

**SUBSTITUTE FOR
SENATE BILL NO. 485**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 13a and 18 of chapter XIIIA (MCL 712A.13a and
712A.18), section 13a as amended by 2012 PA 163 and section 18 as
amended by 2011 PA 295.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XIIIA

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

(a) "Agency" means a public or private organization,
institution, or facility that is performing the functions under
part D of title IV of the social security act, 42 USC 651 to 669b,
or that is responsible under court order or contractual arrangement
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 include the child
3 protective services file if the child has not been removed from the
4 home or the department ~~of human services~~ or contract agency foster
5 care file as ~~defined~~ **PROVIDED** under 1973 PA 116, MCL 722.111 to
6 722.128.

7 (c) "Attorney" means, if appointed to represent a child in a
8 proceeding under section 2(b) or (c) of this chapter, an attorney
9 serving as the child's legal advocate in a traditional attorney-
10 client relationship with the child, as governed by the Michigan
11 rules of professional conduct. An attorney defined under this
12 subdivision owes the same duties of undivided loyalty,
13 confidentiality, and zealous representation of the child's
14 expressed wishes as the attorney would to an adult client. For the
15 purpose of a notice required under these sections, attorney
16 includes a child's lawyer-guardian ad litem.

17 (d) "Case service plan" means the plan developed by an agency
18 and prepared under section 18f of this chapter that includes
19 services to be provided by and responsibilities and obligations of
20 the agency and activities, responsibilities, and obligations of the
21 parent. The case service plan may be referred to using different
22 names than case service plan including, but not limited to, a
23 parent/agency agreement or a parent/agency treatment plan and
24 service agreement.

25 (e) "Foster care" means care provided to a juvenile in a
26 foster family home, foster family group home, or child caring
27 institution licensed or approved under 1973 PA 116, MCL 722.111 to

1 722.128, or care provided to a juvenile in a relative's home under
2 a court order.

3 (f) "Guardian ad litem" means an individual whom the court
4 appoints to assist the court in determining the child's best
5 interests. A guardian ad litem does not need to be an attorney.

6 (g) "Lawyer-guardian ad litem" means an attorney appointed
7 under section 17c of this chapter. A lawyer-guardian ad litem
8 represents the child, and has the powers and duties, as set forth
9 in section 17d of this chapter. The provisions of section 17d of
10 this chapter also apply to a lawyer-guardian ad litem appointed
11 under each of the following:

12 (i) Section 5213 or 5219 of the estates and protected
13 individuals code, 1998 PA 386, MCL 700.5213 and 700.5219.

14 (ii) Section 4 of the child custody act of 1970, 1970 PA 91,
15 MCL 722.24.

16 (iii) Section 10 of the child protection law, 1975 PA 238, MCL
17 722.630.

18 (h) "Nonparent adult" means a person who is 18 years of age or
19 older and who, regardless of the person's domicile, meets all of
20 the following criteria in relation to a child over whom the court
21 takes jurisdiction under this chapter:

22 (i) Has substantial and regular contact with the child.

23 (ii) Has a close personal relationship with the child's parent
24 or with a person responsible for the child's health or welfare.

25 (iii) Is not the child's parent or a person otherwise related
26 to the child by blood or affinity to the third degree.

27 (i) "Permanent foster family agreement" means an agreement for

1 a child 14 years old or older to remain with a particular foster
2 family until the child is 18 years old under standards and
3 requirements established by the department, ~~of human services,~~
4 which agreement is among all of the following:

5 (i) The child.

6 (ii) If the child is a temporary ward, the child's family.

7 (iii) The foster family.

8 (iv) The child placing agency responsible for the child's care
9 in foster care.

10 (j) "Relative" means an individual who is at least 18 years of
11 age and related to the child by blood, marriage, or adoption, as
12 grandparent, great-grandparent, great-great-grandparent, aunt or
13 uncle, great-aunt or great-uncle, great-great-aunt or great-great-
14 uncle, sibling, stepsibling, nephew or niece, first cousin or first
15 cousin once removed, and the spouse of any of the above, even after
16 the marriage has ended by death or divorce. A child may be placed
17 with the parent of a man whom the court has found probable cause to
18 believe is the putative father if there is no man with legally
19 established rights to the child. A placement with the parent of a
20 putative father under this subdivision is not ~~to be construed as a~~
21 finding of paternity ~~or to~~ **AND DOES NOT** confer legal standing on
22 the putative father.

23 (k) "Sex offenders registration act" means the sex offenders
24 registration act, 1994 PA 295, MCL 28.721 to 28.736.

25 (2) If a juvenile is alleged to be within the provisions of
26 section 2(b) of this chapter, the court may authorize a petition to
27 be filed at the conclusion of the preliminary hearing or inquiry.

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

11 (3) Except as provided in subsections (5) and (6), if a
12 petition under subsection (2) is authorized, the court may release
13 the juvenile in the custody of either of the juvenile's parents or
14 the juvenile's guardian or custodian under reasonable terms and
15 conditions necessary for either the juvenile's physical health or
16 mental well-being.

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

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

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

27 (c) The court finds on the record that the presence in the

1 home of the person alleged to have committed the abuse presents a
2 substantial risk of harm to the child's life, physical health, or
3 mental well-being.

4 (5) If a petition alleges abuse by a person described in
5 subsection (4), regardless of whether the court orders the alleged
6 abuser to leave the child's home under subsection (4), the court
7 shall not leave the child in or return the child to the child's
8 home or place the child with a person not licensed under 1973 PA
9 116, MCL 722.111 to 722.128, unless the court finds that the
10 conditions of custody at the placement and with the individual with
11 whom the child is placed are adequate to safeguard the child from
12 the risk of harm to the child's life, physical health, or mental
13 well-being.

14 (6) If a court finds a parent is required by court order to
15 register under the sex offenders registration act, the department
16 ~~of human services~~ may, but is not required to, make reasonable
17 efforts to reunify the child with the parent. The court may order
18 reasonable efforts to be made by the department. ~~of human services.~~

19 (7) In determining whether to enter an order under subsection
20 (4), the court may consider whether the parent who is to remain in
21 the juvenile's home is married to the person to be removed or has a
22 legal right to retain possession of the home.

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

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

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

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

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

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

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

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

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

20 (e) Conditions of child custody away from the parent are
21 adequate to safeguard the child's health and welfare.

22 (10) If the court orders placement of the juvenile outside the
23 juvenile's home, the court shall inform the parties of the
24 following:

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

27 (b) The general elements of an initial services plan as

1 required by the rules promulgated under 1973 PA 116, MCL 722.111 to
2 722.128.

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

5 (11) Before or within 7 days after a child is placed in a
6 relative's home, the department ~~of human services~~ shall perform a
7 criminal record check and central registry clearance. If the child
8 is placed in the home of a relative, the court shall order a home
9 study to be performed and a copy of the home study to be submitted
10 to the court not more than 30 days after the placement.

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

14 (13) If a juvenile is removed from ~~his or her home,~~ **THE**
15 **PARENT'S CUSTODY AT ANY TIME,** the court shall permit the juvenile's
16 parent to have **REGULAR AND** frequent parenting time with the
17 juvenile. ~~If parenting time, even if supervised, may be harmful to~~
18 ~~the juvenile, the~~ **PARENTING TIME BETWEEN THE JUVENILE AND HIS OR**
19 **HER PARENT SHALL NOT BE LESS THAN 1 TIME EVERY 7 DAYS UNLESS THE**
20 **COURT DETERMINES EITHER THAT EXIGENT CIRCUMSTANCES REQUIRE LESS**
21 **FREQUENT PARENTING TIME OR THAT PARENTING TIME, EVEN IF SUPERVISED,**
22 **MAY BE HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL HEALTH, OR MENTAL**
23 **WELL-BEING. IF THE COURT DETERMINES THAT PARENTING TIME, EVEN IF**
24 **SUPERVISED, MAY BE HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL HEALTH,**
25 **OR MENTAL WELL-BEING, THE COURT MAY SUSPEND PARENTING TIME UNTIL**
26 **THE RISK OF HARM NO LONGER EXISTS. THE** court ~~shall~~ **MAY** order the
27 ~~child~~ **JUVENILE** to have a psychological evaluation or counseling, or

1 both, to determine the appropriateness and the conditions of
2 parenting time. ~~The court may suspend parenting time while the~~
3 ~~psychological evaluation or counseling is conducted.~~

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

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

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

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

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

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

27 (a) Harm or threatened harm by a person to a juvenile's health

1 or welfare that occurs through nonaccidental physical or mental
2 injury.

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

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

12 (d) Maltreatment of a juvenile.

13 Sec. 18. (1) If the court finds that a juvenile concerning
14 whom a petition is filed is not within this chapter, the court
15 shall enter an order dismissing the petition. Except as otherwise
16 provided in subsection (10), if the court finds that a juvenile is
17 within this chapter, the court may enter any of the following
18 orders of disposition that are appropriate for the welfare of the
19 juvenile and society in view of the facts proven and ascertained:

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

23 (b) Place the juvenile on probation, or under supervision in
24 the juvenile's own home or in the home of an adult who is related
25 to the juvenile. As used in this subdivision, "related" means an
26 individual who is not less than 18 years of age and related to the
27 child by blood, marriage, or adoption, as grandparent, great-

1 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
2 great-uncle, great-great-aunt or great-great-uncle, sibling,
3 stepsibling, nephew or niece, first cousin or first cousin once
4 removed, and the spouse of any of the above, even after the
5 marriage has ended by death or divorce. A child may be placed with
6 the parent of a man whom the court has found probable cause to
7 believe is the putative father if there is no man with legally
8 established rights to the child. This placement of the child with
9 the parent of a man whom the court has found probable cause to
10 believe is the putative father is for the purposes of placement
11 only and is not to be construed as a finding of paternity or to
12 confer legal standing. The court shall order the terms and
13 conditions of probation or supervision, including reasonable rules
14 for the conduct of the parents, guardian, or custodian, if any, as
15 the court determines necessary for the physical, mental, or moral
16 well-being and behavior of the juvenile. The court may order that
17 the juvenile participate in a juvenile drug treatment court under
18 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL
19 600.1060 to 600.1084. The court also shall order, as a condition of
20 probation or supervision, that the juvenile shall pay the minimum
21 state cost prescribed by section 18m of this chapter.

22 (c) If a juvenile is within the court's jurisdiction under
23 section 2(a) of this chapter, or under section 2(h) of this chapter
24 for a supplemental petition, place the juvenile in a suitable
25 foster care home subject to the court's supervision. If a juvenile
26 is within the court's jurisdiction under section 2(b) of this
27 chapter, the court shall not place a juvenile in a foster care home

1 subject to the court's supervision.

2 (d) Except as otherwise provided in this subdivision, place
3 the juvenile in or commit the juvenile to a private institution or
4 agency approved or licensed by the department of ~~consumer and~~
5 ~~industry services~~ **LICENSING AND REGULATORY AFFAIRS** for the care of
6 juveniles of similar age, sex, and characteristics. If the juvenile
7 is not a ward of the court, the court shall commit the juvenile to
8 the ~~family independence agency~~ **DEPARTMENT** or, if the county is a
9 county juvenile agency, to that county juvenile agency for
10 placement in or commitment to ~~such an~~ institution or agency as the
11 department of ~~human services~~ or county juvenile agency determines
12 is most appropriate, subject to any initial level of placement the
13 court designates.

14 (e) Except as otherwise provided in this subdivision, commit
15 the juvenile to a public institution, county facility, institution
16 operated as an agency of the court or county, or agency authorized
17 by law to receive juveniles of similar age, sex, and
18 characteristics. If the juvenile is not a ward of the court, the
19 court shall commit the juvenile to the department of ~~human services~~
20 or, if the county is a county juvenile agency, to that county
21 juvenile agency for placement in or commitment to ~~such an~~
22 institution or facility as the department of ~~human services~~ or
23 county juvenile agency determines is most appropriate, subject to
24 any initial level of placement the court designates. If a child is
25 not less than 17 years of age and is in violation of a personal
26 protection order, the court may commit the child to a county jail
27 within the adult prisoner population. In a placement under

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

19 (f) Provide the juvenile with medical, dental, surgical, or
20 other health care, in a local hospital if available, or elsewhere,
21 maintaining as much as possible a local physician-patient
22 relationship, and with clothing and other incidental items the
23 court determines are necessary.

24 (g) Order the parents, guardian, custodian, or any other
25 person to refrain from continuing conduct that the court determines
26 has caused or tended to cause the juvenile to come within or to
27 remain under this chapter or that obstructs placement or commitment

1 of the juvenile by an order under this section.

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

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

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

15 (k) If a juvenile is within the court's jurisdiction under
16 section 2(a)(1) of this chapter, order the juvenile's parent or
17 guardian to personally participate in treatment reasonably
18 available in the parent's or guardian's location.

19 (l) If a juvenile is within the court's jurisdiction under
20 section 2(a)(1) of this chapter, place the juvenile in and order
21 the juvenile to complete satisfactorily a program of training in a
22 juvenile boot camp established by the department ~~of human services~~
23 under the juvenile boot camp act, 1996 PA 263, MCL 400.1301 to
24 400.1309, as provided in that act. If the county is a county
25 juvenile agency, ~~however,~~ the court shall commit the juvenile to
26 that county juvenile agency for placement in the program under that
27 act. Upon receiving a report of satisfactory completion of the

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

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

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

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

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

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

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

21 (m) If the court entered a judgment of conviction under
22 section 2d of this chapter, enter any disposition under this
23 section or, if the court determines that the best interests of the
24 public would be served, impose any sentence upon the juvenile that
25 could be imposed upon an adult convicted of the offense for which
26 the juvenile was convicted. If the juvenile is convicted of a
27 violation or conspiracy to commit a violation of section

1 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403,
2 the court may impose the alternative sentence permitted under that
3 section if the court determines that the best interests of the
4 public would be served. The court may delay imposing a sentence of
5 imprisonment under this subdivision for a period not longer than
6 the period during which the court has jurisdiction over the
7 juvenile under this chapter by entering an order of disposition
8 delaying imposition of sentence and placing the juvenile on
9 probation upon the terms and conditions it considers appropriate,
10 including any disposition under this section. If the court delays
11 imposing sentence under this section, section 18i of this chapter
12 applies. If the court imposes sentence, it shall enter a judgment
13 of sentence. If the court imposes a sentence of imprisonment, the
14 juvenile shall receive credit against the sentence for time served
15 before sentencing. In determining whether to enter an order of
16 disposition or impose a sentence under this subdivision, the court
17 shall consider all of the following factors, giving greater weight
18 to the seriousness of the offense and the juvenile's prior record:

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

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

1 the sentencing guidelines.

2 (iii) The juvenile's prior record of delinquency including,
3 but not limited to, any record of detention, any police record, any
4 school record, or any other evidence indicating prior delinquent
5 behavior.

6 (iv) The juvenile's programming history, including, but not
7 limited to, the juvenile's past willingness to participate
8 meaningfully in available programming.

9 (v) The adequacy of the punishment or programming available in
10 the juvenile justice system.

11 (vi) The dispositional options available for the juvenile.

12 (N) IN A PROCEEDING UNDER SECTION 2(B) OR (C) OF THIS CHAPTER,
13 IF A JUVENILE IS REMOVED FROM THE PARENT'S CUSTODY AT ANY TIME, THE
14 COURT SHALL PERMIT THE JUVENILE'S PARENT TO HAVE REGULAR AND
15 FREQUENT PARENTING TIME WITH THE JUVENILE. PARENTING TIME BETWEEN
16 THE JUVENILE AND HIS OR HER PARENT SHALL NOT BE LESS THAN 1 TIME
17 EVERY 7 DAYS UNLESS THE COURT DETERMINES EITHER THAT EXIGENT
18 CIRCUMSTANCES REQUIRE LESS FREQUENT PARENTING TIME OR THAT
19 PARENTING TIME, EVEN IF SUPERVISED, MAY BE HARMFUL TO THE
20 JUVENILE'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING. IF THE
21 COURT DETERMINES THAT PARENTING TIME, EVEN IF SUPERVISED, MAY BE
22 HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-
23 BEING, THE COURT MAY SUSPEND PARENTING TIME UNTIL THE RISK OF HARM
24 NO LONGER EXISTS. THE COURT MAY ORDER THE JUVENILE TO HAVE A
25 PSYCHOLOGICAL EVALUATION OR COUNSELING, OR BOTH, TO DETERMINE THE
26 APPROPRIATENESS AND THE CONDITIONS OF PARENTING TIME.

27 (2) An order of disposition placing a juvenile in or

1 committing a juvenile to care outside of the juvenile's own home
2 and under state, county juvenile agency, or court supervision shall
3 contain a provision for reimbursement by the juvenile, parent,
4 guardian, or custodian to the court for the cost of care or
5 service. The order shall be reasonable, taking into account both
6 the income and resources of the juvenile, parent, guardian, or
7 custodian. The amount may be based upon the guidelines and model
8 schedule created under subsection (6). If the juvenile is receiving
9 an adoption support subsidy under sections 115f to 115m of the
10 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m, **OR**
11 **REDETERMINED ADOPTION ASSISTANCE UNDER SECTION 115T OF THE SOCIAL**
12 **WELFARE ACT, 1939 PA 280, MCL 400.115T**, the amount shall not exceed
13 the amount of the support subsidy. The reimbursement provision
14 applies during the entire period the juvenile remains in care
15 outside of the juvenile's own home and under state, county juvenile
16 agency, or court supervision, unless the juvenile is in the
17 permanent custody of the court. The court shall provide for the
18 collection of all amounts ordered to be reimbursed and the money
19 collected shall be accounted for and reported to the county board
20 of commissioners. Collections to cover delinquent accounts or to
21 pay the balance due on reimbursement orders may be made after a
22 juvenile is released or discharged from care outside the juvenile's
23 own home and under state, county juvenile agency, or court
24 supervision. Twenty-five percent of all amounts collected under an
25 order entered under this subsection shall be credited to the
26 appropriate fund of the county to offset the administrative cost of
27 collections. The balance of all amounts collected under an order

1 entered under this subsection shall be divided in the same ratio in
2 which the county, state, and federal government participate in the
3 cost of care outside the juvenile's own home and under state,
4 county juvenile agency, or court supervision. The court may also
5 collect from the government of the United States benefits paid for
6 the cost of care of a court ward. Money collected for juveniles
7 placed by the court with or committed to the department ~~of human~~
8 ~~services~~ or a county juvenile agency shall be accounted for and
9 reported on an individual juvenile basis. In cases of delinquent
10 accounts, the court may also enter an order to intercept state or
11 federal tax refunds of a juvenile, parent, guardian, or custodian
12 and initiate the necessary offset proceedings in order to recover
13 the cost of care or service. The court shall send to the person who
14 is the subject of the intercept order advance written notice of the
15 proposed offset. The notice shall include notice of the opportunity
16 to contest the offset on the grounds that the intercept is not
17 proper because of a mistake of fact concerning the amount of the
18 delinquency or the identity of the person subject to the order. The
19 court shall provide for the prompt reimbursement of an amount
20 withheld in error or an amount found to exceed the delinquent
21 amount.

22 (3) An order of disposition placing a juvenile in the
23 juvenile's own home under subsection (1)(b) may contain a provision
24 for reimbursement by the juvenile, parent, guardian, or custodian
25 to the court for the cost of service. If an order is entered under
26 this subsection, an amount due shall be determined and treated in
27 the same manner provided for an order entered under subsection (2).

1 (4) An order directed to a parent or a person other than the
2 juvenile is not effective and binding on the parent or other person
3 unless opportunity for hearing is given by issuance of summons or
4 notice as provided in sections 12 and 13 of this chapter and until
5 a copy of the order, bearing the seal of the court, is served on
6 the parent or other person as provided in section 13 of this
7 chapter.

8 (5) If the court appoints an attorney to represent a juvenile,
9 parent, guardian, or custodian, the court may require in an order
10 entered under this section that the juvenile, parent, guardian, or
11 custodian reimburse the court for attorney fees.

12 (6) The office of the state court administrator, under the
13 supervision and direction of the supreme court, shall create
14 guidelines that the court may use in determining the ability of the
15 juvenile, parent, guardian, or custodian to pay for care and any
16 costs of service ordered under subsection (2) or (3). The
17 guidelines shall take into account both the income and resources of
18 the juvenile, parent, guardian, or custodian.

19 (7) If the court finds that a juvenile comes under section 30
20 of this chapter, the court shall order the juvenile or the
21 juvenile's parent to pay restitution as provided in sections 30 and
22 31 of this chapter and in sections 44 and 45 of the crime victim's
23 rights act, 1985 PA 87, MCL 780.794 and 780.795.

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

27 (a) Engage in community service or, with the victim's consent,

1 perform services for the victim.

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

4 (9) If the court finds that the juvenile is in intentional
5 default of the payment of restitution, a court may, as provided in
6 section 31 of this chapter, revoke or alter the terms and
7 conditions of probation for nonpayment of restitution. If a
8 juvenile who is ordered to engage in community service
9 intentionally refuses to perform the required community service,
10 the court may revoke or alter the terms and conditions of
11 probation.

12 (10) The court shall not enter an order of disposition for a
13 juvenile offense as defined in section 1a of 1925 PA 289, MCL
14 28.241a, or a judgment of sentence for a conviction until the court
15 has examined the court file and has determined that the juvenile's
16 fingerprints have been taken and forwarded as required by section 3
17 of 1925 PA 289, MCL 28.243, and as required by the sex offenders
18 registration act, 1994 PA 295, MCL 28.721 to 28.736. If a juvenile
19 has not had his or her fingerprints taken, the court shall do
20 either of the following:

21 (a) Order the juvenile to submit himself or herself to the
22 police agency that arrested or obtained the warrant for the
23 juvenile's arrest so the juvenile's fingerprints can be taken and
24 forwarded.

25 (b) Order the juvenile committed to the sheriff's custody for
26 taking and forwarding the juvenile's fingerprints.

27 (11) Upon final disposition, conviction, acquittal, or

1 dismissal of an offense within the court's jurisdiction under
2 section 2(a)(1) of this chapter, using forms approved by the state
3 court administrator, the clerk of the court entering the final
4 disposition, conviction, acquittal, or dismissal shall immediately
5 advise the department of state police of that final disposition,
6 conviction, acquittal, or dismissal as required by section 3 of
7 1925 PA 289, MCL 28.243. The report to the department of state
8 police shall include information as to the finding of the judge or
9 jury and a summary of the disposition or sentence imposed.

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

17 (13) If the court has entered an order of disposition or a
18 judgment of conviction for a listed offense as defined in section 2
19 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
20 court, **THE** department, ~~of human services,~~ or the county juvenile
21 agency shall register the juvenile or accept the juvenile's
22 registration as provided in the sex offenders registration act,
23 1994 PA 295, MCL 28.721 to 28.736.

24 (14) If the court enters an order of disposition placing a
25 juvenile in a juvenile boot camp program, or committing a juvenile
26 to a county juvenile agency for placement in a juvenile boot camp
27 program, and the court receives from the department ~~of human~~

1 ~~services~~—a report that the juvenile has failed to perform
2 satisfactorily in the program, that the juvenile does not meet the
3 program's requirements or is medically unable to participate in the
4 program for more than 25 days, that there is no opening in a
5 juvenile boot camp program, or that the county juvenile agency is
6 unable to place the juvenile in a juvenile boot camp program, the
7 court shall release the juvenile from placement or commitment and
8 enter an alternative order of disposition. A juvenile shall not be
9 placed in a juvenile boot camp under an order of disposition more
10 than once, except that a juvenile returned to the court for a
11 medical condition, because there was no opening in a juvenile boot
12 camp program, or because the county juvenile agency was unable to
13 place the juvenile in a juvenile boot camp program may be placed
14 again in the juvenile boot camp program after the medical condition
15 is corrected, an opening becomes available, or the county juvenile
16 agency is able to place the juvenile.

17 (15) If the juvenile is within the court's jurisdiction under
18 section 2(a)(1) of this chapter for an offense other than a listed
19 offense as defined in section 2 of the sex offenders registration
20 act, 1994 PA 295, MCL 28.722, the court shall determine if the
21 offense is a violation of a law of this state or a local ordinance
22 of a municipality of this state that by its nature constitutes a
23 sexual offense against an individual who is less than 18 years of
24 age. If so, the order of disposition is for a listed offense as
25 defined in section 2 of the sex offenders registration act, 1994 PA
26 295, MCL 28.722, and the court shall include the basis for that
27 determination on the record and include the determination in the

1 order of disposition.

2 (16) The court shall not impose a sentence of imprisonment in
3 the county jail under subsection (1)(m) unless the present county
4 jail facility for the juvenile's imprisonment would meet all
5 requirements under federal law and regulations for housing
6 juveniles. The court shall not impose the sentence until it
7 consults with the sheriff to determine when the sentence will begin
8 to ensure that space will be available for the juvenile.

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

12 (18) If a juvenile is within the court's jurisdiction under
13 section 2(a)(1) of this chapter, the court shall order the juvenile
14 to pay costs as provided in section 18m of this chapter.

15 (19) A juvenile who has been ordered to pay the minimum state
16 cost as provided in section 18m of this chapter as a condition of
17 probation or supervision and who is not in willful default of the
18 payment of the minimum state cost may petition the court at any
19 time for a remission of the payment of any unpaid portion of the
20 minimum state cost. If the court determines that payment of the
21 amount due will impose a manifest hardship on the juvenile or his
22 or her immediate family, the court may remit all or part of the
23 amount of the minimum state cost due or modify the method of
24 payment.

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