonable, taking into account
25 both the income and resources of the juvenile, parent, guardian,
26 or custodian. The amount may be based upon the guidelines and
27 model schedule created under subsection (6). If the juvenile is

1 receiving an adoption support subsidy under sections 115f to 115m
2 of the social welfare act, 1939 PA 280, MCL 400.115f to 400.115m,
3 the amount shall not exceed the amount of the support subsidy.
4 The reimbursement provision applies during the entire period the
5 juvenile remains in care outside of the juvenile's own home and
6 under state, county juvenile agency, or court supervision, unless
7 the juvenile is in the permanent custody of the court. The court
8 shall provide for the collection of all amounts ordered to be
9 reimbursed and the money collected shall be accounted for and
10 reported to the county board of commissioners. Collections to
11 cover delinquent accounts or to pay the balance due on
12 reimbursement orders may be made after a juvenile is released or
13 discharged from care outside the juvenile's own home and under
14 state, county juvenile agency, or court supervision. Twenty-five
15 percent of all amounts collected under an order entered under
16 this subsection shall be credited to the appropriate fund of the
17 county to offset the administrative cost of collections. The
18 balance of all amounts collected under an order entered under
19 this subsection shall be divided in the same ratio in which the
20 county, state, and federal government participate in the cost of
21 care outside the juvenile's own home and under state, county
22 juvenile agency, or court supervision. The court may also
23 collect from the government of the United States benefits paid
24 for the cost of care of a court ward. Money collected for
25 juveniles placed by the court with or committed to the family
26 independence agency or a county juvenile agency shall be
27 accounted for and reported on an individual juvenile basis. In

1 cases of delinquent accounts, the court may also enter an order
2 to intercept state or federal tax refunds of a juvenile, parent,
3 guardian, or custodian and initiate the necessary offset
4 proceedings in order to recover the cost of care or service. The
5 court shall send to the person who is the subject of the
6 intercept order advance written notice of the proposed offset.
7 The notice shall include notice of the opportunity to contest the
8 offset on the grounds that the intercept is not proper because of
9 a mistake of fact concerning the amount of the delinquency or the
10 identity of the person subject to the order. The court shall
11 provide for the prompt reimbursement of an amount withheld in
12 error or an amount found to exceed the delinquent amount.

13 (3) An order of disposition placing a juvenile in the
14 juvenile's own home under subsection (1)(b) may contain a
15 provision for reimbursement by the juvenile, parent, guardian, or
16 custodian to the court for the cost of service. If an order is
17 entered under this subsection, an amount due shall be determined
18 and treated in the same manner provided for an order entered
19 under subsection (2).

20 (4) An order directed to a parent or a person other than the
21 juvenile is not effective and binding on the parent or other
22 person unless opportunity for hearing is given by issuance of
23 summons or notice as provided in sections 12 and 13 of this
24 chapter and until a copy of the order, bearing the seal of the
25 court, is served on the parent or other person as provided in
26 section 13 of this chapter.

27 (5) If the court appoints an attorney to represent a

1 juvenile, parent, guardian, or custodian, the court may require
2 in an order entered under this section that the juvenile, parent,
3 guardian, or custodian reimburse the court for attorney fees.

4 (6) The office of the state court administrator, under the
5 supervision and direction of the supreme court, shall create
6 guidelines that the court may use in determining the ability of
7 the juvenile, parent, guardian, or custodian to pay for care and
8 any costs of service ordered under subsection (2) or (3). The
9 guidelines shall take into account both the income and resources
10 of the juvenile, parent, guardian, or custodian.

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

16 (8) If the court imposes restitution as a condition of
17 probation, the court shall require the juvenile to do either of
18 the following as an additional condition of probation:

19 (a) Engage in community service or, with the victim's
20 consent, perform services for the victim.

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

23 (9) If the court finds that the juvenile is in intentional
24 default of the payment of restitution, a court may, as provided
25 in section 31 of this chapter, revoke or alter the terms and
26 conditions of probation for nonpayment of restitution. If a
27 juvenile who is ordered to engage in community service

1 intentionally refuses to perform the required community service,
2 the court may revoke or alter the terms and conditions of
3 probation.

4 (10) The court shall not enter an order of disposition for a
5 juvenile offense as defined in section 1a of 1925 PA 289, MCL
6 28.241a, or a judgment of sentence for a conviction until the
7 court has examined the court file and has determined that the
8 juvenile's fingerprints have been taken and forwarded as required
9 by section 3 of 1925 PA 289, MCL 28.243, and as required by the
10 sex offenders registration act, 1994 PA 295, MCL 28.721 to
11 28.732. If a juvenile has not had his or her fingerprints taken,
12 the court shall do either of the following:

13 (a) Order the juvenile to submit himself or herself to the
14 police agency that arrested or obtained the warrant for the
15 juvenile's arrest so the juvenile's fingerprints can be taken and
16 forwarded.

17 (b) Order the juvenile committed to the sheriff's custody for
18 taking and forwarding the juvenile's fingerprints.

19 (11) Upon final disposition, conviction, acquittal, or
20 dismissal of an offense within the court's jurisdiction under
21 section 2(a)(1) of this chapter, using forms approved by the
22 state court administrator, the clerk of the court entering the
23 final disposition, conviction, acquittal, or dismissal shall
24 immediately advise the department of state police of that final
25 disposition, conviction, acquittal, or dismissal as required by
26 section 3 of 1925 PA 289, MCL 28.243. The report to the
27 department of state police shall include information as to the

1 finding of the judge or jury and a summary of the disposition or
2 sentence imposed.

3 (12) If the court enters an order of disposition based on an
4 act that is a juvenile offense as defined in section 1 of 1989 PA
5 196, MCL 780.901, the court shall order the juvenile to pay the
6 assessment as provided in that act. If the court enters a
7 judgment of conviction under section 2d of this chapter for an
8 offense that is a felony, serious misdemeanor, or specified
9 misdemeanor as defined in section 1 of 1989 PA 196, MCL 780.901,
10 the court shall order the juvenile to pay the assessment as
11 provided in that act.

12 (13) If the court has entered an order of disposition or a
13 judgment of conviction for a listed offense as defined in section
14 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,
15 the court, the family independence agency, or the county juvenile
16 agency shall register the juvenile or accept the juvenile's
17 registration as provided in the sex offenders registration act,
18 1994 PA 295, MCL 28.721 to 28.732.

19 (14) If the court enters an order of disposition placing a
20 juvenile in a juvenile boot camp program, or committing a
21 juvenile to a county juvenile agency for placement in a juvenile
22 boot camp program, and the court receives from the family
23 independence agency a report that the juvenile has failed to
24 perform satisfactorily in the program, that the juvenile does not
25 meet the program's requirements or is medically unable to
26 participate in the program for more than 25 days, that there is
27 no opening in a juvenile boot camp program, or that the county

1 juvenile agency is unable to place the juvenile in a juvenile
2 boot camp program, the court shall release the juvenile from
3 placement or commitment and enter an alternative order of
4 disposition. A juvenile shall not be placed in a juvenile boot
5 camp under an order of disposition more than once, except that a
6 juvenile returned to the court for a medical condition, because
7 there was no opening in a juvenile boot camp program, or because
8 the county juvenile agency was unable to place the juvenile in a
9 juvenile boot camp program may be placed again in the juvenile
10 boot camp program after the medical condition is corrected, an
11 opening becomes available, or the county juvenile agency is able
12 to place the juvenile.

13 (15) If the juvenile is within the court's jurisdiction under
14 section 2(a)(1) of this chapter for an offense other than a
15 listed offense as defined in section 2(e)(i) to (ix) and (xi) to
16 (xiii) of the sex offenders registration act, 1994 PA 295, MCL
17 28.722, the court shall determine if the offense is a violation
18 of a law of this state or a local ordinance of a municipality of
19 this state that by its nature constitutes a sexual offense
20 against an individual who is less than 18 years of age. If so,
21 the order of disposition is for a listed offense as defined in
22 section 2(e)(x) of the sex offenders registration act, 1994 PA
23 295, MCL 28.722, and the court shall include the basis for that
24 determination on the record and include the determination in the
25 order of disposition.

26 (16) The court shall not impose a sentence of imprisonment in
27 the county jail under subsection (1)(m) unless the present county

1 jail facility for the juvenile's imprisonment would meet all
2 requirements under federal law and regulations for housing
3 juveniles. The court shall not impose the sentence until it
4 consults with the sheriff to determine when the sentence will
5 begin to ensure that space will be available for the juvenile.

6 (17) In a proceeding under section 2(h) of this chapter, this
7 section only applies to a disposition for a violation of a
8 personal protection order and subsequent proceedings.

9 (18) If a juvenile is within the court's jurisdiction under
10 section 2(a)(1) of this chapter, the court shall order the
11 juvenile to pay costs as provided in section 18m of this
12 chapter.

13 (19) A juvenile who has been ordered to pay the minimum state
14 cost as provided in section 18m of this chapter as a condition of
15 probation or supervision and who is not in willful default of the
16 payment of the minimum state cost may petition the court at any
17 time for a remission of the payment of any unpaid portion of the
18 minimum state cost. If the court determines that payment of the
19 amount due will impose a manifest hardship on the juvenile or his
20 or her immediate family, the court may remit all or part of the
21 amount of the minimum state cost due or modify the method of
22 payment.