

SENATE BILL NO. 700

January 08, 2020, Introduced by Senator SANTANA and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 1, 15, and 18 of chapter XIIA (MCL 712A.1,
712A.15, and 712A.18), section 1 as amended by 2019 PA 109, section
15 as amended by 2019 PA 111, and section 18 as amended by 2019 PA
102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XIAA

1 Sec. 1. (1) As used in this chapter:

2 (a) "Civil infraction" means that term as defined in section
3 113 of the revised judicature act of 1961, 1961 PA 236, MCL
4 600.113.

5 (b) "Competency evaluation" means a court-ordered examination
6 of a juvenile directed to developing information relevant to a
7 determination of his or her competency to proceed at a particular
8 stage of a court proceeding involving a juvenile who is the subject
9 of a delinquency petition.

10 (c) "Competency hearing" means a hearing to determine whether
11 a juvenile is competent to proceed.

12 (d) "County juvenile agency" means that term as defined in
13 section 2 of the county juvenile agency act, 1998 PA 518, MCL
14 45.622.

15 (e) "Court" means the family division of circuit court.

16 (f) "Department" means the department of health and human
17 services. A reference in this chapter to the "department of social
18 welfare" or the "family independence agency" means the department
19 of health and human services.

20 (g) "Foreign protection order" means that term as defined in
21 section 2950h of the revised judicature act of 1961, 1961 PA 236,
22 MCL 600.2950h.

23 (h) "Incompetent to proceed" means that a juvenile, based on
24 age-appropriate norms, lacks a reasonable degree of rational and
25 factual understanding of the proceeding or is unable to do 1 or
26 more of the following:

27 (i) Consult with and assist his or her attorney in preparing
28 his or her defense in a meaningful manner.

29 (ii) Sufficiently understand the charges against him or her.

1 (i) ~~"Juvenile"~~ **Until September 30, 2021, "juvenile" means a**
2 **person who is less than 17 years of age who is the subject of a**
3 **delinquency petition. Beginning October 1, 2021, "juvenile"** means a
4 person who is less than 18 years of age who is the subject of a
5 delinquency petition.

6 (j) "Least restrictive environment" means a supervised
7 community placement, preferably a placement with the juvenile's
8 parent, guardian, relative, or a facility or conditions of
9 treatment that is a residential or institutional placement only
10 utilized as a last resort based on the best interest of the
11 juvenile or for reasons of public safety.

12 (k) "Licensed child caring institution" means a child caring
13 institution as defined and licensed under 1973 PA 116, MCL 722.111
14 to 722.128.

15 (l) "MCI" means the Michigan children's institute created and
16 established by 1935 PA 220, MCL 400.201 to 400.214.

17 (m) "Mental health code" means the mental health code, 1974 PA
18 258, MCL 330.1001 to 330.2106.

19 (n) "Personal protection order" means a personal protection
20 order issued under section 2950 or 2950a of the revised judicature
21 act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, and includes
22 a valid foreign protection order.

23 (o) **"Public agency" means the department, a local unit of**
24 **government, the family division of circuit court, the juvenile**
25 **division of probate court, or a county juvenile agency.**

26 (p) ~~(o)~~ "Qualified juvenile forensic mental health examiner"
27 means 1 of the following who performs forensic mental health
28 examinations for the purposes of sections 1062 to 1074 of the
29 mental health code, MCL 330.2062 to 330.2074, but does not exceed

1 the scope of his or her practice as authorized by state law:

2 (i) A psychiatrist or psychologist who possesses experience or
3 training in the following:

4 (A) Forensic evaluation procedures for juveniles.

5 (B) Evaluation, diagnosis, and treatment of children and
6 adolescents with emotional disturbance, mental illness, or
7 developmental disabilities.

8 (C) Clinical understanding of child and adolescent
9 development.

10 (D) Familiarity with competency standards in this state.

11 (ii) A mental health professional other than a psychiatrist or
12 psychologist who has completed a juvenile competency training
13 program for forensic mental health examiners that is endorsed by
14 the department under section 1072 of the mental health code, MCL
15 330.2072, and who possesses experience or training in all of the
16 following:

17 (A) Forensic evaluation procedures for juveniles.

18 (B) Evaluation, diagnosis, and treatment of children and
19 adolescents with emotional disturbance, mental illness, or
20 developmental disabilities.

21 (C) Clinical understanding of child and adolescent
22 development.

23 (D) Familiarity with competency standards in this state.

24 **(q)** ~~(p)~~ "Qualified restoration provider" means an individual
25 who the court determines, as a result of the opinion provided by
26 the qualified forensic mental health examiner, has the skills and
27 training necessary to provide restoration services. The court shall
28 take measures to avoid any conflict of interest among agencies or
29 individuals who may provide evaluation and restoration.

1 **(r)** ~~(q)~~ "Reasonable and prudent parenting standard" means
2 decisions characterized by careful and sensible parental decisions
3 that maintain a child's health, safety, and best interest while
4 encouraging the emotional and developmental growth of the child
5 when determining whether to allow a child in foster care to
6 participate in extracurricular, enrichment, cultural, and social
7 activities.

8 **(s)** ~~(r)~~ "Restoration" means the process by which education or
9 treatment of a juvenile results in that juvenile becoming competent
10 to proceed.

11 **(t)** "Secure facility" means any public or private licensed
12 child caring institution identified by the department as designed
13 to physically restrict the movements and activities of the alleged
14 or adjudicated juvenile offender that has the primary purpose of
15 serving juveniles who have been alleged or adjudicated delinquent,
16 other than a juvenile alleged or adjudicated under section 2(a)(2)
17 to (4) of this chapter.

18 **(u)** ~~(s)~~ "Serious misdemeanor" means that term as defined in
19 section 61 of the William Van Regenmorter crime victim's rights
20 act, 1985 PA 87, MCL 780.811.

21 **(v)** ~~(t)~~ "Valid foreign protection order" means a foreign
22 protection order that satisfies the conditions for validity
23 provided in section 2950i of the revised judicature act of 1961,
24 1961 PA 236, MCL 600.2950i.

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

27 (3) This chapter shall be liberally construed so that each
28 juvenile coming within the court's jurisdiction receives the care,
29 guidance, and control, preferably in his or her own home, conducive

1 to the juvenile's welfare and the best interest of the state. If a
2 juvenile is removed from the control of his or her parents, the
3 juvenile shall be placed in care as nearly as possible equivalent
4 to the care that should have been given to the juvenile by his or
5 her parents.

6 Sec. 15. (1) In the case of a ~~child~~**-juvenile** concerning whom a
7 complaint has been made or a petition has been filed under this
8 chapter, the court may order the ~~child~~**, juvenile**, pending the
9 hearing, detained in a facility as the court designates. The court
10 may release the ~~child~~**, juvenile**, pending the hearing, in the
11 custody of a parent, guardian, or custodian, to be brought before
12 the court at the time designated. As used in this subsection,
13 "petition" includes all of the following:

14 (a) Petition.

15 (b) Supplemental petition.

16 (c) Petition for revocation of probation.

17 (d) Supplemental petition alleging a violation of a personal
18 protection order.

19 **(e) A petition or supplemental petition alleging that a**
20 **juvenile violated a court order under section 2(a)(2) to (4) of**
21 **this chapter or subsection (2)(c).**

22 (2) Custody, pending hearing, is limited to the following
23 children:

24 (a) Those whose home conditions make immediate removal
25 necessary.

26 (b) Those who have a record of unexcused failures to appear at
27 juvenile court proceedings.

28 (c) Those who have run away from home.

29 (d) Those who have failed to remain in a detention or

1 nonsecure facility or placement in violation of a court order.

2 (e) Those whose offenses are so serious that release would
3 endanger public safety.

4 (f) Those who have allegedly violated a personal protection
5 order and for whom it appears there is a substantial likelihood of
6 retaliation or continued violation.

7 **(g) Those who have allegedly violated a court order under**
8 **section 2(a) (2) to (4) of this chapter or subsection (2) (c) .**

9 (3) ~~A child~~ **If a juvenile is** taken into custody **for violating**
10 **a court order** under section 2(a) (2) to (4) of this chapter or
11 subsection (2) (c) ~~shall not be detained in any secure facility~~
12 ~~designed to physically restrict the movements and activities of~~
13 ~~alleged or adjudicated juvenile offenders unless the court finds~~
14 ~~that the child willfully violated a court order and the court~~
15 ~~finds, after a hearing and on the record, that there is not a less~~
16 ~~restrictive alternative more appropriate to the needs of the child.~~
17 ~~This subsection does not apply to a child who is under the~~
18 ~~jurisdiction of the court under section 2(a) (1) of this chapter or~~
19 ~~a child who is not less than 18 years of age and who is under the~~
20 ~~jurisdiction of the court under a supplemental petition under~~
21 ~~section 2(h) of this chapter.~~ **and is detained in a secure facility,**
22 **the court shall promptly notify the department that the juvenile**
23 **offender is held in custody for violating a court order and the**
24 **secure facility shall interview the juvenile in person within 24**
25 **hours to assess the immediate needs of the juvenile. Within 48**
26 **hours of the assessment, the secure facility shall submit the**
27 **assessment to the court and the court shall conduct a hearing to**
28 **determine all of the following:**

29 (a) If there is reasonable cause to believe that the juvenile

1 violated the court order.

2 (b) The appropriate placement of the juvenile pending the
3 disposition of the alleged violation, including if the juvenile
4 should be placed in a secure detention facility or secure licensed
5 child caring institution.

6 (4) A child taken into custody under section 2(b) of this
7 chapter or subsection (2) (a) ~~shall~~**must** not be detained in any
8 secure facility ~~designed to physically restrict the movements and~~
9 ~~activities of alleged or adjudicated juvenile offenders or in a~~
10 cell or other secure area of any secure facility designed to
11 incarcerate adults.

12 (5) A ~~child~~**juvenile** taken into custody under section 2(a) (2)
13 to (4) of this chapter or subsection (2) (c) ~~shall~~**must** not be
14 detained in a cell or other secure area of any secure facility
15 designed to incarcerate adults unless either of the following
16 applies:

17 (a) ~~A child~~**The juvenile** is under the jurisdiction of the
18 court under section 2(a) (1) of this chapter for an offense which,
19 if committed by an adult, would be a felony.

20 (b) ~~A child~~**Until September 30, 2021, the juvenile is not less**
21 **than 17 years of age and is under the jurisdiction of the court**
22 **under a supplemental petition under section 2(h) of this chapter.**
23 **Beginning October 1, 2021, the juvenile** is not less than 18 years
24 of age and is under the jurisdiction of the court under a
25 supplemental petition under section 2(h) of this chapter.

26 Sec. 18. (1) If the court finds that a juvenile concerning
27 whom a petition is filed is not within this chapter, the court
28 shall enter an order dismissing the petition. Except as otherwise
29 provided in subsection (10), if the court finds that a juvenile is

1 within this chapter, the court shall order the juvenile returned to
2 his or her parent if the return of the juvenile to his or her
3 parent would not cause a substantial risk of harm to the juvenile
4 or society. The court may also enter any of the following orders of
5 disposition that are appropriate for the welfare of the juvenile
6 and society in view of the facts proven and ascertained:

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

10 (b) Place the juvenile on probation, or under supervision in
11 the juvenile's own home or in the home of an adult who is related
12 to the juvenile. As used in this subdivision, "related" means an
13 individual who is not less than 18 years of age and related to the
14 child by blood, marriage, or adoption, as grandparent, great-
15 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
16 great-uncle, great-great-aunt or great-great-uncle, sibling,
17 stepsibling, nephew or niece, first cousin or first cousin once
18 removed, and the spouse of any of the above, even after the
19 marriage has ended by death or divorce. A child may be placed with
20 the parent of a man whom the court has found probable cause to
21 believe is the putative father if there is no man with legally
22 established rights to the child. This placement of the child with
23 the parent of a man whom the court has found probable cause to
24 believe is the putative father is for the purpose of placement
25 only, is not a finding of paternity, and does not confer legal
26 standing. The court shall order the terms and conditions of
27 probation or supervision, including reasonable rules for the
28 conduct of the parents, guardian, or custodian, if any, as the
29 court determines necessary for the physical, mental, or moral well-

1 being and behavior of the juvenile. The court may order that the
2 juvenile participate in a juvenile drug treatment court under
3 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL
4 600.1060 to 600.1088. The court also shall order, as a condition of
5 probation or supervision, that the juvenile shall pay the minimum
6 state cost prescribed by section 18m of this chapter.

7 (c) If a juvenile is within the court's jurisdiction under
8 section 2(a) of this chapter, or under section 2(h) of this chapter
9 for a supplemental petition, place the juvenile in a suitable
10 foster care home subject to the court's supervision. If a juvenile
11 is within the court's jurisdiction under section 2(b) of this
12 chapter, the court shall not place a juvenile in a foster care home
13 subject to the court's supervision.

14 (d) Except as otherwise provided in this subdivision, place
15 the juvenile in or commit the juvenile to a private institution or
16 agency approved or licensed by the department's division of child
17 welfare licensing for the care of juveniles of similar age, sex,
18 and characteristics. If the juvenile is not a ward of the court,
19 the court shall commit the juvenile to the department or, if the
20 county is a county juvenile agency, to that county juvenile agency
21 for placement in or commitment to an institution or agency as the
22 department or county juvenile agency determines is most
23 appropriate, subject to any initial level of placement the court
24 designates.

25 (e) Except as otherwise provided in this subdivision, commit
26 the juvenile to a public institution, county facility, institution
27 operated as an agency of the court or county, or agency authorized
28 by law to receive juveniles of similar age, sex, and
29 characteristics. If the juvenile is not a ward of the court, the

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

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

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

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

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

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

19 **(k) If the court finds that the juvenile has violated a court**
20 **order under section 2(a)(2) to (4) of this chapter or subsection**
21 **(2)(c), order the juvenile to be placed in a secure juvenile**
22 **detention facility or in a secure licensed child caring**
23 **institution. A court order under this subdivision must state all of**
24 **the following:**

25 **(i) The court order the juvenile violated.**

26 **(ii) The factual basis for determining that there was**
27 **reasonable cause to believe that the juvenile violated the court**
28 **order.**

29 **(iii) The court's finding of fact to support a determination**

1 that there is no appropriate less restrictive alternative placement
2 available considering the best interests of the juvenile.

3 (iv) The length of time, not to exceed 7 days, that the
4 juvenile may remain in the secure detention facility or secured
5 licensed child caring institution and includes the plan for the
6 juvenile's release from the facility.

7 (v) That the order may not be renewed or extended.

8 (l) For a second or subsequent violation of a court order under
9 section 2(a)(2) to (4) of this chapter or subsection (2)(c), issue
10 a second or subsequent order under subdivision (k), but only if the
11 court finds both of the following:

12 (i) The juvenile violated a court order after the date that the
13 court issued the first order under subdivision (k).

14 (ii) The court has procedures in place to ensure that a
15 juvenile held in a secure detention facility or secure licensed
16 child caring institution by a court order is not in custody more
17 than 7 days or the length of time authorized by the court,
18 whichever is shorter.

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

23 (n) ~~(l)~~—If a juvenile is within the court's jurisdiction under
24 section 2(a)(1) of this chapter, place the juvenile in and order
25 the juvenile to complete satisfactorily a program of training in a
26 juvenile boot camp established by the department under the juvenile
27 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
28 in that act. If the county is a county juvenile agency, the court
29 shall commit the juvenile to that county juvenile agency for

1 placement in the program under that act. Upon receiving a report of
2 satisfactory completion of the program from the department, the
3 court shall authorize the juvenile's release from placement in the
4 juvenile boot camp. Following satisfactory completion of the
5 juvenile boot camp program, the juvenile shall complete an
6 additional period of not less than 120 days or more than 180 days
7 of intensive supervised community reintegration in the juvenile's
8 local community. To place or commit a juvenile under this
9 subdivision, the court shall determine all of the following:

10 (i) Placement in a juvenile boot camp will benefit the
11 juvenile.

12 (ii) The juvenile is physically able to participate in the
13 program.

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

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

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

19 (vi) If the court must commit the juvenile to a county juvenile
20 agency, the county juvenile agency is able to place the juvenile in
21 a juvenile boot camp program.

22 (o) ~~(m)~~—If the court entered a judgment of conviction under
23 section 2d of this chapter, enter any disposition under this
24 section or, if the court determines that the best interests of the
25 public would be served, impose any sentence upon the juvenile that
26 could be imposed upon an adult convicted of the offense for which
27 the juvenile was convicted. If the juvenile is convicted of a
28 violation or conspiracy to commit a violation of section
29 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,

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

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

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

28 (iii) The juvenile's prior record of delinquency including, but
29 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 (p) ~~(n)~~—In a proceeding under section 2(b) or (c) of this
10 chapter, if a juvenile is removed from the parent's custody at any
11 time, the court shall permit the juvenile's parent to have regular
12 and frequent parenting time with the juvenile. Parenting time
13 between the juvenile and his or her parent shall not be less than 1
14 time every 7 days unless the court determines either that exigent
15 circumstances require less frequent parenting time or that
16 parenting time, even if supervised, may be harmful to the
17 juvenile's life, physical health, or mental well-being. If the
18 court determines that parenting time, even if supervised, may be
19 harmful to the juvenile's life, physical health, or mental well-
20 being, the court may suspend parenting time until the risk of harm
21 no longer exists. The court may order the juvenile to have a
22 psychological evaluation or counseling, or both, to determine the
23 appropriateness and the conditions of parenting time.

24 (2) An order of disposition placing a juvenile in or
25 committing a juvenile to care outside of the juvenile's own home
26 and under state, county juvenile agency, or court supervision ~~shall~~
27 **must** contain a provision for reimbursement by the juvenile, parent,
28 guardian, or custodian to the court for the cost of care or
29 service. The order shall be reasonable, taking into account both

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

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

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

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

27 (5) If the court appoints an attorney to represent a juvenile,
28 parent, guardian, or custodian, the court may require in an order
29 entered under this section that the juvenile, parent, guardian, or

1 custodian reimburse the court for attorney fees.

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

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

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

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

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

22 (9) If the court finds that the juvenile is in intentional
23 default of the payment of restitution, a court may, as provided in
24 section 30 of this chapter, revoke or alter the terms and
25 conditions of probation for nonpayment of restitution. If a
26 juvenile who is ordered to engage in community service
27 intentionally refuses to perform the required community service,
28 the court may revoke or alter the terms and conditions of
29 probation.

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

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

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

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

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

8 (13) If the court has entered an order of disposition or a
9 judgment of conviction for a listed offense as defined in section 2
10 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
11 court, the department, or the county juvenile agency shall register
12 the juvenile or accept the juvenile's registration as provided in
13 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
14 28.736.

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

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

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

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

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

28 (18) If a juvenile is within the court's jurisdiction under
29 section 2(a)(1) of this chapter, the court shall order the juvenile

1 to pay costs as provided in section 18m of this chapter.

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

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