

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4133

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 11 of chapter XIIA (MCL 712A.11), as amended by
2016 PA 185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIA
2 Sec. 11. (1) Except as provided in subsection (2), if a person
3 gives information to the court that a juvenile is within section
4 2(a)(2) to (4), (b), (c), or (d) of this chapter, a preliminary
5 inquiry may be made to determine whether the interests of the
6 public or the juvenile require that further action be taken. If the
7 court determines that formal jurisdiction should be acquired, the
8 court shall authorize a petition to be filed. ~~However, the~~ **The**



1 court may proceed on the consent calendar under section 2f of this
 2 chapter if at any time before disposition the court determines that
 3 a case should not proceed on the formal calendar but that the
 4 protective and supportive action by the court will serve the best
 5 interests of the juvenile and the public.

6 (2) Only the prosecuting attorney may file a petition
 7 requesting the court to take jurisdiction of a juvenile allegedly
 8 within section 2(a)(1) of this chapter. If the prosecuting attorney
 9 submits a petition requesting the court to take jurisdiction of a
 10 juvenile allegedly within section 2(a)(1) of this chapter and the
 11 court determines that formal jurisdiction should be acquired, the
 12 court shall authorize a petition to be filed.

13 (3) The petition described in subsections (1) and (2) shall be
 14 verified and may be upon information and belief. The petition shall
 15 set forth plainly the facts that bring the juvenile within this
 16 chapter and shall contain all of the following information:

17 (a) The juvenile's name, birth date, and address.

18 (b) The name and address of the juvenile's parents.

19 (c) The name and address of the juvenile's legal guardian, if
 20 there is ~~one~~ **a legal guardian**.

21 (d) The name and address of each person having custody or
 22 control of the juvenile.

23 (e) The name and address of the juvenile's nearest known
 24 relative, if no parent or **legal** guardian can be found.

25 (4) If any of the facts required under subsection (3) are not
 26 known to the petitioner, the petition shall state that the facts
 27 are not known. If the juvenile attains his or her ~~seventeenth~~
 28 **eighteenth** birthday after the filing of the petition, the court's
 29 jurisdiction shall continue beyond the juvenile's ~~seventeenth~~



1 **eighteenth** birthday and the court may hear and dispose of the
2 petition under this chapter.

3 (5) When a petition is authorized, the court shall examine the
4 court file to determine if a juvenile has had ~~fingerprints taken as~~
5 ~~required under section 3 of 1925 PA 289, MCL 28.243. If a juvenile~~
6 ~~has not had his or her fingerprints taken, his or her biometric~~
7 **data collected as required under section 3 of 1925 PA 289, MCL**
8 **28.243. If a juvenile's biometric data has not been collected,** the
9 court shall do either of the following:

10 (a) Order the juvenile to submit himself or herself to the
11 police agency that arrested or obtained the warrant for the arrest
12 of the juvenile so the juvenile's ~~fingerprints can be~~
13 ~~taken.~~ **biometric data can be collected.**

14 (b) Order the juvenile committed to the custody of the sheriff
15 for the ~~taking of the juvenile's fingerprints.~~ **collection of the**
16 **juvenile's biometric data.**

17 (6) A petition or other court record may be amended at any
18 stage of the proceedings as the ends of justice require.

19 (7) If the juvenile diversion act, 1988 PA 13, MCL 722.821 to
20 722.831, is complied with and the court determines that court
21 services can be used in the prevention of delinquency without
22 formal jurisdiction, the court may offer court services to a
23 juvenile without a petition being authorized as provided in section
24 2(e) of this chapter.

25 Enacting section 1. This amendatory act takes effect October
26 1, 2021.

