

**SUBSTITUTE FOR  
HOUSE BILL NO. 4629**

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending sections 15 and 16 of chapter XIIA (MCL 712A.15 and  
712A.16), section 15 as amended by 2020 PA 389 and section 16 as  
amended by 2019 PA 102.

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

**1** CHAPTER XIIA

**2** Sec. 15. (1) In the case of a juvenile concerning whom a  
**3** complaint has been made or a petition has been filed under this  
**4** chapter, the court may order the juvenile, pending ~~the~~ hearing,  
**5** detained in a facility as the court designates. The court may  
**6** release the juvenile, pending ~~the~~ hearing, ~~in~~ **into** the custody of a  
**7** parent, guardian, or custodian, to be brought before the court at

1 the time designated. As used in this subsection, "petition"  
2 includes all of the following:

3 (a) Petition.

4 (b) Supplemental petition.

5 (c) Petition for revocation of probation.

6 (d) Supplemental petition alleging a violation of a personal  
7 protection order.

8 (e) A petition or supplemental petition alleging that a  
9 juvenile violated a court order under section 2(a)(2) to (4) of  
10 this chapter.

11 (2) Custody, pending hearing, is **subject to subsection (3) and**  
12 limited to the following children:

13 (a) Those whose home conditions make immediate removal  
14 necessary.

15 (b) Those who have a record of unexcused failures to appear at  
16 juvenile court proceedings.

17 (c) Those who have failed to remain in a detention or  
18 nonsecure facility or placement in violation of a court order.

19 (d) Those whose offenses are so serious that release would  
20 endanger public safety.

21 (e) Those who have allegedly violated a personal protection  
22 order and for whom it appears there is a substantial likelihood of  
23 retaliation or continued violation.

24 (f) Those who have allegedly violated a court order under  
25 section 2(a)(2) to (4) of this chapter.

26 **(3) Before a juvenile may be detained in a secure facility**  
27 **pending hearing, an individual or agency designated by the court**  
28 **shall use a detention screening tool on the juvenile. Before**  
29 **detaining a juvenile, the court shall consult the results of the**

1 detention screening tool and follow any rules regarding its use  
 2 that are promulgated by the supreme court. The court shall share  
 3 the results of the detention screening tool with all parties before  
 4 a juvenile's detention hearing. The state court administrative  
 5 office, under the supervision and direction of the supreme court  
 6 and in collaboration with local courts, shall determine the  
 7 appropriate detention screening tool. Any statement, admission,  
 8 confession, or incriminating evidence obtained from a juvenile in  
 9 the course of a screening under this section is not admissible as  
 10 evidence in an adjudicatory hearing in which the juvenile is  
 11 accused, is not subject to subpoena, and may not be used in any  
 12 other court proceeding or for any other purpose.

13 (4) ~~(3)~~—If a juvenile is taken into custody for violating a  
 14 court order under section 2(a)(2) to (4) of this chapter and is  
 15 detained in a secure facility, the petitioner shall ensure that an  
 16 appropriately trained, licensed, or certified mental health or  
 17 substance abuse professional interviews the juvenile in person  
 18 within 24 hours to assess the immediate mental health and substance  
 19 abuse needs of the juvenile. The assessment may alternatively be  
 20 done upon filing the petition, ~~prior to any~~ **before an** order for  
 21 placement in a secure facility. Within 48 hours of the placement in  
 22 the secure facility, the petitioner shall submit the assessment to  
 23 the court and the court shall conduct a hearing to determine ~~all~~  
 24 **both** of the following:

25 (a) If there is reasonable cause to believe that the juvenile  
 26 violated the court order.

27 (b) The appropriate placement of the juvenile pending the  
 28 disposition of the alleged violation, including if the juvenile  
 29 should be placed in a secure facility.

1           (5) ~~(4)~~ A ~~child~~-juvenile taken into custody under section 2(b)  
2 of this chapter or subsection (2) (a) must not be detained in ~~any~~-a  
3 secure facility or in a cell or other secure area of ~~any~~-a secure  
4 facility designed to incarcerate adults.

5           (6) ~~(5)~~ A juvenile taken into custody under section 2(a) (2) to  
6 (4) of this chapter must not be detained in a cell or other secure  
7 area of ~~any~~-a secure facility designed to incarcerate adults unless  
8 either of the following applies:

9           (a) The juvenile is under the jurisdiction of the court under  
10 section 2(a) (1) of this chapter for an offense which, if committed  
11 by an adult, would be a felony.

12           (b) Until September 30, 2021, the juvenile is not less than 17  
13 years of age and is under the jurisdiction of the court under a  
14 supplemental petition under section 2(h) of this chapter. Beginning  
15 October 1, 2021, the juvenile is not less than 18 years of age and  
16 is under the jurisdiction of the court under a supplemental  
17 petition under section 2(h) of this chapter.

18           Sec. 16. (1) If a juvenile ~~under the age of~~ **who is less than**  
19 **18 years of age** is taken into custody or detained, the juvenile  
20 ~~shall~~-**must** not be confined in ~~any~~-a police station, prison, jail,  
21 lock-up, or reformatory or transported with, or compelled or  
22 permitted to associate or mingle with, criminal or dissolute  
23 persons. Except as otherwise provided in section ~~15(3), (4), and~~  
24 ~~(5)~~-**15** of this chapter, the court may order a juvenile 15 years of  
25 age or older whose habits or conduct are considered a menace to  
26 other juveniles, or who may not otherwise be safely detained,  
27 placed in a jail or other place of detention for adults, but in a  
28 room or ward separate from adults and for not more than 30 days,  
29 unless longer detention is necessary for the service of process.

1           (2) The county board of commissioners in each county or of  
2 counties contracting together may provide for the diagnosis,  
3 treatment, care, training, and detention of juveniles in a child  
4 care home or facility conducted as an agency of the county if the  
5 home or facility meets **the** licensing standards established under  
6 1973 PA 116, MCL 722.111 to 722.128. The court or a court-approved  
7 agency may arrange for the boarding of juveniles in any of the  
8 following:

9           (a) If a juvenile is within the court's jurisdiction under  
10 section 2(a) of this chapter, a suitable foster care home subject  
11 to the court's supervision. If a juvenile is within the court's  
12 jurisdiction under section 2(b) of this chapter, the court shall  
13 not place a juvenile in a foster care home subject to the court's  
14 supervision.

15           (b) A child caring institution or child placing agency  
16 licensed by the department to receive for care juveniles within the  
17 court's jurisdiction.

18           (c) If in a room or ward separate and apart from adult  
19 criminals, the county jail for juveniles over 17 years of age  
20 within the court's jurisdiction.

21           (3) If a detention home or facility is established as an  
22 agency of the county, the judge may appoint a superintendent and  
23 other necessary employees for the home or facility who shall  
24 receive compensation as provided by the county board of  
25 commissioners of the county. This section does not alter or  
26 diminish the legal responsibility of the department or a county  
27 juvenile agency to receive juveniles committed by the court.

28           (4) If the court under subsection (2) arranges for the board  
29 of juveniles temporarily detained in private homes or in a child

1 caring institution or child placing agency, a reasonable sum fixed  
2 by the court for ~~their~~**the juvenile's** board ~~shall~~**must** be paid by  
3 the county treasurer as provided in section 25 of this chapter.

4 (5) A court shall not provide foster care home services  
5 subject to the court's supervision to juveniles within section 2(b)  
6 of this chapter.

7 (6) A juvenile detention home described in subsection (3)  
8 ~~shall be~~**is** operated under the direction of the county board of  
9 commissioners or, in a county that has an elected county executive,  
10 under the county executive's direction. A different method for  
11 directing the operation of a detention home may be agreed to in any  
12 county by the chief judge of the circuit court in that county and  
13 the county board of commissioners or, in a county that has an  
14 elected county executive, the county executive.

15 Enacting section 1. This amendatory act takes effect October  
16 1, 2024.

17 Enacting section 2. This amendatory act does not take effect  
18 unless Senate Bill No. 418 of the 102nd Legislature is enacted into  
19 law.