

Act No. 290
Public Acts of 2023
Approved by the Governor
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. O’Neal, Hope, Wilson, Tsernoglou, Paiz, Morse, Pohutsky, Byrnes, Young, Rheingans, Wegela, Dievendorf, Hood, Grant, Breen, Price, Brixie, Tyrone Carter, Hoskins, Morgan, MacDonell, Edwards, Brenda Carter, Arbit, Brabec, Glanville, McKinney, Scott, Conlin, Skaggs and Aiyash

ENROLLED HOUSE BILL No. 4629

AN ACT to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending sections 15 and 16 of chapter XIII (MCL 712A.15 and 712A.16), section 15 as amended by 2020 PA 389 and section 16 as amended by 2019 PA 102.

The People of the State of Michigan enact:

CHAPTER XIII

Sec. 15. (1) In the case of a juvenile concerning whom a complaint has been made or a petition has been filed under this chapter, the court may order the juvenile, pending hearing, detained in a facility as the court designates. The court may release the juvenile, pending hearing, into the custody of a parent, guardian, or custodian, to be brought before the court at the time designated. As used in this subsection, “petition” includes all of the following:

- (a) Petition.
- (b) Supplemental petition.
- (c) Petition for revocation of probation.
- (d) Supplemental petition alleging a violation of a personal protection order.
- (e) A petition or supplemental petition alleging that a juvenile violated a court order under section 2(a)(2) to (4) of this chapter.
- (2) Custody, pending hearing, is subject to subsection (3) and limited to the following children:
 - (a) Those whose home conditions make immediate removal necessary.
 - (b) Those who have a record of unexcused failures to appear at juvenile court proceedings.

(c) Those who have failed to remain in a detention or nonsecure facility or placement in violation of a court order.

(d) Those whose offenses are so serious that release would endanger public safety.

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

(f) Those who have allegedly violated a court order under section 2(a)(2) to (4) of this chapter.

(3) Before a juvenile may be detained in a secure facility pending hearing, an individual or agency designated by the court shall use a detention screening tool on the juvenile. Before detaining a juvenile, the court shall consult the results of the detention screening tool and follow any rules regarding its use that are promulgated by the supreme court. The court shall share the results of the detention screening tool with all parties before a juvenile's detention hearing. The state court administrative office, under the supervision and direction of the supreme court and in collaboration with local courts, shall determine the appropriate detention screening tool. Any statement, admission, confession, or incriminating evidence obtained from a juvenile in the course of a screening under this section is not admissible as evidence in an adjudicatory hearing in which the juvenile is accused, is not subject to subpoena, and may not be used in any other court proceeding or for any other purpose.

(4) If a juvenile is taken into custody for violating a court order under section 2(a)(2) to (4) of this chapter and is detained in a secure facility, the petitioner shall ensure that an appropriately trained, licensed, or certified mental health or substance abuse professional interviews the juvenile in person within 24 hours to assess the immediate mental health and substance abuse needs of the juvenile. The assessment may alternatively be done upon filing the petition, before an order for placement in a secure facility. Within 48 hours of the placement in the secure facility, the petitioner shall submit the assessment to the court and the court shall conduct a hearing to determine both of the following:

(a) If there is reasonable cause to believe that the juvenile violated the court order.

(b) The appropriate placement of the juvenile pending the disposition of the alleged violation, including if the juvenile should be placed in a secure facility.

(5) A juvenile taken into custody under section 2(b) of this chapter or subsection (2)(a) must not be detained in a secure facility or in a cell or other secure area of a secure facility designed to incarcerate adults.

(6) A juvenile taken into custody under section 2(a)(2) to (4) of this chapter must not be detained in a cell or other secure area of a secure facility designed to incarcerate adults unless either of the following applies:

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

(b) Until September 30, 2021, the juvenile is not less than 17 years of age and is under the jurisdiction of the court under a supplemental petition under section 2(h) of this chapter. Beginning October 1, 2021, the juvenile is not less than 18 years of age and is under the jurisdiction of the court under a supplemental petition under section 2(h) of this chapter.

Sec. 16. (1) If a juvenile who is less than 18 years of age is taken into custody or detained, the juvenile must not be confined in a police station, prison, jail, lock-up, or reformatory or transported with, or compelled or permitted to associate or mingle with, criminal or dissolute persons. Except as otherwise provided in section 15 of this chapter, the court may order a juvenile 15 years of age or older whose habits or conduct are considered a menace to other juveniles, or who may not otherwise be safely detained, placed in a jail or other place of detention for adults, but in a room or ward separate from adults and for not more than 30 days, unless longer detention is necessary for the service of process.

(2) The county board of commissioners in each county or of counties contracting together may provide for the diagnosis, treatment, care, training, and detention of juveniles in a child care home or facility conducted as an agency of the county if the home or facility meets the licensing standards established under 1973 PA 116, MCL 722.111 to 722.128. The court or a court-approved agency may arrange for the boarding of juveniles in any of the following:

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

(b) A child caring institution or child placing agency licensed by the department to receive for care juveniles within the court's jurisdiction.

(c) If in a room or ward separate and apart from adult criminals, the county jail for juveniles over 17 years of age within the court's jurisdiction.

(3) If a detention home or facility is established as an agency of the county, the judge may appoint a superintendent and other necessary employees for the home or facility who shall receive compensation as provided by the county board of commissioners of the county. This section does not alter or diminish the legal responsibility of the department or a county juvenile agency to receive juveniles committed by the court.

(4) If the court under subsection (2) arranges for the board of juveniles temporarily detained in private homes or in a child caring institution or child placing agency, a reasonable sum fixed by the court for the juvenile's board must be paid by the county treasurer as provided in section 25 of this chapter.

(5) A court shall not provide foster care home services subject to the court's supervision to juveniles within section 2(b) of this chapter.

(6) A juvenile detention home described in subsection (3) is operated under the direction of the county board of commissioners or, in a county that has an elected county executive, under the county executive's direction. A different method for directing the operation of a detention home may be agreed to in any county by the chief judge of the circuit court in that county and the county board of commissioners or, in a county that has an elected county executive, the county executive.

Enacting section 1. This amendatory act takes effect October 1, 2024.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 418 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor