

HOUSE BILL No. 6179

June 12, 2018, Introduced by Reps. Faris, Sabo, Cochran, Chang, Lasinski, Brinks, Geiss, Greig, Love, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 2, 13a, and 18k (MCL 712A.2, 712A.13a, and 712A.18k), section 2 as amended by 2018 PA 58, section 13a as amended by 2016 PA 191, and section 18k as amended by 2014 PA 458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Exclusive original jurisdiction superior to and regardless
4 of the jurisdiction of another court in proceedings concerning a
5 juvenile under 17 years of age who is found within the county if 1
6 or more of the following apply:

7 (1) Except as otherwise provided in this sub-subdivision, the
8 juvenile has violated any municipal ordinance or law of the state
9 or of the United States. If the court enters into an agreement

1 under section 2e of this chapter, the court has jurisdiction over a
2 juvenile who committed a civil infraction as provided in that
3 section. The court has jurisdiction over a juvenile 14 years of age
4 or older who is charged with a specified juvenile violation only if
5 the prosecuting attorney files a petition in the court instead of
6 authorizing a complaint and warrant. As used in this sub-
7 subdivision, "specified juvenile violation" means 1 or more of the
8 following:

9 (A) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
10 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
11 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
12 750.349, 750.520b, 750.529, 750.529a, and 750.531.

13 (B) A violation of section 84 or 110a(2) of the Michigan penal
14 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
15 armed with a dangerous weapon. As used in this paragraph,
16 "dangerous weapon" means 1 or more of the following:

17 (i) A loaded or unloaded firearm, whether operable or
18 inoperable.

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

22 (iii) An object that is likely to cause death or bodily injury
23 when used as a weapon and that is used as a weapon or carried or
24 possessed for use as a weapon.

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

1 (C) A violation of section 186a of the Michigan penal code,
2 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
3 from a juvenile facility, but only if the juvenile facility from
4 which the individual escaped or attempted to escape was 1 of the
5 following:

6 (i) A high-security or medium-security facility operated by
7 the department or a county juvenile agency.

8 (ii) A high-security facility operated by a private agency
9 under contract with the department or a county juvenile agency.

10 (D) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
11 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

12 (E) An attempt to commit a violation described in paragraphs
13 (A) to (D).

14 (F) Conspiracy to commit a violation described in paragraphs
15 (A) to (D).

16 (G) Solicitation to commit a violation described in paragraphs
17 (A) to (D).

18 (H) A lesser included offense of a violation described in
19 paragraphs (A) to (G) if the individual is charged with a violation
20 described in paragraphs (A) to (G).

21 (I) Another violation arising out of the same transaction as a
22 violation described in paragraphs (A) to (G) if the individual is
23 charged with a violation described in paragraphs (A) to (G).

24 (2) The juvenile has deserted his or her home without
25 sufficient cause, and the court finds on the record that the
26 juvenile has been placed or refused alternative placement or the
27 juvenile and the juvenile's parent, guardian, or custodian have

1 exhausted or refused family counseling.

2 (3) The juvenile is repeatedly disobedient to the reasonable
3 and lawful commands of his or her parents, guardian, or custodian,
4 and the court finds on the record by clear and convincing evidence
5 that court-accessed services are necessary.

6 (4) The juvenile willfully and repeatedly absents himself or
7 herself from school or other learning program intended to meet the
8 juvenile's educational needs, or repeatedly violates rules and
9 regulations of the school or other learning program, and the court
10 finds on the record that the juvenile, the juvenile's parent,
11 guardian, or custodian, and school officials or learning program
12 personnel have met on the juvenile's educational problems and
13 educational counseling and alternative agency help have been
14 sought. As used in this sub-subdivision only, "learning program"
15 means an organized educational program that is appropriate, given
16 the age, intelligence, ability, and psychological limitations of a
17 juvenile, in the subject areas of reading, spelling, mathematics,
18 science, history, civics, writing, and English grammar.

19 (b) Jurisdiction in proceedings concerning a juvenile under 18
20 years of age found within the county:

21 (1) Whose parent or other person legally responsible for the
22 care and maintenance of the juvenile, when able to do so, neglects
23 or refuses to provide proper or necessary support, education,
24 medical, surgical, or other care necessary for his or her health or
25 morals, who is subject to a substantial risk of harm to his or her
26 mental well-being, who is abandoned by his or her parents,
27 guardian, or other custodian, or who is without proper custody or

1 guardianship. As used in this sub-subdivision:

2 (A) "Education" means learning based on an organized
3 educational program that is appropriate, given the age,
4 intelligence, ability, and psychological limitations of a juvenile,
5 in the subject areas of reading, spelling, mathematics, science,
6 history, civics, writing, and English grammar.

7 (B) "Neglect" means that term as defined in section 2 of the
8 child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

9 (C) "Without proper custody or guardianship" does not mean a
10 parent has placed the juvenile with another person who is legally
11 responsible for the care and maintenance of the juvenile and who is
12 able to and does provide the juvenile with proper care and
13 maintenance.

14 (2) Whose home or environment, by reason of neglect, cruelty,
15 drunkenness, criminality, or depravity on the part of a parent,
16 guardian, nonparent adult, or other custodian, is an unfit place
17 for the juvenile to live in. As used in this sub-subdivision,
18 "neglect" means that term as defined in section 2 of the child
19 abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

20 (3) If the juvenile is dependent and is in danger of
21 substantial physical or psychological harm. The juvenile may be
22 found to be dependent when any of the following occurs:

23 (A) The juvenile is homeless or not domiciled with a parent or
24 other legally responsible person.

25 (B) The juvenile has repeatedly run away from home and is
26 beyond the control of a parent or other legally responsible person.

27 (C) The juvenile is alleged to have committed a commercial

1 sexual activity as that term is defined in section 462a of the
2 Michigan penal code, 1931 PA 328, MCL 750.462a or a delinquent act
3 that is the result of force, fraud, coercion, or manipulation
4 exercised by a parent or other adult.

5 (D) The juvenile's custodial parent or legally responsible
6 person has died or has become permanently incapacitated and no
7 appropriate parent or legally responsible person is willing and
8 able to provide care for the juvenile.

9 (4) Whose parent has substantially failed, without good cause,
10 to comply with a limited guardianship placement plan described in
11 section 5205 of the estates and protected individuals code, 1998 PA
12 386, MCL 700.5205, regarding the juvenile.

13 (5) Whose parent has substantially failed, without good cause,
14 to comply with a court-structured plan described in section 5207 or
15 5209 of the estates and protected individuals code, 1998 PA 386,
16 MCL 700.5207 and 700.5209, regarding the juvenile.

17 (6) If the juvenile has a guardian under the estates and
18 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
19 and the juvenile's parent meets both of the following criteria:

20 (A) The parent, having the ability to support or assist in
21 supporting the juvenile, has failed or neglected, without good
22 cause, to provide regular and substantial support for the juvenile
23 for 2 years or more before the filing of the petition or, if a
24 support order has been entered, has failed to substantially comply
25 with the order for 2 years or more before the filing of the
26 petition. As used in this sub-subdivision, "neglect" means that
27 term as defined in section 2 of the child abuse and neglect

1 prevention act, 1982 PA 250, MCL 722.602.

2 (B) The parent, having the ability to visit, contact, or
3 communicate with the juvenile, has regularly and substantially
4 failed or neglected, without good cause, to do so for 2 years or
5 more before the filing of the petition. As used in this sub-
6 subdivision, "neglect" means that term as defined in section 2 of
7 the child abuse and neglect prevention act, 1982 PA 250, MCL
8 722.602.

9 If a petition is filed in the court alleging that a juvenile
10 is within the provisions of subdivision (b)(1), (2), (3), (4), (5),
11 or (6) and the custody of that juvenile is subject to the prior or
12 continuing order of another court of record of this state, the
13 manner of notice to the other court of record and the authority of
14 the court to proceed is governed by rule of the supreme court.

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

23 (d) If the court finds on the record that voluntary services
24 have been exhausted or refused, concurrent jurisdiction in
25 proceedings concerning a juvenile between the ages of 17 and 18
26 found within the county who is 1 or more of the following:

27 (1) Repeatedly addicted to the use of drugs or the intemperate

1 use of alcoholic liquors.

2 (2) Repeatedly associating with criminal, dissolute, or
3 disorderly persons.

4 (3) Found of his or her own free will and knowledge in a house
5 ~~of prostitution,~~ **IN WHICH COMMERCIAL SEX ACTS ARE COMMITTED, OR A**
6 **HOUSE OF** assignation, or ~~ill-fame.~~ **ILL FAME.**

7 (4) Repeatedly associating with thieves, ~~prostitutes,~~ **PERSONS**
8 **ENGAGED IN COMMERCIAL SEX ACTS,** pimps, or procurers.

9 (5) Willfully disobedient to the reasonable and lawful
10 commands of his or her parents, guardian, or other custodian and in
11 danger of becoming morally depraved.

12 If a juvenile is brought before the court in a county other
13 than that in which the juvenile resides, before a hearing and with
14 the consent of the judge of the court in the county of residence,
15 the court may enter an order transferring jurisdiction of the
16 matter to the court of the county of residence. Consent to transfer
17 jurisdiction is not required if the county of residence is a county
18 juvenile agency and satisfactory proof of residence is furnished to
19 the court of the county of residence. The order does not constitute
20 a legal settlement in this state that is required for the purpose
21 of section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
22 The order and a certified copy of the proceedings in the
23 transferring court ~~shall~~ **MUST** be delivered to the court of the
24 county of residence. A case designated as a case in which the
25 juvenile shall be tried in the same manner as an adult under
26 section 2d of this chapter may be transferred for venue or for
27 juvenile disposition, but ~~shall~~ **MUST** not be transferred on grounds

1 of residency. If the case is not transferred, the court having
2 jurisdiction of the offense shall try the case.

3 (e) Authority to establish or assist in developing a program
4 or programs within the county to prevent delinquency and provide
5 services to act upon reports submitted to the court related to the
6 behavior of a juvenile who does not require formal court
7 jurisdiction but otherwise falls within subdivision (a). These
8 services ~~shall~~**MUST** be used only if the juvenile and his or her
9 parents, guardian, or custodian voluntarily accepts them.

10 (f) If the court operates a detention home for juveniles
11 within the court's jurisdiction under subdivision (a)(1), authority
12 to place a juvenile within that home pending trial if the juvenile
13 is within the circuit court's jurisdiction under section 606 of the
14 revised judicature act of 1961, 1961 PA 236, MCL 600.606, and if
15 the circuit court orders the family division of circuit court in
16 the same county to place the juvenile in that home. The family
17 division of circuit court shall comply with that order.

18 (g) Authority to place a juvenile in a county jail under
19 section 27a of chapter IV of the code of criminal procedure, 1927
20 PA 175, MCL 764.27a, if the court designates the case under section
21 2d of this chapter as a case in which the juvenile is to be tried
22 in the same manner as an adult and the court determines there is
23 probable cause to believe that the offense was committed and
24 probable cause to believe the juvenile committed that offense.

25 (h) Jurisdiction over a proceeding under section 2950 or 2950a
26 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
27 and 600.2950a, in which a minor less than 18 years of age is the

1 respondent, or a proceeding to enforce a valid foreign protection
2 order issued against a respondent who is a minor less than 18 years
3 of age. A personal protection order ~~shall~~**MUST** not be issued
4 against a respondent who is a minor less than 10 years of age.
5 Venue for an initial action under section 2950 or 2950a of the
6 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and
7 600.2950a, is proper in the county of residence of either the
8 petitioner or respondent. If the respondent does not live in this
9 state, venue for the initial action is proper in the petitioner's
10 county of residence.

11 (i) In a proceeding under this chapter concerning a juvenile's
12 care and supervision, the court may issue orders affecting a party
13 as necessary. This subdivision does not apply after May 1, 2018. As
14 used in this subdivision, "party" means 1 of the following:

15 (i) In a delinquency proceeding, the petitioner and juvenile.

16 (ii) In a child protective proceeding, the petitioner,
17 department, child, respondent, parent, guardian, or legal
18 custodian, and any licensed child caring institution or child
19 placing agency under contract with the department to provide for a
20 juvenile's care and supervision.

21 Sec. 13a. (1) As used in this section and sections 2, 6b, 13b,
22 17c, 17d, 18f, 19, 19a, 19b, and 19c of this chapter:

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

1 (b) "Agency case file" means the current file from the agency
2 providing direct services to the child, that ~~can~~**MAY** include the
3 child protective services file if the child has not been removed
4 from the home or the department or contract agency foster care file
5 as provided under 1973 PA 116, MCL 722.111 to 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, which agreement is
3 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 stepparent, ex-
16 stepparent, or the parent who shares custody of a half-sibling
17 ~~shall be~~ **IS** considered a relative for the purpose of placement.
18 Notification to the stepparent, ex-stepparent, or the parent who
19 shares custody of a half-sibling is required as described in
20 section 4a of the foster care and adoption services act, 1994 PA
21 203, MCL 722.954a. A child may be placed with the parent of a man
22 whom the court has found probable cause to believe is the putative
23 father if there is no man with legally established rights to the
24 child. A placement with the parent of a putative father under this
25 subdivision is not a finding of paternity and does not confer legal
26 standing on the putative father.

27 (k) "Sex offenders registration act" means the sex offenders

1 registration act, 1994 PA 295, MCL 28.721 to 28.736.

2 (l) "Sibling" means a child who is related through birth or
3 adoption by at least 1 common parent. Sibling includes that term as
4 defined by the American Indian or Alaskan native child's tribal
5 code or custom.

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

18 (3) Except as provided in subsections (5) and (6), if a
19 petition under subsection (2) is authorized, the court may release
20 the juvenile in the custody of either of the juvenile's parents or
21 the juvenile's guardian or custodian under reasonable terms and
22 conditions necessary for either the juvenile's physical health or
23 mental well-being.

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

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

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

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

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

21 (6) If a court finds a parent is required by court order to
22 register under the sex offenders registration act, the department
23 may, but is not required to, make reasonable efforts to reunify the
24 child with the parent. The court may order reasonable efforts to be
25 made by the department.

26 (7) In determining whether to enter an order under subsection
27 (4), the court may consider whether the parent who is to remain in

1 the juvenile's home is married to the person to be removed or has a
2 legal right to retain possession of the home.

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

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

8 (b) The court may order the alleged abusive person, according
9 to terms the court may set, to surrender to a local law enforcement
10 agency any firearms or other potentially dangerous weapons the
11 alleged abusive person owns, possesses, or uses.

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

15 (9) The court may order placement of the child in foster care
16 if the court finds all of the following conditions:

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

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

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

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

27 (e) Conditions of child custody away from the parent are

1 adequate to safeguard the child's health and welfare.

2 (10) If the court orders placement of the juvenile outside the
3 juvenile's home, the court shall inform the parties of the
4 following:

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

7 (b) The general elements of an initial services plan as
8 required by the rules promulgated under 1973 PA 116, MCL 722.111 to
9 722.128.

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

12 (11) Before or within 7 days after a child is placed in a
13 relative's home, the department shall perform a criminal record
14 check and central registry clearance. If the child is placed in the
15 home of a relative, the court shall order a home study to be
16 performed and a copy of the home study to be submitted to the court
17 not more than 30 days after the placement.

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

21 (13) If a juvenile is removed from the parent's custody at any
22 time, the court shall permit the juvenile's parent to have regular
23 and frequent parenting time with the juvenile. Parenting time
24 between the juvenile and his or her parent ~~shall~~**MUST** not be less
25 than 1 time every 7 days unless the court determines either that
26 exigent circumstances require less frequent parenting time or that
27 parenting time, even if supervised, may be harmful to the

1 juvenile's life, physical health, or mental well-being. If the
2 court determines that parenting time, even if supervised, may be
3 harmful to the juvenile's life, physical health, or mental well-
4 being, the court may suspend parenting time until the risk of harm
5 no longer exists. The court may order the juvenile to have a
6 psychological evaluation or counseling, or both, to determine the
7 appropriateness and the conditions of parenting time.

8 (14) Reasonable efforts ~~shall~~**MUST** be made to do the
9 following:

10 (a) Place siblings removed from their home in the same foster
11 care, kinship guardianship, or adoptive placement, unless the
12 supervising agency documents that a joint placement would be
13 contrary to the safety or well-being of any of the siblings.

14 (b) In the case of siblings removed from their home who are
15 not jointly placed, provide for visitation, at least monthly, or
16 other ongoing interaction between the siblings, unless the
17 supervising agency documents that visitation, at least monthly, or
18 other ongoing interaction would be contrary to the safety or well-
19 being of any of the siblings.

20 (15) If the supervising agency documents that visitation or
21 other contact is contrary to the safety or well-being of any of the
22 siblings and temporarily suspends visitation or contact, the
23 supervising agency shall report its determination to the court for
24 consideration at the next review hearing.

25 (16) If the supervising agency temporarily suspends visitation
26 or contact, the court shall review the decision and determine
27 whether sibling visitation or contact will be beneficial to the

1 siblings. If so, the court shall order sibling visitation or
2 contact to the extent reasonable.

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

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

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

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

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

24 (20) As used in this section, "abuse" means 1 or more of the
25 following:

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

1 injury.

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

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

11 (d) Maltreatment of a juvenile.

12 Sec. 18k. (1) An individual shall provide samples for chemical
13 testing for DNA identification profiling or a determination of the
14 sample's genetic markers and shall provide samples for chemical
15 testing for a determination of his or her secretor status if any of
16 the following apply:

17 (a) The individual is arrested for committing or attempting to
18 commit an offense that would be a felony if committed by an adult.

19 (b) The individual is convicted of, or found responsible for,
20 a felony or attempted felony, or any of the following misdemeanors,
21 or local ordinances that are substantially corresponding to the
22 following misdemeanors:

23 (i) A violation of section 167(1)(c), (f), or (i) of the
24 Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by
25 window peeping, engaging in indecent or obscene conduct in public,
26 or loitering in a house of ill fame or ~~prostitution~~ **A HOUSE IN**
27 **WHICH COMMERCIAL SEX ACTS ARE COMMITTED.**

1 (ii) A violation of section 335a(1) of the Michigan penal
2 code, 1931 PA 328, MCL 750.335a, indecent exposure.

3 (iii) A violation punishable under section 451(1) or (2) of
4 the Michigan penal code, 1931 PA 328, MCL 750.451, first and second
5 ~~prostitution~~**COMMERCIAL SEX** violations.

6 (2) Notwithstanding subsection (1), if at the time the
7 individual is arrested for the offense the investigating law
8 enforcement agency or the department of state police already has a
9 sample from the individual that meets the requirements of the DNA
10 identification profiling system act, 1990 PA 250, MCL 28.171 to
11 28.176, the individual is not required to provide another sample or
12 pay the assessment required under subsection (4).

13 (3) The samples required to be collected under this section
14 ~~shall~~**MUST** be collected by the investigating law enforcement agency
15 and transmitted by the investigating law enforcement agency to the
16 department of state police in the manner prescribed under the DNA
17 identification profiling system act, 1990 PA 250, MCL 28.171 to
18 28.176, when a petition is filed or the court issues a summons.

19 (4) The court shall order each individual found responsible
20 for or convicted of 1 or more crimes listed in subsection (1) to
21 pay an assessment of \$60.00. The assessment required under this
22 subsection is in addition to any fine, costs, or other assessments
23 imposed by the court.

24 (5) An assessment required under subsection (4) ~~shall~~**MUST** be
25 ordered upon the record, and ~~shall~~**MUST** be listed separately in the
26 adjudication order, judgment of sentence, or order of probation.

27 (6) After reviewing a verified petition by an individual

1 against whom an assessment is imposed under subsection (4), the
2 court may suspend payment of all or part of the assessment if it
3 determines the individual is unable to pay the assessment.

4 (7) The court that imposes the assessment prescribed under
5 subsection (4) may retain 10% of all assessments or portions of
6 assessments collected for costs incurred under this section and
7 shall transmit that money to its funding unit. On the last day of
8 each month, the clerk of the court shall transmit the assessments
9 or portions of assessments collected under this section as follows:

10 (a) Twenty-five percent to the county sheriff or other
11 investigating law enforcement agency that collected the DNA sample
12 as designated by the court to defray the costs of collecting DNA
13 samples.

14 (b) Sixty-five percent to the state treasurer for deposit in
15 the justice system fund created in section 181 of the revised
16 judicature act of 1961, 1961 PA 236, MCL 600.181.

17 (8) The department of **HEALTH AND** human services or a county
18 juvenile agency, investigating law enforcement agency, prosecuting
19 agency, or court that has in its possession a DNA identification
20 profile obtained from a sample of an individual arrested for an
21 offense described in subsection (1) shall forward the DNA
22 identification profile to the department of state police when a
23 petition is filed or the court issues a summons unless the
24 department of state police already has a DNA identification profile
25 of the individual.

26 (9) As used in this section:

27 (a) "DNA identification profile" and "DNA identification

1 profiling" mean those terms as defined in section 2 of the DNA
2 identification profiling system act, 1990 PA 250, MCL 28.172.

3 (b) "Felony" means a violation of a penal law of this state
4 for which the offender may be punished by imprisonment for more
5 than 1 year or an offense expressly designated by law to be a
6 felony.

7 (c) "Investigating law enforcement agency" means the law
8 enforcement agency responsible for the investigation of the offense
9 for which the individual is arrested, convicted, or found
10 responsible. Investigating law enforcement agency does not include
11 a probation officer employed by the department of corrections.

12 (d) "Sample" means a portion of an individual's blood, saliva,
13 or tissue collected from the individual.

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

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 6169 (request no.
18 02879'17) of the 99th Legislature is enacted into law.