

HOUSE BILL No. 6310

November 4, 2004, Introduced by Rep. Howell and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, 18, 19, 19a, and 19c of chapter XIIIA (MCL 712A.13a, 712A.13b, 712A.17d, 712A.18, 712A.19, 712A.19a, and 712A.19c), section 13a as amended by 2000 PA 55, sections 13b, 19a, and 19c as amended by 2000 PA 46, section 17d as added by 1998 PA 480, section 18 as amended by 2004 PA 221, and section 19 as amended by 1998 PA 530.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 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
3 child protective services file if the child has not been removed
4 from the home or the family independence agency or contract
5 agency foster care file as defined under 1973 PA 116, MCL 722.111
6 to 722.128.

7 **(c)** ~~-(b)-~~ "Attorney" means, if appointed to represent a child
8 in a proceeding under section 2(b) or (c) of this chapter, an
9 attorney serving as the child's legal advocate in a traditional
10 attorney-client relationship with the child, as governed by the
11 Michigan rules of professional conduct. An attorney defined
12 under this 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
15 the purpose of a notice required under these sections, attorney
16 includes a child's lawyer-guardian ad litem.

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

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

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

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

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

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

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

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

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

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

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

27 *(iii)* Is not the child's parent or a person otherwise related

1 to the child by blood or affinity to the third degree.

2 **(i)** ~~—(h)—~~ "Permanent foster family agreement" means an
3 agreement for a child 14 years old or older to remain with a
4 particular foster family until the child is 18 years old under
5 standards and requirements established by the family independence
6 agency, which agreement is among all of the following:

7 *(i)* The child.

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

9 *(iii)* The foster family.

10 *(iv)* The child placing agency responsible for the child's
11 care in foster care.

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

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

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

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

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

21 (a) A petition alleging abuse of the child by the parent,
22 guardian, custodian, nonparent adult, or other person is
23 authorized 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
6 alleged abuser to leave the child's home under subsection (4),
7 the court shall not leave the child in or return the child to the
8 child's home or place the child with a person not licensed under
9 1973 PA 116, MCL 722.111 to 722.128, unless the court finds that
10 the conditions of custody at the placement and with the
11 individual with whom the child is placed are adequate to
12 safeguard the child from the risk of harm to the child's life,
13 physical health, or mental well-being.

14 (6) In determining whether to enter an order under
15 subsection (4), the court may consider whether the parent who is
16 to remain in the juvenile's home is married to the person to be
17 removed or has a legal right to retain possession of the home.

18 (7) An order entered under subsection (4) may also contain 1
19 or more of the following terms or conditions:

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

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

27 (c) The court may include any reasonable term or condition

1 necessary for the juvenile's physical or mental well-being or
2 necessary to protect the juvenile.

3 (8) If the court orders placement of the juvenile outside the
4 juvenile's home, the court shall inform the parties of the
5 following:

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

9 (b) The general elements of an initial services plan as
10 required by the rules promulgated under 1973 PA 116, MCL 722.111
11 to 722.128.

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

14 (9) Before or within 7 days after a child is placed in a
15 relative's home, the family independence agency shall perform a
16 criminal record check and central registry clearance. If the
17 child is placed in the home of a relative, the court shall order
18 a home study to be performed and a copy of the home study to be
19 submitted to the court not more than 30 days after the
20 placement.

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

24 (11) If a juvenile is removed from his or her home, the court
25 shall permit the juvenile's parent to have frequent parenting
26 time with the juvenile. ~~However, if~~ **If** parenting time, even if
27 supervised, may be harmful to the juvenile, the court shall order

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

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

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

20 (14) In an order placing a child in foster care, the court
21 shall include both of the following:

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

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

1 (15) As used in this section, "abuse" means 1 or more of the
2 following:

3 (a) Harm or threatened harm by a person to a juvenile's
4 health or welfare that occurs through nonaccidental physical or
5 mental injury.

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

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

15 (d) Maltreatment of a juvenile.

16 Sec. 13b. (1) If a child under the court's jurisdiction
17 under section 2(b) of this chapter, or under MCI jurisdiction,
18 control, or supervision, is placed in foster care, the agency
19 shall not change the child's placement except under 1 of the
20 following circumstances:

21 (a) The person providing the foster care requests or agrees
22 to the change.

23 (b) Even though the person providing the foster care objects
24 to a proposed change in placement, 1 of the following applies:

25 (i) The court orders the child returned home.

26 (ii) The change in placement is less than 30 days after the
27 child's initial removal from his or her home.

1 (iii) The change in placement is less than 90 days after the
2 child's initial removal from his or her home, and the new
3 placement is with a relative.

4 (iv) The change in placement is in accordance with other
5 provisions of this section.

6 (2) Except as provided in subsections (1) and (7), before a
7 change in foster care placement takes effect, the agency shall do
8 all of the following:

9 (a) Notify the state court administrative office of the
10 proposed change in placement.

11 (b) Notify the foster parents of the intended change in
12 placement and inform them that, if they disagree with the
13 decision, they may appeal within 3 days to a foster care review
14 board. A foster parent may appeal orally, but must submit the
15 appeal in writing immediately following the oral appeal. The
16 agency shall provide the foster parents with the address and
17 telephone number of a foster care review board with jurisdiction
18 over the child.

19 (c) Maintain the current placement for not less than the time
20 for appeal to the foster care review board and if a foster parent
21 appeals, until the foster care review board determination.

22 (3) Upon receipt of an appeal from foster parents under
23 subsection (2) or (7), the foster care review board shall
24 investigate the change in foster care placement **within 7 days** and
25 shall report its findings and recommendations within 3 days to
26 the court or, if the child is under MCI jurisdiction, control, or
27 supervision, the MCI superintendent, to the foster care parents,

1 to the parents, and to the agency.

2 (4) If after investigation the foster care review board
3 determines that the move is in the child's best interests, the
4 agency may move the child.

5 (5) If after investigation the foster care review board
6 determines that the move is not in the child's best interest, the
7 agency shall maintain the current placement until a finding and
8 order by the court or, if the child is under MCI jurisdiction,
9 control, or supervision, a decision by the MCI superintendent.
10 ~~However, the~~ **The** agency shall not return a child to a placement
11 from which the child was removed under subsection (7) unless the
12 court orders that placement's restoration under subsection (6) or
13 the MCI superintendent approves that placement's restoration
14 under this subsection. The foster care review board shall notify
15 the court, or if the child is under MCI jurisdiction, control, or
16 supervision, the MCI superintendent, about the board's and
17 agency's disagreement. The court shall set a hearing date and
18 provide notice to the foster parents, each interested party, and
19 the prosecuting attorney if the prosecuting attorney has appeared
20 in the case. The court shall set the hearing no sooner than 7
21 and no later than 14 days after receipt of the notice from the
22 foster care review board. The rules of evidence do not apply to
23 a hearing required by this subsection. Within 14 days after
24 notification under this subsection, the MCI superintendent shall
25 make a decision regarding the child's placement and shall inform
26 each interested party what the decision is.

27 (6) After hearing testimony from the agency and any other

1 interested party and considering any other evidence bearing upon
2 the proposed change in placement, the court shall order the
3 continuation or restoration of the placement unless the court
4 finds that the proposed change in placement is in the child's
5 best interests.

6 (7) If the agency has reasonable cause to believe that the
7 child has suffered sexual abuse or nonaccidental physical injury,
8 or that there is substantial risk of harm to the child's
9 emotional well-being, the agency may change the child's foster
10 care placement without complying with subsection (1) or (2)(b) or
11 (c). The agency shall include in the child's file documentation
12 of its justification for action under this subsection. If a
13 foster parent objects to the removal of a child under this
14 subsection, he or she may appeal to the foster care review board
15 within 3 days after the child's removal. The foster parent may
16 appeal orally, but must submit the appeal in writing immediately
17 following the oral appeal.

18 (8) At the time of or immediately following a child's removal
19 under subsection (7), the agency shall inform the foster parents
20 about the removal and that, if they disagree with the decision,
21 they may appeal within 3 days to a foster care review board in
22 the manner provided in subsection (7). The agency shall provide
23 the foster parents with the address and telephone number of a
24 foster care review board with jurisdiction over the child.

25 Sec. 17d. (1) A lawyer-guardian ad litem's duty is to the
26 child, and not the court. The lawyer-guardian ad litem's powers
27 and duties include at least all of the following:

1 (a) The obligations of the attorney-client privilege.

2 (b) To serve as the independent representative for the
3 child's best interests, and be entitled to full and active
4 participation in all aspects of the litigation and access to all
5 relevant information regarding the child.

6 (c) To determine the facts of the case by conducting an
7 independent investigation including, but not limited to,
8 interviewing the child, social workers, family members, and
9 others as necessary, and reviewing relevant reports and other
10 information. **The agency case file shall be reviewed before**
11 **disposition and before the hearing for termination of parental**
12 **rights. Updated materials shall be reviewed as provided to the**
13 **court and parties. The supervising agency shall provide**
14 **documentation of progress relating to all aspects of the last**
15 **court ordered treatment plan, including copies of evaluations and**
16 **therapy reports and verification of parenting time not later than**
17 **5 business days before the scheduled hearing.**

18 (d) ~~Before each proceeding or hearing, to~~ To meet with
19 ~~and~~ or observe the child, assess the child's needs and wishes
20 with regard to the representation and the issues in the case —
21 ~~review the agency case file and, consistent with the rules of~~
22 ~~professional responsibility, consult with the child's parents,~~
23 ~~foster care providers, guardians, and caseworkers.~~ **in the**
24 **following instances:**

25 (i) Before the pretrial hearing.

26 (ii) Before the initial disposition, if held more than 91
27 days after the petition has been authorized.

1 (iii) Before a dispositional review hearing.

2 (iv) Before a permanency planning hearing.

3 (v) Before a post-termination review hearing.

4 (vi) At least once during the pendency of a supplemental
5 petition.

6 (vii) At other times as ordered by the court. Adjourned or
7 continued hearings do not require additional visits unless
8 directed by the court.

9 (e) The court may allow alternative means of contact with the
10 child if good cause is shown on the record.

11 (f) ~~(e)~~ To explain to the child, taking into account the
12 child's ability to understand the proceedings, the
13 lawyer-guardian ad litem's role.

14 (g) ~~(f)~~ To file all necessary pleadings and papers and
15 independently call witnesses on the child's behalf.

16 (h) ~~(g)~~ To attend all hearings and substitute
17 representation for the child only with court approval.

18 (i) ~~(h)~~ To make a determination regarding the child's best
19 interests and advocate for those best interests according to the
20 lawyer-guardian ad litem's understanding of those best interests,
21 regardless of whether the lawyer-guardian ad litem's
22 determination reflects the child's wishes. The child's wishes
23 are relevant to the lawyer-guardian ad litem's determination of
24 the child's best interests, and the lawyer-guardian ad litem
25 shall weigh the child's wishes according to the child's
26 competence and maturity. Consistent with the law governing
27 attorney-client privilege, the lawyer-guardian ad litem shall

1 inform the court as to the child's wishes and preferences.

2 (j) ~~(i)~~ To monitor the implementation of case plans and
3 court orders, and determine whether services the court ordered
4 for the child or the child's family are being provided in a
5 timely manner and are accomplishing their purpose. The
6 lawyer-guardian ad litem shall inform the court if the services
7 are not being provided in a timely manner, if the family fails to
8 take advantage of the services, or if the services are not
9 accomplishing their intended purpose.

10 (k) ~~(j)~~ Consistent with the rules of professional
11 responsibility, to identify common interests among the parties
12 and, to the extent possible, promote a cooperative resolution of
13 the matter **and consult with the child's parent, foster care**
14 **provider, guardian, and caseworker.**

15 (l) ~~(k)~~ To request authorization by the court to pursue
16 issues on the child's behalf that do not arise specifically from
17 the court appointment.

18 (2) If, after discussion between the child and his or her
19 lawyer-guardian ad litem, the lawyer-guardian ad litem determines
20 that the child's interests as identified by the child are
21 inconsistent with the lawyer-guardian ad litem's determination of
22 the child's best interests, the lawyer-guardian ad litem shall
23 communicate the child's position to the court. If the court
24 considers the appointment appropriate considering the child's age
25 and maturity and the nature of the inconsistency between the
26 child's and the lawyer-guardian ad litem's identification of the
27 child's interests, the court may appoint an attorney for the

1 child. An attorney appointed under this subsection serves in
2 addition to the child's lawyer-guardian ad litem.

3 (3) The court or another party to the case shall not call a
4 lawyer-guardian ad litem as a witness to testify regarding
5 matters related to the case. The lawyer-guardian ad litem's file
6 of the case is not discoverable.

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

15 (a) Warn the juvenile or the juvenile's parents, guardian, or
16 custodian and, except as provided in subsection (7), dismiss the
17 petition.

18 (b) Place the juvenile on probation, or under supervision in
19 the juvenile's own home or in the home of an adult who is related
20 to the juvenile. As used in this subdivision, "related" means
21 ~~being a parent, grandparent, brother, sister, stepparent,~~
22 ~~stepsister, stepbrother, uncle, or aunt by marriage, blood, or~~
23 ~~adoption~~ **an individual who is at least 18 years of age and**
24 **related to the child by blood, marriage, or adoption, as**
25 **grandparent, great-grandparent, great-great-grandparent, aunt or**
26 **uncle, great-aunt or great-uncle, great-great-aunt or**
27 **great-great-uncle, sibling, stepsibling, nephew or niece, first**

1 cousin or first cousin once removed, and the spouse of any of the
2 above, even after the marriage has ended by death or divorce. A
3 child may be placed with the parent of a man whom the court has
4 found probable cause to believe is the putative father if there
5 is no man with legally established rights to the child. This
6 placement of the child with the parent of a man whom the court
7 has found probable cause to believe is the putative father is for
8 the purposes of placement only and is not to be construed as a
9 finding of paternity or to confer legal standing. The court shall
10 order the terms and conditions of probation or supervision,
11 including reasonable rules for the conduct of the parents,
12 guardian, or custodian, if any, as the court determines necessary
13 for the physical, mental, or moral well-being and behavior of the
14 juvenile. The court may order that the juvenile participate in a
15 juvenile drug treatment court under chapter 10A of the revised
16 judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082.
17 The court also shall order, as a condition of probation or
18 supervision, that the juvenile shall pay the minimum state cost
19 prescribed by section 18m of this chapter.

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

27 (d) Except as otherwise provided in this subdivision, place

1 the juvenile in or commit the juvenile to a private institution
2 or agency approved or licensed by the department of consumer and
3 industry services for the care of juveniles of similar age, sex,
4 and characteristics. If the juvenile is not a ward of the court,
5 the court shall commit the juvenile to the family independence
6 agency or, if the county is a county juvenile agency, to that
7 county juvenile agency for placement in or commitment to such an
8 institution or agency as the family independence agency or county
9 juvenile agency determines is most appropriate, subject to any
10 initial level of placement the court designates.

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

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

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

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

1 section.

2 (h) Appoint a guardian under section 5204 of the estates and
3 protected individuals code, 1998 PA 386, MCL 700.5204, in
4 response to a petition filed with the court by a person
5 interested in the juvenile's welfare. If the court appoints a
6 guardian as authorized by this subdivision, it may dismiss the
7 petition under this 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
13 levied under this subsection shall be distributed as provided in
14 section 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
22 a juvenile boot camp established by the family independence
23 agency under the juvenile boot camp act, 1996 PA 263, MCL
24 400.1301 to 400.1309, as provided in that act. If the county is
25 a county juvenile agency, however, the court shall commit the
26 juvenile to that county juvenile agency for placement in the
27 program under that act. Upon receiving a report of satisfactory

1 completion of the program from the family independence agency,
2 the court shall authorize the juvenile's release from placement
3 in the juvenile boot camp. Following satisfactory completion of
4 the juvenile boot camp program, the juvenile shall complete an
5 additional period of not less than 120 days or more than 180 days
6 of intensive supervised community reintegration in the juvenile's
7 local community. To place or commit a juvenile under this
8 subdivision, 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
14 handicap 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
24 the public would be served, impose any sentence upon the juvenile
25 that could be imposed upon an adult convicted of the offense for
26 which the juvenile was convicted. If the juvenile is convicted
27 of a violation or conspiracy to commit a violation of section

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

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

26 (ii) The juvenile's culpability in committing the offense,
27 including, but not limited to, the level of the juvenile's

1 participation in planning and carrying out the offense and the
2 existence of any aggravating or mitigating factors recognized by
3 the sentencing guidelines.

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

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

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

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

14 (2) An order of disposition placing a juvenile in or
15 committing a juvenile to care outside of the juvenile's own home
16 and under state, county juvenile agency, or court supervision
17 shall contain a provision for reimbursement by the juvenile,
18 parent, guardian, or custodian to the court for the cost of care
19 or service. The order shall be reasonable, taking into account
20 both the income and resources of the juvenile, parent, guardian,
21 or custodian. The amount may be based upon the guidelines and
22 model schedule created under subsection (6). If the juvenile is
23 receiving an adoption support subsidy under sections 115f to 115m
24 of the social welfare act, 1939 PA 280, MCL 400.115f to 400.115m,
25 the amount shall not exceed the amount of the support subsidy.
26 The reimbursement provision applies during the entire period the
27 juvenile remains in care outside of the juvenile's own home and

1 under state, county juvenile agency, or court supervision, unless
2 the juvenile is in the permanent custody of the court. The court
3 shall provide for the collection of all amounts ordered to be
4 reimbursed and the money collected shall be accounted for and
5 reported to the county board of commissioners. Collections to
6 cover delinquent accounts or to pay the balance due on
7 reimbursement orders may be made after a juvenile is released or
8 discharged from care outside the juvenile's own home and under
9 state, county juvenile agency, or court supervision. Twenty-five
10 percent of all amounts collected under an order entered under
11 this subsection shall be credited to the appropriate fund of the
12 county to offset the administrative cost of collections. The
13 balance of all amounts collected under an order entered under
14 this subsection shall be divided in the same ratio in which the
15 county, state, and federal government participate in the cost of
16 care outside the juvenile's own home and under state, county
17 juvenile agency, or court supervision. The court may also
18 collect from the government of the United States benefits paid
19 for the cost of care of a court ward. Money collected for
20 juveniles placed by the court with or committed to the family
21 independence agency or a county juvenile agency shall be
22 accounted for and reported on an individual juvenile basis. In
23 cases of delinquent accounts, the court may also enter an order
24 to intercept state or federal tax refunds of a juvenile, parent,
25 guardian, or custodian and initiate the necessary offset
26 proceedings in order to recover the cost of care or service. The
27 court shall send to the person who is the subject of the

1 intercept order advance written notice of the proposed offset.
2 The notice shall include notice of the opportunity to contest the
3 offset on the grounds that the intercept is not proper because of
4 a mistake of fact concerning the amount of the delinquency or the
5 identity of the person subject to the order. The court shall
6 provide for the prompt reimbursement of an amount withheld in
7 error or an amount found to exceed the delinquent amount.

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

15 (4) An order directed to a parent or a person other than the
16 juvenile is not effective and binding on the parent or other
17 person unless opportunity for hearing is given by issuance of
18 summons or notice as provided in sections 12 and 13 of this
19 chapter and until a copy of the order, bearing the seal of the
20 court, is served on the parent or other person as provided in
21 section 13 of this chapter.

22 (5) If the court appoints an attorney to represent a
23 juvenile, parent, guardian, or custodian, the court may require
24 in an order entered under this section that the juvenile, parent,
25 guardian, or custodian reimburse the court for attorney fees.

26 (6) The office of the state court administrator, under the
27 supervision and direction of the supreme court, shall create

1 guidelines that the court may use in determining the ability of
2 the juvenile, parent, guardian, or custodian to pay for care and
3 any costs of service ordered under subsection (2) or (3). The
4 guidelines shall take into account both the income and resources
5 of the juvenile, parent, guardian, or custodian.

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

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

14 (a) Engage in community service or, with the victim's
15 consent, perform services for the victim.

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

18 (9) If the court finds that the juvenile is in intentional
19 default of the payment of restitution, a court may, as provided
20 in section 31 of this chapter, revoke or alter the terms and
21 conditions of probation for nonpayment of restitution. If a
22 juvenile who is ordered to engage in community service
23 intentionally refuses to perform the required community service,
24 the court may revoke or alter the terms and conditions of
25 probation.

26 (10) The court shall not enter an order of disposition for a
27 juvenile offense as defined in section 1a of 1925 PA 289, MCL

1 28.241a, or a judgment of sentence for a conviction until the
2 court has examined the court file and has determined that the
3 juvenile's fingerprints have been taken and forwarded as required
4 by section 3 of 1925 PA 289, MCL 28.243, and as required by the
5 sex offenders registration act, 1994 PA 295, MCL 28.721 to
6 28.732. If a juvenile has not had his or her fingerprints taken,
7 the court shall do either of the following:

8 (a) Order the juvenile to submit himself or herself to the
9 police agency that arrested or obtained the warrant for the
10 juvenile's arrest so the juvenile's fingerprints can be taken and
11 forwarded.

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

14 (11) Upon final disposition, conviction, acquittal, or
15 dismissal of an offense within the court's jurisdiction under
16 section 2(a)(1) of this chapter, using forms approved by the
17 state court administrator, the clerk of the court entering the
18 final disposition, conviction, acquittal, or dismissal shall
19 immediately advise the department of state police of that final
20 disposition, conviction, acquittal, or dismissal as required by
21 section 3 of 1925 PA 289, MCL 28.243. The report to the
22 department of state police shall include information as to the
23 finding of the judge or jury and a summary of the disposition or
24 sentence imposed.

25 (12) If the court enters an order of disposition based on an
26 act that is a juvenile offense as defined in section 1 of 1989 PA
27 196, MCL 780.901, the court shall order the juvenile to pay the

1 assessment as provided in that act. If the court enters a
2 judgment of conviction under section 2d of this chapter for an
3 offense that is a felony, serious misdemeanor, or specified
4 misdemeanor as defined in section 1 of 1989 PA 196, MCL 780.901,
5 the court shall order the juvenile to pay the assessment as
6 provided in that act.

7 (13) If the court has entered an order of disposition or a
8 judgment of conviction for a listed offense as defined in section
9 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,
10 the court, the family independence agency, or the county juvenile
11 agency shall register the juvenile or accept the juvenile's
12 registration as provided in the sex offenders registration act,
13 1994 PA 295, MCL 28.721 to 28.732.

14 (14) If the court enters an order of disposition placing a
15 juvenile in a juvenile boot camp program, or committing a
16 juvenile to a county juvenile agency for placement in a juvenile
17 boot camp program, and the court receives from the family
18 independence agency a report that the juvenile has failed to
19 perform satisfactorily in the program, that the juvenile does not
20 meet the program's requirements or is medically unable to
21 participate in the program for more than 25 days, that there is
22 no opening in a juvenile boot camp program, or that the county
23 juvenile agency is unable to place the juvenile in a juvenile
24 boot camp program, the court shall release the juvenile from
25 placement or commitment and enter an alternative order of
26 disposition. A juvenile shall not be placed in a juvenile boot
27 camp under an order of disposition more than once, except that a

1 juvenile returned to the court for a medical condition, because
2 there was no opening in a juvenile boot camp program, or because
3 the county juvenile agency was unable to place the juvenile in a
4 juvenile boot camp program may be placed again in the juvenile
5 boot camp program after the medical condition is corrected, an
6 opening becomes available, or the county juvenile agency is able
7 to place the juvenile.

8 (15) If the juvenile is within the court's jurisdiction under
9 section 2(a)(1) of this chapter for an offense other than a
10 listed offense as defined in section 2(e)(i) to (ix) and (xi) to
11 (xiii) of the sex offenders registration act, 1994 PA 295, MCL
12 28.722, the court shall determine if the offense is a violation
13 of a law of this state or a local ordinance of a municipality of
14 this state that by its nature constitutes a sexual offense
15 against an individual who is less than 18 years of age. If so,
16 the order of disposition is for a listed offense as defined in
17 section 2(e)(x) of the sex offenders registration act, 1994 PA
18 295, MCL 28.722, and the court shall include the basis for that
19 determination on the record and include the determination in the
20 order of disposition.

21 (16) The court shall not impose a sentence of imprisonment in
22 the county jail under subsection (1)(m) unless the present county
23 jail facility for the juvenile's imprisonment would meet all
24 requirements under federal law and regulations for housing
25 juveniles. The court shall not impose the sentence until it
26 consults with the sheriff to determine when the sentence will
27 begin to ensure that space will be available for the juvenile.

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

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

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

18 Sec. 19. (1) Subject to section 20 of this chapter, if a
19 child remains under the jurisdiction of the court, a cause may be
20 terminated or an order may be amended or supplemented, within the
21 authority granted to the court in section 18 of this chapter, at
22 any time as the court considers necessary and proper. An amended
23 or supplemented order shall be referred to as a "supplemental
24 order of disposition". If the ~~family independence agency~~
25 **department** becomes aware of additional abuse or neglect of a
26 child who is under the jurisdiction of the court and if that
27 abuse or neglect is substantiated as provided in the child

1 protection law, 1975 PA 238, MCL 722.621 to 722.638, the
2 department shall file a supplemental petition with the court.

3 (2) Except as otherwise provided in this section, if a child
4 is placed in foster care, the cause shall be reheard not more
5 than 182 days after entry of the order of disposition. The
6 showing shall be recorded stenographically at a hearing held by
7 the judge or referee. If the child remains in foster care in the
8 temporary custody of the court following the hearing, the cause
9 shall be further reheard not more than 182 days after the
10 hearing. In conducting the review hearing, the court shall
11 review the performance of the child, the child's parent,
12 guardian, or custodian, the juvenile worker, and other persons
13 providing assistance to the child and his or her family.

14 (3) Except as otherwise provided in subsection (4), if, in a
15 proceeding under section 2(b) of this chapter, a child is placed
16 and remains in foster care, a review hearing shall be held not
17 more than 91 days after ~~entry of the order of disposition~~ **the**
18 **child's removal from his or her home** and every 91 days after that
19 ~~as long as~~ **for the first year that** the child is subject to the
20 jurisdiction, control, or supervision of the court, or of the
21 Michigan children's institute or other agency. Upon motion by
22 any party or in the court's discretion, a review hearing may be
23 accelerated to review any element of the case service plan
24 prepared ~~pursuant~~ **according** to section 18f of this chapter.

25 (4) If a child is in a permanent foster family agreement or
26 if a child is placed with a relative and the placement is
27 intended to be permanent, the court shall hold a review hearing

1 not more than 182 days after a permanency planning hearing held
2 ~~pursuant~~ **according** to section 19a of this chapter and every 182
3 days after that so long as the child is subject to the
4 jurisdiction, control, or supervision of the court, or of the
5 Michigan children's institute or other agency. Upon the motion
6 of any party or at the court's discretion, a review hearing may
7 be accelerated to review any element of the case service plan.

8 (5) Written notice of a review hearing under subsection (2),
9 (3), or (4) shall be served upon all of the following:

10 (a) The agency. The agency shall advise the child of the
11 hearing if the child is 11 years of age or older.

12 (b) The foster parent or custodian of the child.

13 (c) If the parental rights to the child have not been
14 terminated, the child's parents.

15 (d) If the child has a guardian, the guardian for the child.

16 (e) If the child has a guardian ad litem, the guardian ad
17 litem for the child.

18 (f) A nonparent adult if the nonparent adult is required to
19 comply with the case service plan.

20 (g) If tribal affiliation has been determined, the elected
21 leader of the Indian tribe.

22 (h) The attorney for the child, the attorneys for each party,
23 and the prosecuting attorney if the prosecuting attorney has
24 appeared in the case.

25 (i) If the child is 11 years of age or older, the child.

26 (j) Other persons as the court may direct.

27 (6) At a review hearing under subsection (2), (3), or (4),

1 the court shall review on the record all of the following:

2 (a) Compliance with the case service plan with respect to
3 services provided or offered to the child and the child's parent,
4 guardian, custodian, or nonparent adult if the nonparent adult is
5 required to comply with the case service plan and whether the
6 parent, guardian, custodian, or nonparent adult if the nonparent
7 adult is required to comply with the case service plan has
8 complied with and benefited from those services.

9 (b) Compliance with the case service plan with respect to
10 parenting time with the child. If parenting time did not occur
11 or was infrequent, the court shall determine why parenting time
12 did not occur or was infrequent.

13 (c) The extent to which the parent complied with each
14 provision of the case service plan, prior court orders, and an
15 agreement between the parent and the agency.

16 (d) Likely harm to the child if the child continues to be
17 separated from the child's parent, guardian, or custodian.

18 (e) Likely harm to the child if the child is returned to the
19 child's parent, guardian, or custodian.

20 (7) After review of the case service plan, the court shall
21 determine the extent of progress made toward alleviating or
22 mitigating the conditions that caused the child to be placed in
23 foster care or that caused the child to remain in foster care.
24 The court may modify any part of the case service plan including,
25 but not limited to, the following:

26 (a) Prescribing additional services that are necessary to
27 rectify the conditions that caused the child to be placed in

1 foster care or to remain in foster care.

2 (b) Prescribing additional actions to be taken by the parent,
3 guardian, nonparent adult, or custodian, to rectify the
4 conditions that caused the child to be placed in foster care or
5 to remain in foster care.

6 (8) At a review hearing under subsection (2), (3), or (4),
7 the court shall determine the continuing necessity and
8 appropriateness of the child's placement and shall order the
9 return of the child to the custody of the parent, continue the
10 dispositional order, modify the dispositional order, or enter a
11 new dispositional order.

12 (9) If in a proceeding under section 2(b) of this chapter a
13 child is placed in foster care, the court shall determine at the
14 dispositional hearing and each review hearing whether the cause
15 should be reviewed before the next review hearing required by
16 subsection (2), (3), or (4). In making this determination, the
17 court shall consider at least all of the following:

18 (a) The parent's ability and motivation to make necessary
19 changes to provide a suitable environment for the child.

20 (b) Whether there is a reasonable likelihood that the child
21 may be returned to his or her home prior to the next review
22 hearing required by subsection (2), (3), or (4).

23 (10) Unless waived, if not less than 7 days' notice is given
24 to all parties prior to the return of a child to the child's
25 home, and no party requests a hearing within the 7 days, the
26 court may issue an order without a hearing permitting the agency
27 to return the child to the child's home.

1 (11) An agency report filed with the court shall be
2 accessible to all parties to the action and shall be offered into
3 evidence. The court shall consider any written or oral
4 information concerning the child from the child's parent,
5 guardian, custodian, foster parent, child caring institution,
6 relative with whom a child is placed, attorney, lawyer-guardian
7 ad litem, or guardian ad litem, in addition to any other
8 evidence, including the appropriateness of parenting time,
9 offered at the hearing.

10 Sec. 19a. (1) Subject to subsection (2), if a child remains
11 in foster care and parental rights to the child have not been
12 terminated, the court shall conduct a permanency planning hearing
13 ~~within 1 year after an original petition has been filed~~ 12
14 **months after the child was removed from his or her home.**
15 **Subsequent permanency planning hearings shall be held not less**
16 **frequently than every 12 months during the continuation of foster**
17 **care.** Except as otherwise provided in section 19(4) of this
18 chapter, the court shall hold a review hearing not more than 91
19 days after the original permanency planning hearing and every 91
20 days after that so long as the child is subject to the
21 jurisdiction, control, or supervision of the court ~~—~~ or of the
22 Michigan children's institute or other agency. A permanency
23 planning hearing may be combined with a review hearing held under
24 section 19(3) of this chapter. **A permanency planning hearing**
25 **shall not be canceled or delayed even if there is a petition for**
26 **permanent custody pending.**

27 (2) The court shall conduct a permanency planning hearing

1 within ~~28~~ 30 days after a petition is adjudicated and the
2 parent is found to have abused the child or a sibling of the
3 child and the abuse included 1 or more of the following:

4 (a) Abandonment of a young child.

5 (b) Criminal sexual conduct involving penetration, attempted
6 penetration, or assault with intent to penetrate.

7 (c) Battering, torture, or other severe physical abuse.

8 (d) Loss or serious impairment of an organ or limb.

9 (e) Life threatening injury.

10 (f) Murder or attempted murder.

11 (g) Voluntary manslaughter.

12 (h) Aiding, abetting, attempting, conspiring, or soliciting
13 the commission of murder or voluntary manslaughter.

14 ~~(3) If a child remains in foster care and parental rights to~~
15 ~~the child have not been terminated, the court shall conduct a~~
16 ~~permanency planning hearing within 1 year after an initial~~
17 ~~hearing under subsection (1) or (2), and within 1 year after each~~
18 ~~subsequent hearing.~~

19 (3) ~~(4)~~ A permanency planning hearing shall be conducted to
20 review the status of the child and the progress being made toward
21 the child's return home or to show why the child should not be
22 placed in the permanent custody of the court.

23 (4) ~~(5)~~ Not less than 14 days before a permanency planning
24 hearing, written notice of the hearing and a statement of the
25 purposes of the hearing, including a notice that the hearing may
26 result in further proceedings to terminate parental rights, shall
27 be served upon all of the following:

1 (a) The agency. The agency shall advise the child of the
2 hearing if the child is 11 years of age or older.

3 (b) The foster parent or custodian of the child.

4 (c) If the parental rights to the child have not been
5 terminated, the child's parents.

6 (d) If the child has a guardian, the guardian for the child.

7 (e) If the child has a guardian ad litem, the guardian ad
8 litem for the child.

9 (f) If tribal affiliation has been determined, the elected
10 leader of the Indian tribe.

11 (g) The attorney for the child, the attorneys for each party,
12 and the prosecuting attorney if the prosecuting attorney has
13 appeared in the case.

14 (h) If the child is 11 years of age or older, the child.

15 (i) Other persons as the court may direct.

16 **(5)** ~~-(6)-~~ If parental rights to the child have not been
17 terminated and the court determines at a permanency planning
18 hearing that the return of the child to his or her parent would
19 not cause a substantial risk of harm to the child's life,
20 physical health, or mental well-being, the court shall order the
21 child returned to his or her parent. In determining whether the
22 return of the child would cause a substantial risk of harm to the
23 child, the court shall view the failure of the parent to
24 substantially comply with the terms and conditions of the case
25 service plan prepared under section 18f of this chapter as
26 evidence that return of the child to his or her parent would
27 cause a substantial risk of harm to the child's life, physical

1 health, or mental well-being. In addition to considering conduct
2 of the parent as evidence of substantial risk of harm, the court
3 shall consider any condition or circumstance of the child that
4 may be evidence that a return to the parent would cause a
5 substantial risk of harm to the child's life, physical health, or
6 mental well-being.

7 (6) ~~-(7)-~~ If the court determines at a permanency planning
8 hearing that the child should not be returned to his or her
9 parent, the court shall order the agency to initiate proceedings
10 to terminate parental rights to the child not later than 42 days
11 after the permanency planning hearing, unless the court finds
12 that initiating the termination of parental rights to the child
13 is clearly not in the child's best interests.

14 (7) ~~-(8)-~~ If the agency demonstrates under subsection ~~-(7)-~~
15 (6) that initiating the termination of parental rights to the
16 child is clearly not in the child's best interests, then the
17 court shall order either of the following alternative placement
18 plans:

19 (a) If the court determines that other permanent placement is
20 not possible, the child's placement in foster care shall continue
21 for a limited period to be stated by the court.

22 (b) If the court determines that it is in the child's best
23 interests, the child's placement in foster care shall continue on
24 a long-term basis.

25 (8) ~~-(9)-~~ In making the determinations under this section,
26 the court shall consider any written or oral information
27 concerning the child from the child's parent, guardian,

1 custodian, foster parent, child caring institution, relative with
2 whom the child is placed, or guardian ad litem in addition to any
3 other evidence, including the appropriateness of parenting time,
4 offered at the hearing.

5 Sec. 19c. (1) Except as provided in section 19(4) and
6 subject to subsection (2), if a child remains in foster care
7 following the termination of parental rights to the child, the
8 court shall conduct a hearing not more than 91 days after the
9 termination of parental rights and at least every ~~91~~ 182 days
10 after that hearing. **The court shall conduct the first permanency**
11 **planning hearing within 12 months from the date that the child**
12 **was originally removed from the home. Subsequent permanency**
13 **planning hearings shall be held within 12 months of the preceding**
14 **permanency planning hearing.** At a hearing under this section, the
15 court shall review all of the following:

16 (a) The appropriateness of the permanency planning goal for
17 the child.

18 (b) The appropriateness of the child's placement in foster
19 care.

20 (c) The reasonable efforts being made to place the child for
21 adoption or in other permanent placement in a timely manner.

22 (2) This section applies only to a child's case in which
23 parental rights to the child were either terminated as the result
24 of a proceeding under section 2(b) of this chapter or a similar
25 law of another state or terminated voluntarily following the
26 initiation of a proceeding under section 2(b) of this chapter or
27 a similar law of another state. This section applies as long as

1 the child is subject to the jurisdiction, control, or supervision
2 of the court or of the Michigan children's institute or other
3 agency.