

HOUSE BILL No. 5806

April 12, 2018, Introduced by Reps. Calley and LaGrand and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 10C.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 10C

SEC. 1099B. AS USED IN THIS CHAPTER:

(A) "CO-OCCURRING DISORDER" MEANS HAVING 1 OR MORE DISORDERS RELATING TO THE USE OF ALCOHOL OR OTHER CONTROLLED SUBSTANCES OF ABUSE AS WELL AS ANY SERIOUS MENTAL ILLNESS, SERIOUS EMOTIONAL DISTURBANCE, OR DEVELOPMENTAL DISABILITY. A DIAGNOSIS OF CO-OCCURRING DISORDERS OCCURS WHEN AT LEAST 1 DISORDER OF EACH TYPE CAN BE ESTABLISHED INDEPENDENT OF THE OTHER AND IS NOT SIMPLY A CLUSTER OF SYMPTOMS RESULTING FROM 1 DISORDER.

(B) "COURT FUNDING UNIT" MEANS THAT TERM AS DEFINED IN SECTION

1 151E.

2 (C) "DEVELOPMENTAL DISABILITY" MEANS THAT TERM AS DEFINED IN
3 SECTION 100A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100A.

4 (D) "DOMESTIC VIOLENCE OFFENSE" MEANS ANY CRIME ALLEGED TO
5 HAVE BEEN COMMITTED BY A JUVENILE AGAINST A FAMILY MEMBER, AN
6 INDIVIDUAL WITH WHOM THE JUVENILE HAS A CHILD IN COMMON, AN
7 INDIVIDUAL WITH WHOM THE JUVENILE HAS HAD A DATING RELATIONSHIP, OR
8 AN INDIVIDUAL WHO RESIDES OR HAS RESIDED IN THE SAME HOUSEHOLD AS
9 THE JUVENILE.

10 (E) "JUVENILE MENTAL HEALTH COURT" MEANS ALL OF THE FOLLOWING:

11 (i) A COURT-SUPERVISED TREATMENT PROGRAM FOR JUVENILES WHO ARE
12 DIAGNOSED BY A MENTAL HEALTH PROFESSIONAL WITH HAVING A SERIOUS
13 EMOTIONAL DISTURBANCE, CO-OCCURRING DISORDER, OR DEVELOPMENTAL
14 DISABILITY.

15 (ii) PROGRAMS DESIGNED TO ADHERE TO THE 7 COMMON
16 CHARACTERISTICS OF A JUVENILE MENTAL HEALTH COURT AS DESCRIBED
17 UNDER SECTION 1099C(3).

18 (iii) PROGRAMS DESIGNED TO ADHERE TO THE 10 ESSENTIAL ELEMENTS
19 OF A MENTAL HEALTH COURT PROMULGATED BY THE BUREAU OF JUSTICE
20 ASSISTANCE, OR AMENDED, THAT INCLUDE ALL OF THE FOLLOWING
21 CHARACTERISTICS:

22 (A) A BROAD-BASED GROUP OF STAKEHOLDERS REPRESENTING THE
23 CRIMINAL JUSTICE SYSTEM, THE JUVENILE JUSTICE SYSTEM, THE MENTAL
24 HEALTH SYSTEM, THE SUBSTANCE ABUSE TREATMENT SYSTEM, ANY RELATED
25 SYSTEMS, AND THE COMMUNITY GUIDE THE PLANNING AND ADMINISTRATION OF
26 THE COURT.

27 (B) ELIGIBILITY CRITERIA THAT ADDRESS PUBLIC SAFETY AND A

1 COMMUNITY'S TREATMENT CAPACITY, IN ADDITION TO THE AVAILABILITY OF
2 ALTERNATIVES TO PRETRIAL DETENTION FOR JUVENILES WITH MENTAL
3 ILLNESSES, AND THAT TAKE INTO ACCOUNT THE RELATIONSHIP BETWEEN
4 MENTAL ILLNESS AND A JUVENILE'S OFFENSES, WHILE ALLOWING THE
5 INDIVIDUAL CIRCUMSTANCES OF EACH CASE TO BE CONSIDERED.

6 (C) PARTICIPANTS ARE IDENTIFIED, REFERRED, AND ACCEPTED INTO
7 MENTAL HEALTH COURTS, AND THEN LINKED TO COMMUNITY-BASED SERVICE
8 PROVIDERS AS QUICKLY AS POSSIBLE.

9 (D) TERMS OF PARTICIPATION ARE CLEAR, PROMOTE PUBLIC SAFETY,
10 FACILITATE THE JUVENILE'S ENGAGEMENT IN TREATMENT, ARE
11 INDIVIDUALIZED TO CORRESPOND TO THE LEVEL OF RISK THAT EACH
12 JUVENILE PRESENTS TO THE COMMUNITY, AND PROVIDE FOR POSITIVE LEGAL
13 OUTCOMES FOR THOSE INDIVIDUALS WHO SUCCESSFULLY COMPLETE THE
14 PROGRAM.

15 (E) IN ACCORDANCE WITH THE MICHIGAN INDIGENT DEFENSE
16 COMMISSION ACT, 2013 PA 93, MCL 780.981 TO 780.1003, PROVIDE LEGAL
17 COUNSEL TO JUVENILE RESPONDENTS TO EXPLAIN PROGRAM REQUIREMENTS,
18 INCLUDING VOLUNTARY PARTICIPATION, AND GUIDE JUVENILES IN DECISIONS
19 ABOUT PROGRAM INVOLVEMENT. PROCEDURES EXIST IN THE JUVENILE MENTAL
20 HEALTH COURT TO ADDRESS, IN A TIMELY FASHION, CONCERNS ABOUT A
21 JUVENILE'S COMPETENCY WHENEVER THEY ARISE.

22 (F) CONNECT PARTICIPANTS TO COMPREHENSIVE AND INDIVIDUALIZED
23 TREATMENT SUPPORTS AND SERVICES IN THE COMMUNITY AND STRIVE TO USE,
24 AND INCREASE THE AVAILABILITY OF, TREATMENT AND SERVICES THAT ARE
25 EVIDENCE BASED.

26 (G) HEALTH AND LEGAL INFORMATION ARE SHARED IN A MANNER THAT
27 PROTECTS POTENTIAL PARTICIPANTS' CONFIDENTIALITY RIGHTS AS MENTAL

1 HEALTH CONSUMERS AND THEIR CONSTITUTIONAL RIGHTS. INFORMATION
2 GATHERED AS PART OF THE PARTICIPANTS' COURT-ORDERED TREATMENT
3 PROGRAM OR SERVICES ARE SAFEGUARDED FROM PUBLIC DISCLOSURE IN THE
4 EVENT THAT PARTICIPANTS ARE RETURNED TO TRADITIONAL COURT
5 PROCESSING.

6 (H) A TEAM OF CRIMINAL JUSTICE, IF APPLICABLE, JUVENILE
7 JUSTICE, AND MENTAL HEALTH STAFF AND TREATMENT PROVIDERS RECEIVES
8 SPECIAL, ONGOING TRAINING AND ASSISTS MENTAL HEALTH COURT
9 PARTICIPANTS TO ACHIEVE TREATMENT AND CRIMINAL AND JUVENILE JUSTICE
10 GOALS BY REGULARLY REVIEWING AND REVISING THE COURT PROCESS.

11 (I) CRIMINAL AND JUVENILE JUSTICE AND MENTAL HEALTH STAFF
12 COLLABORATIVELY MONITOR PARTICIPANTS' ADHERENCE TO COURT
13 CONDITIONS, OFFER INDIVIDUALIZED GRADUATED INCENTIVES AND
14 SANCTIONS, AND MODIFY TREATMENT AS NECESSARY TO PROMOTE PUBLIC
15 SAFETY AND PARTICIPANTS' RECOVERY.

16 (J) DATA ARE COLLECTED AND ANALYZED TO DEMONSTRATE THE IMPACT
17 OF THE JUVENILE MENTAL HEALTH COURT, ITS PERFORMANCE IS ASSESSED
18 PERIODICALLY, PROCEDURES ARE MODIFIED ACCORDINGLY, COURT PROCESSES
19 ARE INSTITUTIONALIZED, AND SUPPORT FOR THE COURT IN THE COMMUNITY
20 IS CULTIVATED AND EXPANDED.

21 (F) "MENTAL HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
22 TRAINED AND EXPERIENCED IN THE AREA OF MENTAL ILLNESS OR
23 DEVELOPMENTAL DISABILITIES AND WHO IS 1 OF THE FOLLOWING:

24 (i) A PHYSICIAN.

25 (ii) A PSYCHOLOGIST.

26 (iii) A REGISTERED PROFESSIONAL NURSE LICENSED OR OTHERWISE
27 AUTHORIZED TO ENGAGE IN THE PRACTICE OF NURSING UNDER PART 172 OF

1 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17201 TO 333.17242.

2 (iv) A LICENSED MASTER'S SOCIAL WORKER LICENSED OR OTHERWISE
3 AUTHORIZED TO ENGAGE IN THE PRACTICE OF SOCIAL WORK AT THE MASTER'S
4 LEVEL UNDER PART 185 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
5 333.18501 TO 333.18518.

6 (v) A LICENSED PROFESSIONAL COUNSELOR LICENSED OR OTHERWISE
7 AUTHORIZED TO ENGAGE IN THE PRACTICE OF COUNSELING UNDER PART 181
8 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.18101 TO 333.18117.

9 (vi) A MARRIAGE AND FAMILY THERAPIST LICENSED OR OTHERWISE
10 AUTHORIZED TO ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY
11 UNDER PART 169 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
12 333.16901 TO 333.16915.

13 (G) "PARTICIPANT" MEANS A JUVENILE WHO IS ADMITTED INTO A
14 JUVENILE MENTAL HEALTH COURT.

15 (H) "SERIOUS EMOTIONAL DISTURBANCE" MEANS THAT TERM AS DEFINED
16 IN SECTION 100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL
17 330.1100D.

18 (I) "SERIOUS MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN
19 SECTION 100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100D.

20 (J) "VIOLENT OFFENDER" MEANS A JUVENILE WHO IS CURRENTLY
21 CHARGED OR PETITIONED WITH, OR HAS BEEN CONVICTED OF OR ADJUDICATED
22 ON AN OFFENSE INVOLVING THE DEATH OF, OR A SERIOUS BODILY INJURY
23 TO, ANY INDIVIDUAL, WHETHER OR NOT ANY OF THESE CIRCUMSTANCES ARE
24 AN ELEMENT OF THE OFFENSE, OR WITH CRIMINAL SEXUAL CONDUCT IN ANY
25 DEGREE.

26 SEC. 1099C. (1) A FAMILY DIVISION OF CIRCUIT COURT IN ANY
27 JUDICIAL CIRCUIT MAY ADOPT OR INSTITUTE A JUVENILE MENTAL HEALTH

1 COURT PURSUANT TO STATUTE OR COURT RULES. THE CREATION OR EXISTENCE
2 OF A JUVENILE MENTAL HEALTH COURT DOES NOT ALTER OR AFFECT THE LAW
3 OR COURT RULES CONCERNING DISCHARGE OR DISMISSAL OF AN OFFENSE, OR
4 ADJUDICATION. A FAMILY DIVISION OF CIRCUIT COURT ADOPTING OR
5 INSTITUTING A JUVENILE MENTAL HEALTH COURT SHALL ENTER INTO A
6 MEMORANDUM OF UNDERSTANDING WITH ALL PARTICIPATING PROSECUTING
7 AUTHORITIES IN THE CIRCUIT, A REPRESENTATIVE OR REPRESENTATIVES OF
8 THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM, A REPRESENTATIVE OF
9 THE BAR SPECIALIZING IN JUVENILE LAW, AND A REPRESENTATIVE OR
10 REPRESENTATIVES OF COMMUNITY TREATMENT PROVIDERS THAT DESCRIBES THE
11 ROLES AND RESPONSIBILITIES OF EACH PARTY TO THE MEMORANDUM OF
12 UNDERSTANDING. THE MEMORANDUM OF UNDERSTANDING ALSO MAY INCLUDE
13 OTHER PARTIES CONSIDERED NECESSARY, INCLUDING, BUT NOT LIMITED TO,
14 A REPRESENTATIVE OR REPRESENTATIVES OF THE LOCAL COURT FUNDING UNIT
15 OR A DOMESTIC VIOLENCE SERVICE PROVIDER PROGRAM THAT RECEIVES
16 FUNDING FROM THE MICHIGAN DOMESTIC AND SEXUAL VIOLENCE PREVENTION
17 AND TREATMENT BOARD.

18 (2) A COURT THAT HAS ADOPTED A JUVENILE MENTAL HEALTH COURT
19 UNDER THIS SECTION MAY ACCEPT PARTICIPANTS FROM ANY OTHER
20 JURISDICTION IN THIS STATE BASED UPON THE RESIDENCE OF THE
21 PARTICIPANT IN THE RECEIVING JURISDICTION. A JUVENILE MENTAL HEALTH
22 COURT MAY REFUSE TO ACCEPT PARTICIPANTS FROM OTHER JURISDICTIONS.

23 (3) A COURT THAT HAS ADOPTED A JUVENILE MENTAL HEALTH COURT
24 UNDER THIS SECTION SHALL COMPLY WITH THE 7 COMMON CHARACTERISTICS
25 OF A JUVENILE MENTAL HEALTH COURT PUBLISHED BY POLICY RESEARCH
26 ASSOCIATES, INCLUDING ALL OF THE FOLLOWING:

27 (A) REGULARLY SCHEDULED SPECIAL DOCKET.

1 (B) LESS FORMAL STYLE OF INTERACTION AMONG COURT OFFICIALS AND
2 PARTICIPANTS.

3 (C) AGE-APPROPRIATE SCREENING AND ASSESSMENT FOR TRAUMA,
4 SUBSTANCE USE, AND MENTAL DISORDER.

5 (D) TEAM MANAGEMENT OF JUVENILE MENTAL HEALTH COURT
6 PARTICIPANT'S TREATMENT AND SUPERVISION.

7 (E) SYSTEM-WIDE ACCOUNTABILITY ENFORCED BY THE JUVENILE MENTAL
8 HEALTH COURT.

9 (F) USE OF GRADUATED INCENTIVES AND SANCTIONS.

10 (G) DEFINED CRITERIA FOR PROGRAM SUCCESS.

11 (4) BEGINNING JANUARY 1, 2019, A JUVENILE MENTAL HEALTH COURT
12 OPERATING IN THIS STATE, OR A CIRCUIT COURT IN ANY JUDICIAL CIRCUIT
13 OR THE DISTRICT COURT IN ANY JUDICIAL DISTRICT SEEKING TO ADOPT OR
14 INSTITUTE A JUVENILE MENTAL HEALTH COURT, MUST BE CERTIFIED BY THE
15 STATE COURT ADMINISTRATIVE OFFICE. THE STATE COURT ADMINISTRATIVE
16 OFFICE SHALL ESTABLISH THE PROCEDURE FOR CERTIFICATION. APPROVAL
17 AND CERTIFICATION UNDER THIS SUBSECTION OF A JUVENILE MENTAL HEALTH
18 COURT IS REQUIRED TO BEGIN OR TO CONTINUE THE OPERATION OF A
19 JUVENILE MENTAL HEALTH COURT UNDER THIS CHAPTER. THE STATE COURT
20 ADMINISTRATIVE OFFICE SHALL NOT RECOGNIZE AND INCLUDE A JUVENILE
21 MENTAL HEALTH COURT THAT IS NOT CERTIFIED UNDER THIS SUBSECTION ON
22 THE STATEWIDE OFFICIAL LIST OF JUVENILE MENTAL HEALTH COURTS. THE
23 STATE COURT ADMINISTRATIVE OFFICE SHALL INCLUDE A JUVENILE MENTAL
24 HEALTH COURT CERTIFIED UNDER THIS SUBSECTION ON THE STATEWIDE
25 OFFICIAL LIST OF JUVENILE MENTAL HEALTH COURTS. A JUVENILE MENTAL
26 HEALTH COURT THAT IS NOT CERTIFIED UNDER THIS SUBSECTION SHALL NOT
27 PERFORM ANY OF THE FUNCTIONS OF A JUVENILE MENTAL HEALTH COURT,

1 INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING FUNCTIONS:

2 (A) CHARGING A FEE UNDER SECTION 1099H

3 (B) DISCHARGING AND DISMISSING A CASE AS PROVIDED IN SECTION
4 1099K.

5 (C) RECEIVING FUNDING UNDER SECTION 1099M.

6 SEC. 1099D. A JUVENILE MENTAL HEALTH COURT SHALL HIRE,
7 CONTRACT, OR WORK IN CONJUNCTION WITH MENTAL HEALTH PROFESSIONALS,
8 IN CONSULTATION WITH THE LOCAL COMMUNITY MENTAL HEALTH SERVICE
9 PROVIDER, AND OTHER SUCH APPROPRIATE PERSONS TO ASSIST THE JUVENILE
10 MENTAL HEALTH COURT IN FULFILLING ITS REQUIREMENTS UNDER THIS
11 CHAPTER.

12 SEC. 1099E. (1) EACH JUVENILE MENTAL HEALTH COURT SHALL
13 DETERMINE WHETHER A JUVENILE MAY BE ADMITTED. NO JUVENILE HAS A
14 RIGHT TO BE ADMITTED INTO A JUVENILE MENTAL HEALTH COURT. ADMISSION
15 INTO A JUVENILE MENTAL HEALTH COURT PROGRAM IS AT THE DISCRETION OF
16 THE COURT BASED ON THE JUVENILE'S LEGAL AND CLINICAL ELIGIBILITY. A
17 JUVENILE MAY BE ADMITTED TO JUVENILE MENTAL HEALTH COURT,
18 REGARDLESS OF PRIOR PARTICIPATION OR PRIOR COMPLETION STATUS.
19 HOWEVER, UNLESS THE JUVENILE MENTAL HEALTH COURT JUDGE AND THE
20 PROSECUTING ATTORNEY IN CONSULTATION WITH ANY KNOWN VICTIM IN THE
21 INSTANT CASE CONSENT, A VIOLENT OFFENDER MUST NOT BE ADMITTED INTO
22 MENTAL HEALTH COURT.

23 (2) ADMISSION TO A JUVENILE MENTAL HEALTH COURT DOES NOT
24 DISQUALIFY A JUVENILE FOR ANY OTHER DISPOSITIONAL OPTIONS AVAILABLE
25 UNDER STATE LAW OR COURT RULE.

26 (3) TO BE ADMITTED TO A JUVENILE MENTAL HEALTH COURT, A
27 JUVENILE SHALL COOPERATE WITH AND COMPLETE A PREADMISSION SCREENING

1 AND ASSESSMENT AND SHALL SUBMIT TO ANY FUTURE ASSESSMENT AS
2 DIRECTED BY THE JUVENILE MENTAL HEALTH COURT. A PREADMISSION
3 SCREENING AND ASSESSMENT MUST INCLUDE ALL OF THE FOLLOWING:

4 (A) A REVIEW OF THE JUVENILE'S DELINQUENCY HISTORY. A REVIEW
5 OF THE LAW ENFORCEMENT INFORMATION NETWORK MAY BE CONSIDERED
6 SUFFICIENT FOR PURPOSES OF THIS SUBDIVISION UNLESS A FURTHER REVIEW
7 IS WARRANTED. THE COURT MAY ACCEPT OTHER VERIFIABLE AND RELIABLE
8 INFORMATION FROM THE PROSECUTION OR DEFENSE TO COMPLETE ITS REVIEW
9 AND MAY REQUIRE THE JUVENILE TO SUBMIT A STATEMENT AS TO WHETHER OR
10 NOT HE OR SHE HAS PREVIOUSLY BEEN ADMITTED TO A JUVENILE MENTAL
11 HEALTH COURT AND THE RESULTS OF HIS OR HER PARTICIPATION IN THE
12 PRIOR PROGRAM OR PROGRAMS.

13 (B) AN ASSESSMENT OF THE RISK OF DANGER OR HARM TO THE
14 JUVENILE, OTHERS, AND THE COMMUNITY USING STANDARDIZED INSTRUMENTS
15 THAT HAVE ACCEPTABLE RELIABILITY AND VALIDITY.

16 (C) A MENTAL HEALTH ASSESSMENT, PERFORMED BY A MENTAL HEALTH
17 PROFESSIONAL, FOR AN EVALUATION OF A SERIOUS EMOTIONAL DISTURBANCE,
18 CO-OCCURRING DISORDER, OR DEVELOPMENTAL DISABILITY.

19 (D) A REVIEW OF THE JUVENILE'S FAMILY SITUATION, SPECIAL
20 NEEDS, OR CIRCUMSTANCES THAT MAY POTENTIALLY AFFECT THE JUVENILE'S
21 ABILITY TO RECEIVE MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT AND
22 FOLLOW THE COURT'S ORDERS, INCLUDING INPUT FROM FAMILY, CAREGIVERS,
23 OR OTHER COLLATERAL SUPPORTS.

24 (4) EXCEPT AS OTHERWISE PERMITTED IN THIS CHAPTER, ANY
25 STATEMENT OR OTHER INFORMATION OBTAINED AS A RESULT OF
26 PARTICIPATING IN A PREADMISSION SCREENING AND ASSESSMENT UNDER
27 SUBSECTION (3) IS CONFIDENTIAL AND IS EXEMPT FROM DISCLOSURE UNDER

1 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
2 AND SHALL NOT BE USED IN ANY FUTURE JUVENILE DELINQUENCY
3 PROCEEDING.

4 (5) THE COURT MAY REQUEST THAT THE DEPARTMENT OF STATE POLICE
5 PROVIDE TO THE COURT INFORMATION CONTAINED IN THE LAW ENFORCEMENT
6 INFORMATION NETWORK PERTAINING TO A JUVENILE CRIMINAL HISTORY FOR
7 THE PURPOSES OF DETERMINING A JUVENILE'S ELIGIBILITY FOR ADMISSION
8 INTO THE JUVENILE MENTAL HEALTH COURT.

9 SEC. 1099F. (1) IF THE JUVENILE IS ALLEGED TO HAVE ENGAGED IN
10 ACTIVITY THAT WOULD CONSTITUTE A CRIMINAL ACT IF COMMITTED BY AN
11 ADULT, HIS OR HER ADMISSION TO JUVENILE MENTAL HEALTH COURT IS
12 SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

13 (A) THE JUVENILE ADMITS RESPONSIBILITY FOR THE VIOLATION OR
14 VIOLATIONS THAT HE OR SHE IS ACCUSED OF HAVING COMMITTED.

15 (B) THE PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN, AND
16 JUVENILE ARE REQUIRED TO SIGN ALL DOCUMENTS FOR THE JUVENILE'S
17 ADMISSION IN THE JUVENILE MENTAL HEALTH COURT, INCLUDING A WRITTEN
18 AGREEMENT TO PARTICIPATE IN THE JUVENILE MENTAL HEALTH COURT.

19 (2) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PRECLUDE A
20 COURT FROM PROVIDING MENTAL HEALTH SERVICES TO A JUVENILE BEFORE HE
21 OR SHE ADMITS RESPONSIBILITY AND IS ACCEPTED INTO THE JUVENILE
22 MENTAL HEALTH COURT.

23 (3) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PRECLUDE A
24 COURT FROM PROVIDING MENTAL HEALTH SERVICES TO A JUVENILE BEFORE HE
25 OR SHE ADMITS RESPONSIBILITY AND IS ACCEPTED INTO THE JUVENILE
26 MENTAL HEALTH COURT.

27 (4) A JUVENILE WHO HAS ADMITTED RESPONSIBILITY, AS PART OF HIS

1 OR HER REFERRAL PROCESS TO A JUVENILE MENTAL HEALTH COURT, AND WHO
2 IS SUBSEQUENTLY NOT ADMITTED TO A JUVENILE MENTAL HEALTH COURT MAY
3 WITHDRAW HIS OR HER ADMISSION OF RESPONSIBILITY.

4 (5) THIS SECTION DOES NOT APPLY TO STATUS OFFENSES.

5 SEC. 1099G. IN ADDITION TO RIGHTS ACCORDED A VICTIM UNDER THE
6 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL
7 780.751 TO 780.834, THE JUVENILE MENTAL HEALTH COURT SHALL PERMIT
8 ANY VICTIM OF THE OFFENSE OR OFFENSES FOR WHICH THE JUVENILE HAS
9 BEEN PETITIONED TO SUBMIT A WRITTEN STATEMENT TO THE COURT
10 REGARDING THE ADVISABILITY OF ADMITTING THE JUVENILE INTO THE
11 JUVENILE MENTAL HEALTH COURT.

12 SEC. 1099H. UPON ADMITTING A JUVENILE INTO A JUVENILE MENTAL
13 HEALTH COURT, ALL OF THE FOLLOWING APPLY:

14 (A) THE COURT SHALL ENTER AN ADJUDICATION UPON ACCEPTANCE OF A
15 JUVENILE'S ADMITTANCE OF RESPONSIBILITY TO THE OFFENSE.

16 (B) UNLESS A MEMORANDUM OF UNDERSTANDING MADE PURSUANT TO
17 SECTION 1088 BETWEEN A RECEIVING JUVENILE MENTAL HEALTH COURT AND
18 THE COURT OF ORIGINAL JURISDICTION PROVIDES OTHERWISE, THE ORIGINAL
19 COURT OF JURISDICTION MAINTAINS JURISDICTION OVER THE JUVENILE
20 MENTAL HEALTH COURT PARTICIPANT AS PROVIDED IN THIS CHAPTER UNTIL
21 FINAL DISPOSITION OF THE CASE. THE COURT MAY RECEIVE JURISDICTION
22 OVER THE JUVENILE'S PARENTS OR GUARDIANS UNDER SECTION 6 OF CHAPTER
23 XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.6, IN ORDER
24 TO ASSIST IN ENSURING THE JUVENILE'S CONTINUED PARTICIPATION AND
25 SUCCESSFUL COMPLETION OF THE JUVENILE MENTAL HEALTH COURT AND MAY
26 ISSUE AND ENFORCE ANY APPROPRIATE AND NECESSARY ORDER REGARDING THE
27 PARENT OR GUARDIAN.

1 (C) THE JUVENILE MENTAL HEALTH COURT MAY REQUIRE A JUVENILE
2 AND HIS OR HER PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN ADMITTED
3 INTO THE COURT TO PAY A REASONABLE JUVENILE MENTAL HEALTH COURT FEE
4 THAT IS REASONABLY RELATED TO THE COST TO THE COURT FOR
5 ADMINISTERING THE JUVENILE MENTAL HEALTH COURT PROGRAM AS PROVIDED
6 IN THE MEMORANDUM OF UNDERSTANDING. THE JUVENILE MENTAL HEALTH
7 COURT SHALL TRANSMIT THE FEES COLLECTED TO THE TREASURER OF THE
8 LOCAL FUNDING UNIT AT THE END OF EACH MONTH.

9 SEC. 1099I. (1) A JUVENILE MENTAL HEALTH COURT SHALL PROVIDE A
10 JUVENILE MENTAL HEALTH COURT PARTICIPANT WITH ALL OF THE FOLLOWING:

11 (A) CONSISTENT AND CLOSE MONITORING OF THE JUVENILE'S
12 TREATMENT AND RECOVERY.

13 (B) IF FOUND NECESSARY OR APPROPRIATE, PERIODIC AND RANDOM
14 TESTING FOR THE PRESENCE OF ANY NONPRESCRIBED CONTROLLED SUBSTANCE
15 OR ALCOHOL AS WELL AS COMPLIANCE WITH OR EFFECTIVENESS OF
16 PRESCRIBED MEDICATION USING TO THE EXTENT PRACTICABLE THE BEST
17 AVAILABLE, ACCEPTED, AND SCIENTIFICALLY VALID METHODS.

18 (C) PERIODIC JUDICIAL REVIEWS OF THE PARTICIPANT'S
19 CIRCUMSTANCES AND PROGRESS IN THE PROGRAM.

20 (D) A REGIMEN OR STRATEGY OF INDIVIDUALIZED AND GRADUATED BUT
21 IMMEDIATE REWARDS FOR COMPLIANCE AND SANCTIONS FOR NONCOMPLIANCE,
22 INCLUDING, BUT NOT LIMITED TO, THE POSSIBILITY OF DETAINMENT.

23 (E) MENTAL HEALTH SERVICES, SUBSTANCE USE DISORDER SERVICES,
24 EDUCATION, AND VOCATIONAL OPPORTUNITIES AS APPROPRIATE AND
25 PRACTICAL.

26 (2) UPON A JUVENILE'S COMPLETION OF THE REQUIRED JUVENILE
27 MENTAL HEALTH COURT PROGRAM PARTICIPATION, AN EXIT EVALUATION

1 SHOULD BE CONDUCTED IN ORDER TO ASSESS THE JUVENILE'S CONTINUING
2 NEED FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, OR SUBSTANCE
3 ABUSE SERVICES.

4 (3) ANY STATEMENT OR OTHER INFORMATION OBTAINED AS A RESULT OF
5 PARTICIPATING IN ASSESSMENT, TREATMENT, OR TESTING WHILE IN A
6 JUVENILE MENTAL HEALTH COURT IS CONFIDENTIAL AND IS EXEMPT FROM
7 DISCLOSURE UNDER THE UNITED STATES CONSTITUTION AND STATE
8 CONSTITUTION OF 1963 AND THE FREEDOM OF INFORMATION ACT, 1976 PA
9 442, MCL 15.231 TO 15.246, AND MUST NOT BE USED IN A CRIMINAL
10 PROSECUTION, UNLESS IT REVEALS CRIMINAL ACTS OTHER THAN, OR
11 INCONSISTENT WITH, PERSONAL CONTROLLED SUBSTANCE USE.

12 SEC. 1099J. (1) IN ORDER TO CONTINUE TO PARTICIPATE IN AND
13 SUCCESSFULLY COMPLETE A JUVENILE MENTAL HEALTH COURT PROGRAM, A
14 JUVENILE SHALL COMPLY WITH ALL COURT ORDERS, VIOLATIONS OF WHICH
15 MAY BE SANCTIONED AT THE COURT'S DISCRETION.

16 (2) IF THE JUVENILE IS ACCUSED OF A NEW OFFENSE, THE JUDGE HAS
17 THE DISCRETION TO TERMINATE THE JUVENILE'S PARTICIPATION IN THE
18 JUVENILE MENTAL HEALTH COURT PROGRAM.

19 (3) THE COURT SHALL REQUIRE THAT A JUVENILE PAY ALL COURT
20 FINES, COSTS, COURT FEES, RESTITUTION, AND ASSESSMENTS. HOWEVER,
21 EXCEPT AS OTHERWISE PROVIDED BY LAW, IF THE COURT DETERMINES THAT
22 THE PAYMENT OF COURT FINES, COURT FEES, OR DRUG OR ALCOHOL TESTING
23 EXPENSES UNDER THIS SUBSECTION WOULD BE A SUBSTANTIAL HARDSHIP FOR
24 THE JUVENILE AND THE JUVENILE'S FAMILY OR WOULD INTERFERE WITH THE
25 JUVENILE'S TREATMENT, THE COURT MAY WAIVE ALL OR PART OF THOSE
26 COURT FINES, COURT FEES, OR DRUG OR ALCOHOL TESTING EXPENSES EXCEPT
27 THOSE REQUIRED BY STATUTE.

1 (4) THE RESPONSIBLE MENTAL HEALTH PROVIDER SHALL NOTIFY THE
2 COURT OF A PARTICIPANT'S FORMAL OBJECTION TO HIS OR HER WRITTEN
3 INDIVIDUAL PLAN OF SERVICES DEVELOPED UNDER SECTION 712(2) OF THE
4 MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1712. HOWEVER, THE COURT
5 IS NOT OBLIGATED TO TAKE ANY ACTION IN RESPONSE TO A NOTICE
6 RECEIVED UNDER THIS SUBSECTION.

7 SEC. 1099K. (1) UPON A PARTICIPANT'S COMPLETION OR TERMINATION
8 OF THE JUVENILE MENTAL HEALTH COURT PROGRAM, THE COURT SHALL FIND
9 ON THE RECORD OR PLACE A WRITTEN STATEMENT IN THE COURT FILE
10 INDICATING WHETHER THE PARTICIPANT COMPLETED THE PROGRAM
11 SUCCESSFULLY OR WHETHER THE JUVENILE'S PARTICIPATION IN THE PROGRAM
12 WAS TERMINATED AND, IF IT WAS TERMINATED, THE REASON FOR THE
13 TERMINATION.

14 (2) THE COURT, WITH THE AGREEMENT OF THE PROSECUTOR AND IN
15 CONFORMITY WITH THE TERMS AND CONDITIONS OF THE MEMORANDUM OF
16 UNDERSTANDING UNDER SECTION 1099B, MAY DISCHARGE AND DISMISS THE
17 PROCEEDINGS.

18 (3) EXCEPT AS PROVIDED IN SUBSECTION (2), IF A JUVENILE HAS
19 SUCCESSFULLY COMPLETED PROBATION OR OTHER COURT SUPERVISION, THE
20 COURT SHALL DO THE FOLLOWING:

21 (A) IF THE COURT HAS NOT ALREADY DISPOSED OF THE JUVENILE,
22 PROCEED TO DISPOSITION PURSUANT TO THE AGREEMENT UNDER WHICH THE
23 JUVENILE WAS ADMITTED INTO JUVENILE MENTAL HEALTH COURT.

24 (B) SEND A RECORD OF ADJUDICATION OF RESPONSIBILITY AND
25 DISPOSITION TO THE DEPARTMENT OF STATE POLICE AND SECRETARY OF
26 STATE, AS APPLICABLE.

27 (4) EXCEPT FOR PROGRAM TERMINATION DUE TO THE COMMISSION OF A

1 NEW OFFENSE, FAILURE TO COMPLETE A JUVENILE MENTAL HEALTH COURT
2 PROGRAM MUST NOT BE A PREJUDICIAL FACTOR IN DISPOSITION. ALL
3 RECORDS OF THE PROCEEDINGS REGARDING THE PARTICIPATION OF THE
4 JUVENILE IN THE JUVENILE MENTAL HEALTH COURT MUST REMAIN CLOSED TO
5 PUBLIC INSPECTION AND ARE EXEMPT FROM PUBLIC DISCLOSURE, INCLUDING
6 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 492, MCL
7 15.231 TO 15.246.

8 SEC. 1099/. (1) EACH JUVENILE MENTAL HEALTH COURT SHALL
9 COLLECT AND PROVIDE DATA ON EACH INDIVIDUAL APPLICANT AND
10 PARTICIPANT AND THE ENTIRE PROGRAM AS REQUIRED BY THE STATE COURT
11 ADMINISTRATIVE OFFICE. THE STATE COURT ADMINISTRATIVE OFFICE SHALL
12 PROVIDE APPROPRIATE TRAINING TO ALL COURTS ENTERING DATA, AS
13 DIRECTED BY THE SUPREME COURT.

14 (2) EACH JUVENILE MENTAL HEALTH COURT SHALL MAINTAIN FILES OR
15 DATABASES ON EACH INDIVIDUAL PARTICIPANT IN THE PROGRAM FOR REVIEW
16 AND EVALUATION AS WELL AS TREATMENT, AS DIRECTED BY THE STATE COURT
17 ADMINISTRATIVE OFFICE. THE INFORMATION COLLECTED FOR EVALUATION
18 PURPOSES MUST INCLUDE A MINIMUM STANDARD DATA SET DEVELOPED AND
19 SPECIFIED BY THE STATE COURT ADMINISTRATIVE OFFICE.

20 (3) AS DIRECTED BY THE SUPREME COURT, THE STATE COURT
21 ADMINISTRATIVE OFFICE SHALL PROVIDE STANDARDS FOR JUVENILE MENTAL
22 HEALTH COURTS IN THIS STATE, INCLUDING, BUT NOT LIMITED TO,
23 DEVELOPING A LIST OF APPROVED MEASUREMENT INSTRUMENTS AND
24 INDICATORS FOR DATA COLLECTION AND EVALUATION. THESE STANDARDS MUST
25 PROVIDE COMPARABILITY BETWEEN PROGRAMS AND THEIR OUTCOMES.

26 (4) THE INFORMATION COLLECTED UNDER THIS SECTION REGARDING
27 INDIVIDUAL APPLICANTS TO JUVENILE MENTAL HEALTH COURT PROGRAMS FOR

1 THE PURPOSE OF APPLICATION TO THAT PROGRAM AND PARTICIPANTS WHO
2 HAVE SUCCESSFULLY COMPLETED JUVENILE MENTAL HEALTH COURTS IS EXEMPT
3 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
4 MCL 15.231 TO 15.246.

5 SEC. 1099M. (1) THE SUPREME COURT IS RESPONSIBLE FOR THE
6 EXPENDITURE OF STATE FUNDS FOR THE ESTABLISHMENT AND OPERATION OF
7 JUVENILE MENTAL HEALTH COURTS.

8 (2) EACH JUVENILE MENTAL HEALTH COURT SHALL REPORT QUARTERLY
9 TO THE STATE COURT ADMINISTRATIVE OFFICE IN A MANNER PRESCRIBED BY
10 THE STATE COURT ADMINISTRATIVE OFFICE ON THE STATE FUNDS RECEIVED
11 AND EXPENDED BY THAT JUVENILE MENTAL HEALTH COURT.

12 (3) THE STATE COURT ADMINISTRATIVE OFFICE MAY ESTABLISH AN
13 ADVISORY COMMITTEE. IF ESTABLISHED, THIS COMMITTEE MUST BE SEPARATE
14 FROM AND INDEPENDENT OF THE STATE'S DRUG TREATMENT COURT ADVISORY
15 COMMITTEE.

16 (4) AS DIRECTED BY THE SUPREME COURT, THE STATE COURT
17 ADMINISTRATIVE OFFICE SHALL, IN CONJUNCTION WITH THE DEPARTMENT OF
18 HEALTH AND HUMAN SERVICES, ASSURE THAT TRAINING AND TECHNICAL
19 ASSISTANCE ARE AVAILABLE AND PROVIDED TO ALL JUVENILE MENTAL HEALTH
20 COURTS.

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

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 5807 (request no.
25 05304'18) of the 99th Legislature is enacted into law.