

HOUSE BILL NO. 4092

February 19, 2025, Introduced by Reps. Young, Hope, Neeley, O'Neal, Rheingans, Martus, MacDonell, Wilson, T. Carter, McKinney, Hoskins, Scott, Brixie, Tsernoglou and Breen and referred to Committee on Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 17 of chapter XIIIA (MCL 712A.17), as amended by
1998 PA 474.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIIA
2 Sec. 17. (1) The court may conduct a hearing other than a
3 criminal hearing in an informal manner. The court shall require
4 stenographic notes or another transcript to be taken of the
5 hearing. The court shall adjourn a hearing or grant a continuance

1 regarding a case under section 2(b) of this chapter only for good
 2 cause with factual findings on the record and not solely ~~upon~~**on**
 3 **the** stipulation of counsel or for the convenience of a party. In
 4 addition to a factual finding of good cause, the court shall not
 5 adjourn the hearing or grant a continuance unless 1 of the
 6 following is also true:

7 (a) The motion for the adjournment or continuance is made in
 8 writing not less than 14 days before the hearing.

9 (b) The court grants the adjournment or continuance ~~upon~~**on**
 10 its own motion after taking into consideration the child's best
 11 interests. An adjournment or continuance granted under this
 12 subdivision ~~shall~~**must** not last more than 28 days unless the court
 13 states on the record the specific reasons why a longer adjournment
 14 or continuance is necessary.

15 (2) Except as otherwise provided in this subsection, in a
 16 hearing other than a criminal trial under this chapter, a person
 17 interested in the hearing may demand a jury of 6 individuals, or
 18 the court, on its own motion, may order a jury of 6 individuals to
 19 try the case. In a proceeding under section 2(h) of this chapter, a
 20 jury ~~shall~~**must** not be demanded or ordered on a supplemental
 21 petition alleging a violation of a personal protection order. In a
 22 criminal trial, a jury may be demanded as provided by law. The jury
 23 shall be summoned and impaneled in accordance with chapter 13 of
 24 the revised judicature act of 1961, 1961 PA 236, MCL 600.1300 to
 25 ~~600.1376,~~**600.1372**, and, in the case of a criminal trial, as
 26 provided in chapter VIII of the code of criminal procedure, 1927 PA
 27 175, MCL 768.1 to ~~768.36.~~**768.37**.

28 (3) A parent, guardian, or other custodian of a juvenile held
 29 under this chapter has the right to give bond or other security for

1 the appearance of the juvenile at the hearing of the case.

2 (4) The prosecuting attorney shall appear for the people when
3 requested by the court, and in a proceeding under section 2(a)(1)
4 of this chapter, the prosecuting attorney shall appear if the
5 proceeding requires a hearing and the taking of testimony.

6 (5) In a proceeding under section 2(b) of this chapter, upon
7 request of the ~~family independence agency~~ **department** or an agent of
8 the ~~family independence agency~~ **department** under contract with the
9 ~~family independence agency~~ **department**, the prosecuting attorney
10 shall serve as a legal consultant to the ~~family independence agency~~
11 **department** or its agent at all stages of the proceeding. If in a
12 proceeding under section 2(b) of this chapter the prosecuting
13 attorney does not appear on behalf of the ~~family independence~~
14 ~~agency~~ **department** or its agent, the ~~family independence agency~~
15 **department** may contract with an attorney of its choice for legal
16 representation.

17 (6) A member of a local foster care review board established
18 under 1984 PA 422, MCL 722.131 to 722.139a, ~~shall~~ **must** be admitted
19 to a hearing under subsection (1).

20 (7) Upon motion of a party or a victim, the court may close
21 the hearing of a case brought under this chapter to members of the
22 general public during the testimony of a juvenile witness or the
23 victim if the court finds that closing the hearing is necessary to
24 protect the welfare of the juvenile witness or the victim. In
25 determining whether closing the hearing is necessary to protect the
26 welfare of the juvenile witness or the victim, the court shall
27 consider **all of** the following:

28 (a) The age of the juvenile witness or the victim.

29 (b) The nature of the proceeding.

1 (c) The desire of the juvenile witness, of the witness's
2 family or guardian, or of the victim to have the testimony taken in
3 a room closed to the public.

4 (8) As used in subsection (7), "juvenile witness" does not
5 include a juvenile against whom a proceeding is brought under
6 section 2(a)(1) of this chapter.

7 Enacting section 1. This amendatory act takes effect 1 year
8 after the date it is enacted into law.

9 Enacting section 2. This amendatory act does not take effect
10 unless House Bill No. 4091 (request no. H00441'25) of the 103rd
11 Legislature is enacted into law.