

SENATE BILL No. 485

September 10, 2015, Introduced by Senators JONES and SHIRKEY and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 13a and 18 of chapter XIIA (MCL 712A.13a and 712A.18), section 13a as amended by 2012 PA 163 and section 18 as amended by 2011 PA 295.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

Sec. 13a. (1) As used in this section and sections 2, 6b, 13b, 17c, 17d, 18f, 19, 19a, 19b, and 19c of this chapter:

(a) "Agency" means a public or private organization, institution, or facility that is performing the functions under part D of title IV of the social security act, 42 USC 651 to 669b, or that is responsible under court order or contractual arrangement for a juvenile's care and supervision.

(b) "Agency case file" means the current file from the agency

1 providing direct services to the child, that can include the child
2 protective services file if the child has not been removed from the
3 home or the department ~~of human services~~ or contract agency foster
4 care file as ~~defined~~ **PROVIDED** under 1973 PA 116, MCL 722.111 to
5 722.128.

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

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

24 (e) "Foster care" means care provided to a juvenile in a
25 foster family home, foster family group home, or child caring
26 institution licensed or approved under 1973 PA 116, MCL 722.111 to
27 722.128, or care provided to a juvenile in a relative's home under

1 a court order.

2 (f) "Guardian ad litem" means an individual whom the court
3 appoints to assist the court in determining the child's best
4 interests. A guardian ad litem does not need to be an attorney.

5 (g) "Lawyer-guardian ad litem" means an attorney appointed
6 under section 17c of this chapter. A lawyer-guardian ad litem
7 represents the child, and has the powers and duties, as set forth
8 in section 17d of this chapter. The provisions of section 17d of
9 this chapter also apply to a lawyer-guardian ad litem appointed
10 under each of the following:

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

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

15 (iii) Section 10 of the child protection law, 1975 PA 238, MCL
16 722.630.

17 (h) "Nonparent adult" means a person who is 18 years of age or
18 older and who, regardless of the person's domicile, meets all of
19 the following criteria in relation to a child over whom the court
20 takes jurisdiction under this chapter:

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

22 (ii) Has a close personal relationship with the child's parent
23 or with a person responsible for the child's health or welfare.

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

26 (i) "Permanent foster family agreement" means an agreement for
27 a child 14 years old or older to remain with a particular foster

1 family until the child is 18 years old under standards and
2 requirements established by the department, ~~of human services,~~
3 which agreement is among all of the following:

4 (i) The child.

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

6 (iii) The foster family.

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

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

22 (k) "Sex offenders registration act" means the sex offenders
23 registration act, 1994 PA 295, MCL 28.721 to 28.736.

24 (2) If a juvenile is alleged to be within the provisions of
25 section 2(b) of this chapter, the court may authorize a petition to
26 be filed at the conclusion of the preliminary hearing or inquiry.
27 The court may authorize the petition upon a showing of probable

1 cause that 1 or more of the allegations in the petition are true
2 and fall within the provisions of section 2(b) of this chapter. If
3 a petition is before the court because the department ~~of human~~
4 ~~services~~ is required to submit the petition under section 17 of the
5 child protection law, 1975 PA 238, MCL 722.637, the court shall
6 hold a hearing on the petition within 24 hours or on the next
7 business day after the petition is submitted, at which hearing the
8 court shall consider at least the matters governed by subsections
9 (4) and (5).

10 (3) Except as provided in subsections (5) and (6), if a
11 petition under subsection (2) is authorized, the court may release
12 the juvenile in the custody of either of the juvenile's parents or
13 the juvenile's guardian or custodian under reasonable terms and
14 conditions necessary for either the juvenile's physical health or
15 mental well-being.

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

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

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

26 (c) The court finds on the record that the presence in the
27 home of the person alleged to have committed the abuse presents a

1 substantial risk of harm to the child's life, physical health, or
2 mental well-being.

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

13 (6) If a court finds a parent is required by court order to
14 register under the sex offenders registration act, the department
15 ~~of human services~~ may, but is not required to, make reasonable
16 efforts to reunify the child with the parent. The court may order
17 reasonable efforts to be made by the department. ~~of human services.~~

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

22 (8) 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 the
26 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 enforcement
2 agency any firearms or other potentially dangerous weapons the
3 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 (9) The court may order placement of the child in foster care
8 if the court finds all of the following conditions:

9 (a) Custody of the child with the parent presents a
10 substantial risk of harm to the child's life, physical health, or
11 mental well-being.

12 (b) No provision of service or other arrangement except
13 removal of the child is reasonably available to adequately
14 safeguard the child from risk as described in subdivision (a).

15 (c) Continuing the child's residence in the home is contrary
16 to the child's welfare.

17 (d) Consistent with the circumstances, reasonable efforts were
18 made to prevent or eliminate the need for removal of the child.

19 (e) Conditions of child custody away from the parent are
20 adequate to safeguard the child's health and welfare.

21 (10) If the court orders placement of the juvenile outside the
22 juvenile's home, the court shall inform the parties of the
23 following:

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

26 (b) The general elements of an initial services plan as
27 required by the rules promulgated under 1973 PA 116, MCL 722.111 to

1 722.128.

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

4 (11) Before or within 7 days after a child is placed in a
5 relative's home, the department ~~of human services~~ shall perform a
6 criminal record check and central registry clearance. If the child
7 is placed in the home of a relative, the court shall order a home
8 study to be performed and a copy of the home study to be submitted
9 to the court not more than 30 days after the placement.

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

13 (13) If a juvenile is removed from ~~his or her home,~~ **THE**
14 **PARENT'S CUSTODY AT ANY TIME,** the court shall permit the juvenile's
15 parent to have frequent parenting time with the juvenile. ~~If~~ **UNLESS**
16 **THE COURT DETERMINES THAT** parenting time, even if supervised, may
17 be harmful to the ~~juvenile,~~ **the JUVENILE'S LIFE, PHYSICAL HEALTH,**
18 **OR MENTAL WELL-BEING, PARENTING TIME BETWEEN THE JUVENILE AND HIS**
19 **OR HER PARENT SHALL BE REGULAR AND FREQUENT AND NOT LESS THAN 1**
20 **TIME EVERY 7 DAYS. IF THE COURT DETERMINES THAT PARENTING TIME,**
21 **EVEN IF SUPERVISED, MAY BE HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL**
22 **HEALTH, OR MENTAL WELL-BEING, THE COURT MAY SUSPEND PARENTING TIME**
23 **UNTIL THE RISK OF HARM NO LONGER EXISTS. THE** court ~~shall~~ **MAY** order
24 the ~~child~~ **JUVENILE** to have a psychological evaluation or
25 counseling, or both, to determine the appropriateness and the
26 conditions of parenting time. ~~The court may suspend parenting time~~
27 ~~while the psychological evaluation or counseling is conducted.~~

1 (14) Upon the motion of any party, the court shall review
2 custody and placement orders and initial services plans pending
3 trial and may modify those orders and plans as the court considers
4 under this section are in the juvenile's best interests.

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

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

16 (a) An order that the child's parent, guardian, or custodian
17 provide the supervising agency with the name and address of each of
18 the child's medical providers.

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

22 (17) As used in this section, "abuse" means 1 or more of the
23 following:

24 (a) Harm or threatened harm by a person to a juvenile's health
25 or welfare that occurs through nonaccidental physical or mental
26 injury.

27 (b) Engaging in sexual contact or sexual penetration as

1 defined in section 520a of the Michigan penal code, 1931 PA 328,
2 MCL 750.520a, with a juvenile.

3 (c) Sexual exploitation of a juvenile, which includes, but is
4 not limited to, allowing, permitting, or encouraging a juvenile to
5 engage in prostitution or allowing, permitting, encouraging, or
6 engaging in photographing, filming, or depicting a juvenile engaged
7 in a listed sexual act as defined in section 145c of the Michigan
8 penal code, 1931 PA 328, MCL 750.145c.

9 (d) Maltreatment of a juvenile.

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

17 (a) Warn the juvenile or the juvenile's parents, guardian, or
18 custodian and, except as provided in subsection (7), dismiss the
19 petition.

20 (b) Place the juvenile on probation, or under supervision in
21 the juvenile's own home or in the home of an adult who is related
22 to the juvenile. As used in this subdivision, "related" means an
23 individual who is not less than 18 years of age and related to the
24 child by blood, marriage, or adoption, as grandparent, great-
25 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
26 great-uncle, great-great-aunt or great-great-uncle, sibling,
27 stepsibling, nephew or niece, first cousin or first cousin once

1 removed, and the spouse of any of the above, even after the
2 marriage has ended by death or divorce. A child may be placed with
3 the parent of a man whom the court has found probable cause to
4 believe is the putative father if there is no man with legally
5 established rights to the child. This placement of the child with
6 the parent of a man whom the court has found probable cause to
7 believe is the putative father is for the purposes of placement
8 only and is not to be construed as a finding of paternity or to
9 confer legal standing. The court shall order the terms and
10 conditions of probation or supervision, including reasonable rules
11 for the conduct of the parents, guardian, or custodian, if any, as
12 the court determines necessary for the physical, mental, or moral
13 well-being and behavior of the juvenile. The court may order that
14 the juvenile participate in a juvenile drug treatment court under
15 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL
16 600.1060 to 600.1084. The court also shall order, as a condition of
17 probation or supervision, that the juvenile shall pay the minimum
18 state cost prescribed by section 18m of this chapter.

19 (c) If a juvenile is within the court's jurisdiction under
20 section 2(a) of this chapter, or under section 2(h) of this chapter
21 for a supplemental petition, place the juvenile in a suitable
22 foster care home subject to the court's supervision. If a juvenile
23 is within the court's jurisdiction under section 2(b) of this
24 chapter, the court shall not place a juvenile in a foster care home
25 subject to the court's supervision.

26 (d) Except as otherwise provided in this subdivision, place
27 the juvenile in or commit the juvenile to a private institution or

1 agency approved or licensed by the department of ~~consumer and~~
2 ~~industry services~~ **LICENSING AND REGULATORY AFFAIRS** for the care of
3 juveniles of similar age, sex, and characteristics. If the juvenile
4 is not a ward of the court, the court shall commit the juvenile to
5 the ~~family independence agency~~ **DEPARTMENT** or, if the county is a
6 county juvenile agency, to that county juvenile agency for
7 placement in or commitment to ~~such an~~ institution or agency as the
8 department ~~of human services~~ or county juvenile agency determines
9 is most appropriate, subject to any initial level of placement the
10 court designates.

11 (e) Except as otherwise provided in this subdivision, commit
12 the juvenile to a public institution, county facility, institution
13 operated as an agency of the court or county, or agency authorized
14 by law to receive juveniles of similar age, sex, and
15 characteristics. If the juvenile is not a ward of the court, the
16 court shall commit the juvenile to the department ~~of human services~~
17 or, if the county is a county juvenile agency, to that county
18 juvenile agency for placement in or commitment to ~~such an~~
19 institution or facility as the department ~~of human services~~ or
20 county juvenile agency determines is most appropriate, subject to
21 any initial level of placement the court designates. If a child is
22 not less than 17 years of age and is in violation of a personal
23 protection order, the court may commit the child to a county jail
24 within the adult prisoner population. In a placement under
25 subdivision (d) or a commitment under this subdivision, except to a
26 state institution or a county juvenile agency institution, the
27 juvenile's religious affiliation shall be protected by placement or

1 commitment to a private child-placing or child-caring agency or
2 institution, if available. Except for commitment to the department
3 ~~of human services~~ or a county juvenile agency, an order of
4 commitment under this subdivision to a state institution or agency
5 described in the youth rehabilitation services act, 1974 PA 150,
6 MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to 400.214,
7 the court shall name the superintendent of the institution to which
8 the juvenile is committed as a special guardian to receive benefits
9 due the juvenile from the government of the United States. An order
10 of commitment under this subdivision to the department ~~of human~~
11 ~~services~~ or a county juvenile agency shall name that agency as a
12 special guardian to receive those benefits. The benefits received
13 by the special guardian shall be used to the extent necessary to
14 pay for the portions of the cost of care in the institution or
15 facility that the parent or parents are found unable to pay.

16 (f) Provide the juvenile with medical, dental, surgical, or
17 other health care, in a local hospital if available, or elsewhere,
18 maintaining as much as possible a local physician-patient
19 relationship, and with clothing and other incidental items the
20 court determines are necessary.

21 (g) Order the parents, guardian, custodian, or any other
22 person to refrain from continuing conduct that the court determines
23 has caused or tended to cause the juvenile to come within or to
24 remain under this chapter or that obstructs placement or commitment
25 of the juvenile by an order under this section.

26 (h) Appoint a guardian under section 5204 of the estates and
27 protected individuals code, 1998 PA 386, MCL 700.5204, in response

1 to a petition filed with the court by a person interested in the
2 juvenile's welfare. If the court appoints a guardian as authorized
3 by this subdivision, it may dismiss the petition under this
4 chapter.

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

6 (j) If the court finds that a juvenile has violated a
7 municipal ordinance or a state or federal law, order the juvenile
8 to pay a civil fine in the amount of the civil or penal fine
9 provided by the ordinance or law. Money collected from fines levied
10 under this subsection shall be distributed as provided in section
11 29 of this chapter.

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

16 (l) If a juvenile is within the court's jurisdiction under
17 section 2(a)(1) of this chapter, place the juvenile in and order
18 the juvenile to complete satisfactorily a program of training in a
19 juvenile boot camp established by the department ~~of human services~~
20 under the juvenile boot camp act, 1996 PA 263, MCL 400.1301 to
21 400.1309, as provided in that act. If the county is a county
22 juvenile agency, ~~however,~~ the court shall commit the juvenile to
23 that county juvenile agency for placement in the program under that
24 act. Upon receiving a report of satisfactory completion of the
25 program from the department, ~~of human services,~~ the court shall
26 authorize the juvenile's release from placement in the juvenile
27 boot camp. Following satisfactory completion of the juvenile boot

1 camp program, the juvenile shall complete an additional period of
2 not less than 120 days or more than 180 days of intensive
3 supervised community reintegration in the juvenile's local
4 community. To place or commit a juvenile under this subdivision,
5 the court shall determine all of the following:

6 (i) Placement in a juvenile boot camp will benefit the
7 juvenile.

8 (ii) The juvenile is physically able to participate in the
9 program.

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

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

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

15 (vi) If the court must commit the juvenile to a county
16 juvenile agency, the county juvenile agency is able to place the
17 juvenile in a juvenile boot camp program.

18 (m) If the court entered a judgment of conviction under
19 section 2d of this chapter, enter any disposition under this
20 section or, if the court determines that the best interests of the
21 public would be served, impose any sentence upon the juvenile that
22 could be imposed upon an adult convicted of the offense for which
23 the juvenile was convicted. If the juvenile is convicted of a
24 violation or conspiracy to commit a violation of section
25 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403,
26 the court may impose the alternative sentence permitted under that
27 section if the court determines that the best interests of the

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

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

21 (ii) The juvenile's culpability in committing the offense,
22 including, but not limited to, the level of the juvenile's
23 participation in planning and carrying out the offense and the
24 existence of any aggravating or mitigating factors recognized by
25 the sentencing guidelines.

26 (iii) The juvenile's prior record of delinquency including,
27 but not limited to, any record of detention, any police record, any

1 school record, or any other evidence indicating prior delinquent
2 behavior.

3 (iv) The juvenile's programming history, including, but not
4 limited to, the juvenile's past willingness to participate
5 meaningfully in available programming.

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

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

9 **(N) IN A PROCEEDING UNDER SECTION 2(B) OR (C) OF THIS CHAPTER,**
10 **IF A JUVENILE IS REMOVED FROM THE CUSTODY OF A PARENT, THE COURT**
11 **SHALL PERMIT THE JUVENILE'S PARENT TO HAVE REGULAR AND FREQUENT**
12 **PARENTING TIME THAT IS NOT LESS THAN 1 TIME EVERY 7 DAYS. IF THE**
13 **COURT DETERMINES THAT PARENTING TIME, EVEN IF SUPERVISED, MAY BE**
14 **HARMFUL TO THE CHILD, THE COURT MAY SUSPEND PARENTING TIME.**

15 (2) An order of disposition placing a juvenile in or
16 committing a juvenile to care outside of the juvenile's own home
17 and under state, county juvenile agency, or court supervision shall
18 contain a provision for reimbursement by the juvenile, parent,
19 guardian, or custodian to the court for the cost of care or
20 service. The order shall be reasonable, taking into account both
21 the income and resources of the juvenile, parent, guardian, or
22 custodian. The amount may be based upon the guidelines and model
23 schedule created under subsection (6). If the juvenile is receiving
24 an adoption support subsidy under sections 115f to 115m of the
25 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m, **OR**
26 **REDETERMINED ADOPTION ASSISTANCE UNDER SECTION 115T OF THE SOCIAL**
27 **WELFARE ACT, 1939 PA 280, MCL 400.115T,** the amount shall not exceed

1 the amount of the support subsidy. The reimbursement provision
2 applies during the entire period the juvenile remains in care
3 outside of the juvenile's own home and under state, county juvenile
4 agency, or court supervision, unless the juvenile is in the
5 permanent custody of the court. The court shall provide for the
6 collection of all amounts ordered to be reimbursed and the money
7 collected shall be accounted for and reported to the county board
8 of commissioners. Collections to cover delinquent accounts or to
9 pay the balance due on reimbursement orders may be made after a
10 juvenile is released or discharged from care outside the juvenile's
11 own home and under state, county juvenile agency, or court
12 supervision. Twenty-five percent of all amounts collected under an
13 order entered under this subsection shall be credited to the
14 appropriate fund of the county to offset the administrative cost of
15 collections. The balance of all amounts collected under an order
16 entered under this subsection shall be divided in the same ratio in
17 which the county, state, and federal government participate in the
18 cost of care outside the juvenile's own home and under state,
19 county juvenile agency, or court supervision. The court may also
20 collect from the government of the United States benefits paid for
21 the cost of care of a court ward. Money collected for juveniles
22 placed by the court with or committed to the department ~~of human~~
23 ~~services~~ or a county juvenile agency shall be accounted for and
24 reported on an individual juvenile basis. In cases of delinquent
25 accounts, the court may also enter an order to intercept state or
26 federal tax refunds of a juvenile, parent, guardian, or custodian
27 and initiate the necessary offset proceedings in order to recover

1 the cost of care or service. The court shall send to the person who
2 is the subject of the intercept order advance written notice of the
3 proposed offset. The notice shall include notice of the opportunity
4 to contest the offset on the grounds that the intercept is not
5 proper because of a mistake of fact concerning the amount of the
6 delinquency or the identity of the person subject to the order. The
7 court shall provide for the prompt reimbursement of an amount
8 withheld in error or an amount found to exceed the delinquent
9 amount.

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

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

23 (5) If the court appoints an attorney to represent a juvenile,
24 parent, guardian, or custodian, the court may require in an order
25 entered under this section that the juvenile, parent, guardian, or
26 custodian reimburse the court for attorney fees.

27 (6) The office of the state court administrator, under the

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

7 (7) If the court finds that a juvenile comes under section 30
8 of this chapter, the court shall order the juvenile or the
9 juvenile's parent to pay restitution as provided in sections 30 and
10 31 of this chapter and in sections 44 and 45 of the crime victim's
11 rights act, 1985 PA 87, MCL 780.794 and 780.795.

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

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

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

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

27 (10) The court shall not enter an order of disposition for a

1 juvenile offense as defined in section 1a of 1925 PA 289, MCL
2 28.241a, or a judgment of sentence for a conviction until the court
3 has examined the court file and has determined that the juvenile's
4 fingerprints have been taken and forwarded as required by section 3
5 of 1925 PA 289, MCL 28.243, and as required by the sex offenders
6 registration act, 1994 PA 295, MCL 28.721 to 28.736. If a juvenile
7 has not had his or her fingerprints taken, the court shall do
8 either of the following:

9 (a) Order the juvenile to submit himself or herself to the
10 police agency that arrested or obtained the warrant for the
11 juvenile's arrest so the juvenile's fingerprints can be taken and
12 forwarded.

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

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

25 (12) If the court enters an order of disposition based on an
26 act that is a juvenile offense as defined in section 1 of 1989 PA
27 196, MCL 780.901, the court shall order the juvenile to pay the

1 assessment as provided in that act. If the court enters a judgment
2 of conviction under section 2d of this chapter for an offense that
3 is a felony, misdemeanor, or ordinance violation, the court shall
4 order the juvenile to pay the 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 2
7 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
8 court, **THE** department, ~~of human services,~~ or the county juvenile
9 agency shall register the juvenile or accept the juvenile's
10 registration as provided in the sex offenders registration act,
11 1994 PA 295, MCL 28.721 to 28.736.

12 (14) If the court enters an order of disposition placing a
13 juvenile in a juvenile boot camp program, or committing a juvenile
14 to a county juvenile agency for placement in a juvenile boot camp
15 program, and the court receives from the department ~~of human~~
16 ~~services~~ a report that the juvenile has failed to perform
17 satisfactorily in the program, that the juvenile does not meet the
18 program's requirements or is medically unable to participate in the
19 program for more than 25 days, that there is no opening in a
20 juvenile boot camp program, or that the county juvenile agency is
21 unable to place the juvenile in a juvenile boot camp program, the
22 court shall release the juvenile from placement or commitment and
23 enter an alternative order of disposition. A juvenile shall not be
24 placed in a juvenile boot camp under an order of disposition more
25 than once, except that a juvenile returned to the court for a
26 medical condition, because there was no opening in a juvenile boot
27 camp program, or because the county juvenile agency was unable to

1 place the juvenile in a juvenile boot camp program may be placed
2 again in the juvenile boot camp program after the medical condition
3 is corrected, an opening becomes available, or the county juvenile
4 agency is able to place the juvenile.

5 (15) If the juvenile is within the court's jurisdiction under
6 section 2(a)(1) of this chapter for an offense other than a listed
7 offense as defined in section 2 of the sex offenders registration
8 act, 1994 PA 295, MCL 28.722, the court shall determine if the
9 offense is a violation of a law of this state or a local ordinance
10 of a municipality of this state that by its nature constitutes a
11 sexual offense against an individual who is less than 18 years of
12 age. If so, the order of disposition is for a listed offense as
13 defined in section 2 of the sex offenders registration act, 1994 PA
14 295, MCL 28.722, and the court shall include the basis for that
15 determination on the record and include the determination in the
16 order of disposition.

17 (16) The court shall not impose a sentence of imprisonment in
18 the county jail under subsection (1)(m) unless the present county
19 jail facility for the juvenile's imprisonment would meet all
20 requirements under federal law and regulations for housing
21 juveniles. The court shall not impose the sentence until it
22 consults with the sheriff to determine when the sentence will begin
23 to ensure that space will be available for the juvenile.

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

27 (18) If a juvenile is within the court's jurisdiction under

1 section 2(a)(1) of this chapter, the court shall order the juvenile
2 to pay costs as provided in section 18m of this chapter.

3 (19) A juvenile who has been ordered to pay the minimum state
4 cost as provided in section 18m of this chapter as a condition of
5 probation or supervision and who is not in willful default of the
6 payment of the minimum state cost may petition the court at any
7 time for a remission of the payment of any unpaid portion of the
8 minimum state cost. If the court determines that payment of the
9 amount due will impose a manifest hardship on the juvenile or his
10 or her immediate family, the court may remit all or part of the
11 amount of the minimum state cost due or modify the method of
12 payment.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.