

# HOUSE BILL No. 5739

April 2, 1998, Introduced by Reps. Schauer, Bogardus, Kilpatrick, Bankes and Hale and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

by amending section 1 of chapter XIIA (MCL 712A.1), as amended by 1996 PA 409.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

## CHAPTER XIIIA

Sec. 1. (1) As used in this chapter, "court" means the family division of circuit court.

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

(3) This chapter shall be liberally construed so that each juvenile coming within the jurisdiction of the court receives the care, guidance, and control, preferably in his or her own home, conducive to the juvenile's welfare and the best interest of the state. If a juvenile is removed from the control of his or her parents, the juvenile shall be placed in care as nearly as possible equivalent to the care that should have been given to the juvenile by his or her parents.

(4) IF A PARENT PERSONALLY APPEARS AND PARTICIPATES IN A HEARING HELD UNDER THIS CHAPTER AND DOES NOT OBJECT TO A LACK OF OR DEFECT IN A SUMMONS OR NOTICE TO HIM OR HER, THE PARENT WAIVES OBJECTION TO A HEARING, DETERMINATION, ORDER, OR OTHER ACTION UNDER THIS ACT BASED ON THE PETITION OR A SUPPLEMENTAL PETITION IN THE SAME CASE. THE COURT SHALL DISMISS AN APPEAL OR OTHER CHALLENGE BY THAT PARENT THAT IS BASED ON A LACK OF OR DEFECT IN A SUMMONS OR NOTICE TO THE PARENT. THIS SUBSECTION DOES NOT DISCHARGE THE DUTY OF THE COURT OR ANOTHER PERSON WHO IS REQUIRED BY THIS ACT TO SERVE A SUMMONS ON OR GIVE NOTICE TO A PARENT AS THIS ACT PRESCRIBES. THIS SUBSECTION DOES NOT PRECLUDE A PARENT FROM EXECUTING A WRITTEN WAIVER OF PROCESS OR NOTICE UNDER SECTION 12.