

SUBSTITUTE FOR
SENATE BILL NO. 428

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2f, 18, 28, and 29 of chapter XIIA (MCL 712A.2f, 712A.18, 712A.28, and 712A.29), section 2f as added by 2016 PA 185, section 18 as amended by 2022 PA 209, section 28 as amended by 2020 PA 362, and section 29 as amended by 2003 PA 74, and by adding section 29a to chapter XIIA; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XIIA

Sec. 2f. (1) ~~If~~ **Subject to subsection (2),** if the court determines that formal jurisdiction should not be acquired over a juvenile, the court may proceed in an informal manner referred to

1 as a consent calendar. **The court shall not consider restitution**
2 **when determining if the case should be placed on the consent**
3 **calendar under this section.**

4 (2) A case ~~shall~~**must** not be placed on the consent calendar
5 unless ~~the~~**all of the following apply:**

6 (a) **The** juvenile and the parent, guardian, or legal custodian
7 and the prosecutor agree to have the case placed on the consent
8 calendar.

9 (b) **The** court considers the results of the risk screening tool
10 and mental health screening tool conducted on the juvenile by a
11 designated individual or agency that is trained in those screening
12 tools.

13 (c) **The** court determines that the case should proceed on the
14 consent calendar in compliance with section 11(1) of this chapter.

15 (3) A risk screening tool and a mental health screening tool
16 under subsection (2) must meet both of the following requirements:

17 (a) Be research based and nationally validated for use with
18 juveniles.

19 (b) Comply with the guidelines created under subsection (4).

20 (4) **The** state court administrative office, under the
21 supervision and direction of the supreme court, shall create
22 guidelines on the use of risk screening tools and mental health
23 screening tools described in subsection (2).

24 (5) ~~(3) The~~**Subject to subsection (2), the** court may transfer
25 a case from the formal calendar to the consent calendar at any time
26 before disposition. A case involving the alleged commission of an
27 offense as that term is defined in section 31 of the William Van
28 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.781,
29 ~~shall~~**must** only be placed on the consent calendar upon compliance

1 with the procedures set forth in section 36b of the William Van
2 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.786b.

3 (6) ~~(4)~~—After a case is placed on the consent calendar, the
4 prosecutor shall provide the victim with notice as required by
5 article 2 of the William Van Regenmorter crime victim's rights act,
6 1985 PA 87, MCL 780.781 to 780.802.

7 (7) ~~(5)~~—Consent calendar cases must be maintained in the
8 following nonpublic manner:

9 (a) Access to consent calendar case records ~~shall~~**must** be
10 provided to the juvenile, the juvenile's parents, guardian, or
11 legal custodian, the guardian ad litem, counsel for the juvenile,
12 the department of health and human services if related to an
13 investigation of neglect and abuse, law enforcement personnel,
14 prosecutor, and other courts. However, consent calendar case
15 records ~~shall~~**must** not be disclosed to federal agencies or military
16 recruiters. ~~For purposes of this subsection,~~ **As used in this**
17 **subdivision, "case records" includes the pleadings, motions,**
18 **authorized petitions, notices, memoranda, briefs, exhibits,**
19 **available transcripts, findings of the court, register of actions,**
20 **consent calendar case plan, risk screening tool and mental health**
21 **screening tool results,** and court orders related to the case placed
22 on the consent calendar.

23 (b) The contents of the confidential file ~~, as defined in MCR~~
24 ~~3.903,~~ ~~shall~~**must** continue to be maintained confidentially. **As used**
25 **in this subdivision, "confidential file" means that term as defined**
26 **in MCR 3.903.**

27 (c) **A risk screening tool and a mental health screening tool**
28 **conducted as part of a proceeding under this section and any**
29 **information obtained from a juvenile in the course of those**

1 screenings or provided by the juvenile in order to participate in a
2 consent calendar case plan, including, but not limited to, any
3 admission, confession, or incriminating evidence, are not
4 admissible into evidence in any adjudicatory hearing in which the
5 juvenile is accused and are not subject to subpoena or any other
6 court process for use in any other proceeding or for any other
7 purpose.

8 (8) ~~(6)~~—The court shall conduct a consent calendar conference
9 with the juvenile, the juvenile's attorney, if any, and the
10 juvenile's parent, guardian, or legal custodian to discuss the
11 allegations. The prosecuting attorney and victim may be, but are
12 not required to be, present.

13 (9) ~~(7)~~—If it appears to the court that the juvenile has
14 engaged in conduct that would subject the juvenile to the
15 jurisdiction of the court, the court shall issue a written consent
16 calendar case plan. All of the following apply to a consent
17 calendar case plan:

18 (a) ~~The plan may include a provision requiring the juvenile,~~
19 ~~parent, guardian, or legal custodian to reimburse the court for the~~
20 ~~cost of the consent calendar services for the juvenile. The~~
21 ~~reimbursement amount shall be reasonable, taking into account the~~
22 ~~juvenile's income and resources. The plan shall also **must** include a~~
23 requirement that the juvenile pay restitution under the William Van
24 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
25 780.834. **The court shall not order the juvenile or the juvenile's**
26 **parent, guardian, or legal custodian to pay for fees or costs**
27 **associated with consent calendar services.**

28 (b) A consent calendar case plan ~~shall~~**must** not contain a
29 provision removing the juvenile from the custody of the juvenile's

1 parent, guardian, or legal custodian.

2 (c) The period for a juvenile to complete the terms of a
3 consent calendar case plan must not exceed 3 months, unless the
4 court determines that a longer period is needed for the juvenile to
5 complete a specific treatment program and includes this
6 determination as part of the consent calendar case record.

7 (d) ~~(e)~~—The consent calendar case plan is not an order of the
8 court, but ~~shall~~**must** be included as a part of the case record.

9 (e) ~~(d)~~—Violation of the terms of the consent calendar case
10 plan may result in the court's returning the case to the formal
11 calendar for further proceedings consistent with subsection
12 ~~(10)~~**(12)**.

13 (10) ~~(8)~~—The court shall not enter an order of disposition in
14 a case while it is on the consent calendar.

15 (11) ~~(9)~~—Upon **the juvenile's** successful completion ~~by the~~
16 ~~juvenile~~ of the consent calendar case plan, the court shall close
17 the case and shall destroy all records of the proceeding in
18 accordance with the records management policies and procedures of
19 the state court administrative office, established in accordance
20 with supreme court rules.

21 (12) ~~(10)~~—If it appears to the court at any time that
22 proceeding on the consent calendar is not in the best interest of
23 either the juvenile or the public, the court shall proceed as
24 follows:

25 (a) If the court did not authorize the original petition, the
26 court may, without hearing, transfer the case from the consent
27 calendar to the formal calendar on the charges contained in the
28 original petition to determine whether the petition should be
29 authorized.

1 (b) If the court authorized the original petition, the court
2 may transfer the case from the consent calendar to the formal
3 calendar on the charges contained in the original petition only
4 after a hearing. After transfer to the formal calendar, the court
5 shall proceed with the case from where it left off before being
6 placed on the consent calendar.

7 (13) ~~(11)~~ Statements made by the juvenile during the
8 proceeding on the consent calendar ~~shall~~**must** not be used against
9 the juvenile at a trial on the formal calendar on the same charge.

10 (14) ~~(12)~~ Upon a judicial determination that the juvenile has
11 completed the terms of the consent calendar case plan, the court
12 shall report the successful completion of the consent calendar to
13 the juvenile and the department of state police. The department of
14 state police shall maintain a nonpublic record of the case. This
15 record ~~shall be~~**is** open to the courts of this state, another state,
16 or the United States, the department of corrections, law
17 enforcement personnel, and prosecutors ~~only~~ for use **only** in the
18 performance of their duties or to determine whether an employee of
19 the court, department, law enforcement agency, or prosecutor's
20 office has violated ~~his or her~~ conditions of employment or whether
21 an applicant meets criteria for employment with the court,
22 department, law enforcement agency, or prosecutor's office.

23 Sec. 18. (1) If the court finds that a juvenile concerning
24 whom a petition is filed is not within this chapter, the court
25 shall enter an order dismissing the petition. Except as otherwise
26 provided in subsection ~~(10)~~, **(8) and subject to subsection (9)**, if
27 the court finds that a juvenile is within this chapter, the court
28 shall order the juvenile returned to ~~his or her~~ **the juvenile's**
29 parent if the return of the juvenile to ~~his or her~~ **the juvenile's**

1 parent would not cause a substantial risk of harm to the juvenile
2 or society. ~~The Subject to subsection (9), the~~ court may also enter
3 any of the following orders of disposition that are appropriate for
4 the welfare of the juvenile and society in view of the facts proven
5 and ascertained:

6 (a) Warn the juvenile or the juvenile's parents, guardian, or
7 custodian and, except as provided in subsection ~~(7), (5)~~, dismiss
8 the petition.

9 (b) Place the juvenile on probation, or under supervision in
10 the juvenile's own home or in the home of an adult who is related
11 to the juvenile. As used in this subdivision, "related" means a
12 relative as that term is defined in section 13a of this chapter.
13 The court shall order the terms and conditions of probation or
14 supervision, including reasonable rules for the conduct of the
15 parents, guardian, or custodian, if any, as the court determines
16 necessary for the physical, mental, or moral well-being and
17 behavior of the juvenile. The court may order that the juvenile
18 participate in a juvenile drug treatment court under chapter 10A of
19 the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
20 600.1088. ~~The court also shall order, as a condition of probation~~
21 ~~or supervision, that the juvenile shall pay the minimum state cost~~
22 ~~prescribed by section 18m of this chapter.~~

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

1 (d) Except as otherwise provided in this subdivision, place
2 the juvenile in or commit the juvenile to a private institution or
3 agency approved or licensed by the department's division of child
4 welfare licensing for the care of juveniles of similar age, sex,
5 and characteristics. If the juvenile is not a ward of the court,
6 the court shall commit the juvenile to the department or, if the
7 county is a county juvenile agency, to that county juvenile agency
8 for placement in or commitment to an institution or agency as the
9 department or county juvenile agency determines is most
10 appropriate, subject to any initial level of placement the court
11 designates.

12 (e) Except as otherwise provided in this subdivision, commit
13 the juvenile to a public institution, county facility, institution
14 operated as an agency of the court or county, or agency authorized
15 by law to receive juveniles of similar age, sex, and
16 characteristics. If the juvenile is not a ward of the court, the
17 court shall commit the juvenile to the department or, if the county
18 is a county juvenile agency, to that county juvenile agency for
19 placement in or commitment to an institution or facility as the
20 department or county juvenile agency determines is most
21 appropriate, subject to any initial level of placement the court
22 designates. In a placement under subdivision (d) or a commitment
23 under this subdivision, except to a state institution or a county
24 juvenile agency, the juvenile's religious affiliation must be
25 protected by placement or commitment to a private child placing or
26 child caring agency or institution, if available. ~~Except for~~
27 ~~commitment to the department or a county juvenile agency, in an~~
28 ~~order of commitment under this subdivision to a state institution~~
29 ~~or agency described in the youth rehabilitation services act, 1974~~

1 ~~PA 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to~~
2 ~~400.214, the court shall name the superintendent of the institution~~
3 ~~where the juvenile is committed as a special guardian to receive~~
4 ~~benefits due the juvenile from the government of the United States.~~
5 ~~An order of commitment under this subdivision to the department or~~
6 ~~a county juvenile agency must name that agency as a special~~
7 ~~guardian to receive those benefits. The benefits received by the~~
8 ~~special guardian must be used to the extent necessary to pay for~~
9 ~~the portions of the cost of care in the institution or facility~~
10 ~~that the parent or parents are found unable to pay.~~

11 (f) Provide the juvenile with medical, dental, surgical, or
12 other health care, in a local hospital if available, or elsewhere,
13 maintaining as much as possible a local physician-patient
14 relationship, and with clothing and other incidental items the
15 court determines are necessary.

16 (g) Order the parents, guardian, custodian, or any other
17 person to refrain from continuing conduct that the court determines
18 has caused or tended to cause the juvenile to come within or to
19 remain under this chapter or that obstructs placement or commitment
20 of the juvenile by an order under this section.

21 (h) Appoint a guardian under section 5204 of the estates and
22 protected individuals code, 1998 PA 386, MCL 700.5204, in response
23 to a petition filed with the court by a person interested in the
24 juvenile's welfare. If the court appoints a guardian as authorized
25 by this subdivision, it may dismiss the petition under this
26 chapter.

27 (i) Order the juvenile to engage in community service. **The**
28 **court shall not order the juvenile or the juvenile's parent,**
29 **guardian, or legal custodian to pay for fees or costs associated**

1 **with community service.**

2 ~~(j) If the court finds that a juvenile has violated a~~
3 ~~municipal ordinance or a state or federal law, order the juvenile~~
4 ~~to pay a civil fine in the amount of the civil or penal fine~~
5 ~~provided by the ordinance or law. Money collected from fines levied~~
6 ~~under this subsection must be distributed as provided in section 29~~
7 ~~of this chapter.~~**The court shall not order the juvenile or the**
8 **juvenile's parent, guardian, or legal custodian to pay fines**
9 **associated with a violation of a municipal ordinance or a state or**
10 **federal law if another disposition under this section has been**
11 **ordered.**

12 (k) If the court finds that the juvenile has violated a court
13 order under section 2(a)(2) to (4) of this chapter, order the
14 juvenile to be placed in a secure facility. A court order under
15 this subdivision must state all of the following:

16 (i) The court order the juvenile violated.

17 (ii) The factual basis for determining that there was
18 reasonable cause to believe that the juvenile violated the court
19 order.

20 (iii) The court's finding of fact to support a determination
21 that there is no appropriate less restrictive alternative placement
22 available considering the best interests of the juvenile.

23 (iv) The length of time, not to exceed 7 days, that the
24 juvenile may remain in the secure facility and the plan for the
25 juvenile's release from the facility.

26 (v) That the order may not be renewed or extended.

27 (l) For a second or subsequent violation of a court order under
28 section 2(a)(2) to (4) of this chapter, issue a second or
29 subsequent order under subdivision (k), but only if the court finds

1 both of the following:

2 (i) The juvenile violated a court order after the date that the
3 court issued the first order under subdivision (k).

4 (ii) The court has procedures in place to ensure that a
5 juvenile held in a secure facility by a court order is not in
6 custody more than 7 days or the length of time authorized by the
7 court, whichever is shorter.

8 (m) If a juvenile is within the court's jurisdiction under
9 section 2(a)(1) of this chapter, order the juvenile's parent or
10 guardian to personally participate in treatment reasonably
11 available in the parent's or guardian's location.

12 (n) If a juvenile is within the court's jurisdiction under
13 section 2(a)(1) of this chapter, place the juvenile in and order
14 the juvenile to complete satisfactorily a program of training in a
15 juvenile boot camp established by the department under the juvenile
16 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
17 in that act. If the county is a county juvenile agency, the court
18 shall commit the juvenile to that county juvenile agency for
19 placement in the program under that act. Upon receiving a report of
20 satisfactory completion of the program from the department, the
21 court shall authorize the juvenile's release from placement in the
22 juvenile boot camp. Following satisfactory completion of the
23 juvenile boot camp program, the juvenile shall complete an
24 additional period of not less than 120 days or more than 180 days
25 of intensive supervised community reintegration in the juvenile's
26 local community. To place or commit a juvenile under this
27 subdivision, the court shall determine all of the following:

28 (i) Placement in a juvenile boot camp will benefit the
29 juvenile.

1 (ii) The juvenile is physically able to participate in the
2 program.

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

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

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

8 (vi) If the court must commit the juvenile to a county juvenile
9 agency, the county juvenile agency is able to place the juvenile in
10 a juvenile boot camp program.

11 (o) If the court entered a judgment of conviction under
12 section 2d of this chapter, enter any disposition under this
13 section or, if the court determines that the best interests of the
14 public would be served, impose any sentence upon the juvenile that
15 could be imposed upon an adult convicted of the offense for which
16 the juvenile was convicted. If the juvenile is convicted of a
17 violation or conspiracy to commit a violation of section
18 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,
19 the court may impose the alternative sentence permitted under that
20 section if the court determines that the best interests of the
21 public would be served. The court may delay imposing a sentence of
22 imprisonment under this subdivision for a period not longer than
23 the period during which the court has jurisdiction over the
24 juvenile under this chapter by entering an order of disposition
25 delaying imposition of sentence and placing the juvenile on
26 probation upon the terms and conditions it considers appropriate,
27 including any disposition under this section. If the court delays
28 imposing sentence under this section, section 18i of this chapter
29 applies. If the court imposes sentence, it shall enter a judgment

1 of sentence. If the court imposes a sentence of imprisonment, the
2 juvenile shall receive credit against the sentence for time served
3 before sentencing. In determining whether to enter an order of
4 disposition or impose a sentence under this subdivision, the court
5 shall consider all of the following factors, giving greater weight
6 to the seriousness of the offense and the juvenile's prior record:

7 (i) The seriousness of the offense in terms of community
8 protection, including, but not limited to, the existence of any
9 aggravating factors recognized by the sentencing guidelines, the
10 use of a firearm or other dangerous weapon, and the impact on any
11 victim.

12 (ii) The juvenile's culpability in committing the offense,
13 including, but not limited to, the level of the juvenile's
14 participation in planning and carrying out the offense and the
15 existence of any aggravating or mitigating factors recognized by
16 the sentencing guidelines.

17 (iii) The juvenile's prior record of delinquency including, but
18 not limited to, any record of detention, any police record, any
19 school record, or any other evidence indicating prior delinquent
20 behavior.

21 (iv) The juvenile's programming history, including, but not
22 limited to, the juvenile's past willingness to participate
23 meaningfully in available programming.

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

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

27 (p) In a proceeding under section 2(b) or (c) of this chapter,
28 if a juvenile is removed from the parent's custody at any time, the
29 court shall permit the juvenile's parent to have regular and

1 frequent parenting time with the juvenile. Parenting time between
2 the juvenile and ~~his or her~~ **the juvenile's** parent ~~shall~~ **must** not be
3 less than 1 time every 7 days unless the court determines either
4 that exigent circumstances require less frequent parenting time or
5 that parenting time, even if supervised, may be harmful to the
6 juvenile's life, physical health, or mental well-being. If the
7 court determines that parenting time, even if supervised, may be
8 harmful to the juvenile's life, physical health, or mental well-
9 being, the court may suspend parenting time until the risk of harm
10 no longer exists. The court may order the juvenile to have a
11 psychological evaluation or counseling, or both, to determine the
12 appropriateness and the conditions of parenting time.

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

1 ~~reimbursed and the money collected must be accounted for and~~
2 ~~reported to the county board of commissioners. Collections to cover~~
3 ~~delinquent accounts or to pay the balance due on reimbursement~~
4 ~~orders may be made after a juvenile is released or discharged from~~
5 ~~care outside the juvenile's own home and under state, county~~
6 ~~juvenile agency, or court supervision. Twenty-five percent of all~~
7 ~~amounts collected under an order entered under this subsection must~~
8 ~~be credited to the appropriate fund of the county to offset the~~
9 ~~administrative cost of collections. The balance of all amounts~~
10 ~~collected under an order entered under this subsection must be~~
11 ~~divided in the same ratio in which the county, state, and federal~~
12 ~~government participate in the cost of care outside the juvenile's~~
13 ~~own home and under state, county juvenile agency, or court~~
14 ~~supervision. The court may also collect from the government of the~~
15 ~~United States benefits paid for the cost of care of a court ward.~~
16 Money collected for juveniles placed by the court with or committed
17 to the department or a county juvenile agency must be accounted for
18 and reported on an individual juvenile basis. In cases of
19 delinquent accounts, the court may also enter an order to intercept
20 state or federal tax refunds of a juvenile, parent, guardian, or
21 custodian and initiate the necessary offset proceedings to recover
22 the cost of care or service. The court shall send to the person who
23 is the subject of the intercept order advance written notice of the
24 proposed offset. The notice must include notice of the opportunity
25 to contest the offset on the grounds that the intercept is not
26 proper because of a mistake of fact concerning the amount of the
27 delinquency or the identity of the person subject to the order. The
28 court shall provide for the prompt reimbursement of an amount
29 withheld in error or an amount found to exceed the delinquent

1 amount.

2 (3) ~~An order of disposition placing a juvenile in the~~
3 ~~juvenile's own home under subsection (1) (b) may contain a provision~~
4 ~~for reimbursement by the juvenile, parent, guardian, or custodian~~
5 ~~to the court for the cost of service. If an order is entered under~~
6 ~~this subsection, an amount due must be determined and treated in~~
7 ~~the same manner provided for an order entered under subsection~~
8 ~~(2).~~ **The court shall not order a juvenile or a juvenile's parent,**
9 **guardian, or legal custodian to pay for the costs of care,**
10 **services, court-appointed attorney representation, or other costs**
11 **or assessments related to the juvenile's court proceeding.**

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

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

23 (6) ~~The office of the state court administrator, under the~~
24 ~~supervision and direction of the supreme court, shall create~~
25 ~~guidelines that the court may use in determining the ability of the~~
26 ~~juvenile, parent, guardian, or custodian to pay for care and any~~
27 ~~costs of service ordered under subsection (2) or (3). The~~
28 ~~guidelines must take into account both the income and resources of~~
29 ~~the juvenile, parent, guardian, or custodian.~~

1 (5) ~~(7)~~—If the court finds that a juvenile comes under section
2 30 of this chapter, the court shall order the juvenile or the
3 juvenile's parent to pay restitution as provided in sections 30 and
4 31 of this chapter and in sections 44 and 45 of the William Van
5 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
6 780.795.

7 (6) ~~(8)~~—If the court imposes restitution as a condition of
8 probation, the court shall require the juvenile to do either of the
9 following as an additional condition of probation:

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

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

14 (7) ~~(9)~~—If the court finds that the juvenile is in intentional
15 default of the payment of restitution, a court may, as provided in
16 section 30 of this chapter, revoke or alter the terms and
17 conditions of probation for nonpayment of restitution. If a
18 juvenile who is ordered to engage in community service
19 intentionally refuses to perform the required community service,
20 the court may revoke or alter the terms and conditions of
21 probation. **The juvenile must not be placed outside of his or her**
22 **home solely based on nonpayment of restitution or inability to**
23 **perform community service.**

24 (8) ~~(10)~~—The court shall not enter an order of disposition for
25 a juvenile offense as defined in section 1a of 1925 PA 289, MCL
26 28.241a, or a judgment of sentence for a conviction until the court
27 has examined the court file and has determined that the juvenile's
28 biometric data have been collected and forwarded as required by
29 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's

1 fingerprints have been taken and forwarded as required by the sex
2 offenders registration act, 1994 PA 295, MCL 28.721 to 28.730. If a
3 juvenile's biometric data have not been collected or a juvenile has
4 not had ~~his or her~~ **the juvenile's** fingerprints taken, the court
5 shall do either of the following:

6 (a) Order the juvenile to submit himself or herself to the
7 police agency that arrested or obtained the warrant for the
8 juvenile's arrest so the juvenile's biometric data can be collected
9 and forwarded and ~~his or her~~ **the juvenile's** fingerprints can be
10 taken and forwarded.

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

14 **(9) A designated individual or agency shall conduct a risk and**
15 **needs assessment for each juvenile before disposition. The**
16 **following procedure applies to a risk and needs assessment**
17 **conducted under this subsection:**

18 (a) **The results of the risk and needs assessment, and a**
19 **dispositional recommendation made by the designated individual or**
20 **agency that performed the risk and needs assessment, must be shared**
21 **with the court and each party to the proceeding, including the**
22 **juvenile, counsel for the juvenile, and the prosecuting attorney.**

23 (b) **The results of the risk and needs assessment must be used**
24 **to inform a dispositional recommendation and to determine the most**
25 **appropriate disposition for the juvenile considering all of the**
26 **following factors:**

27 (i) **The least restrictive setting possible.**

28 (ii) **Public safety.**

29 (iii) **Victim interests.**

1 (iv) Rehabilitation of the juvenile.

2 (v) Improved juvenile outcomes, including, but not limited to,
3 educational advancement.

4 (10) The court shall consider the results of the risk and
5 needs assessment conducted under subsection (9) when making a
6 dispositional decision regarding a juvenile found within this
7 chapter, including, but not limited to, any of the following
8 decisions:

9 (a) Whether to place a juvenile under supervision, including
10 the length, level, and conditions of this supervision.

11 (b) Whether to place a juvenile on probation.

12 (c) Whether to place a juvenile in out-of-home care.

13 (11) For the duration of each order of disposition for a
14 juvenile found within this chapter, the court shall require a new
15 risk and needs assessment for the juvenile, to be conducted,
16 shared, and used in the same manner as described in subsection (9),
17 if any of the following conditions occur:

18 (a) Six months have passed since the juvenile's last risk and
19 needs assessment.

20 (b) The juvenile experiences a major life event.

21 (c) There is a major change in the juvenile's proceedings.

22 (12) A risk and needs assessment conducted under subsection
23 (9) must meet both of the following requirements:

24 (a) Be research based and nationally validated for use with
25 juveniles.

26 (b) Comply with the guidelines created under subsection (13).

27 (13) The state court administrative office, under the
28 supervision and direction of the supreme court, shall create
29 guidelines on the use of risk and needs assessments under this

1 section.

2 (14) A designated individual or agency that conducts risk and
3 needs assessments under subsection (9) must be trained on the
4 appropriate use of the applicable risk and needs assessment
5 selected by the court.

6 (15) A risk and needs assessment conducted as part of a
7 proceeding under this section and any information obtained from a
8 minor in the course of the assessment, including any admission,
9 confession, or incriminating evidence, are not admissible into
10 evidence in any adjudicatory hearing in which the minor is accused
11 and are not subject to subpoena or any other court process for use
12 in any other proceeding or for any other purpose.

13 (16) ~~(11)~~ Upon final disposition, conviction, acquittal, or
14 dismissal of an offense within the court's jurisdiction under
15 section 2(a)(1) of this chapter, using forms approved by the state
16 court administrator, the clerk of the court entering the final
17 disposition, conviction, acquittal, or dismissal shall immediately
18 advise the department of state police of that final disposition,
19 conviction, acquittal, or dismissal as required by section 3 of
20 1925 PA 289, MCL 28.243. The report to the department of state
21 police must include information as to the finding of the judge or
22 jury and a summary of the disposition or sentence imposed.

23 ~~(12) If the court enters an order of disposition based on an~~
24 ~~act that is a juvenile offense as defined in section 1 of 1989 PA~~
25 ~~196, MCL 780.901, the court shall order the juvenile to pay the~~
26 ~~assessment as provided in that act. If the court enters a judgment~~
27 ~~of conviction under section 2d of this chapter for an offense that~~
28 ~~is a felony, misdemeanor, or ordinance violation, the court shall~~
29 ~~order the juvenile to pay the assessment as provided in 1989 PA~~

1 ~~196, MCL 780.901 to 780.911.~~

2 (17) ~~(13)~~—If the court has entered an order of disposition or
3 a judgment of conviction for a listed offense as **that term is**
4 defined in section 2 of the sex offenders registration act, 1994 PA
5 295, MCL 28.722, the court, the department, or the county juvenile
6 agency shall register the juvenile or accept the juvenile's
7 registration as provided in the sex offenders registration act,
8 1994 PA 295, MCL 28.721 to 28.730.

9 (18) ~~(14)~~—If the court enters an order of disposition placing
10 a juvenile in a juvenile boot camp program, or committing a
11 juvenile to a county juvenile agency for placement in a juvenile
12 boot camp program, and the court receives from the department a
13 report that the juvenile has failed to perform satisfactorily in
14 the program, that the juvenile does not meet the program's
15 requirements or is medically unable to participate in the program
16 for more than 25 days, that there is no opening in a juvenile boot
17 camp program, or that the county juvenile agency is unable to place
18 the juvenile in a juvenile boot camp program, the court shall
19 release the juvenile from placement or commitment and enter an
20 alternative order of disposition. A juvenile must not be placed in
21 a juvenile boot camp under an order of disposition more than once,
22 except that a juvenile returned to the court for a medical
23 condition, because there was no opening in a juvenile boot camp
24 program, or because the county juvenile agency was unable to place
25 the juvenile in a juvenile boot camp program may be placed again in
26 the juvenile boot camp program after the medical condition is
27 corrected, an opening becomes available, or the county juvenile
28 agency is able to place the juvenile.

29 (19) ~~(15)~~—If the juvenile is within the court's jurisdiction

1 under section 2(a)(1) of this chapter for an offense other than a
2 listed offense as **that term is** defined in section 2 of the sex
3 offenders registration act, 1994 PA 295, MCL 28.722, the court
4 shall determine if the offense is a violation of a law of this
5 state or a local ordinance of a municipality of this state that by
6 its nature constitutes a sexual offense against an individual who
7 is less than 18 years of age. If so, the order of disposition is
8 for a listed offense as **that term is** defined in section 2 of the
9 sex offenders registration act, 1994 PA 295, MCL 28.722, and the
10 court shall include the basis for that determination on the record
11 and include the determination in the order of disposition.

12 (20) ~~(16)~~—The court shall not impose a sentence of
13 imprisonment in the county jail under subsection (1)(o) unless the
14 present county jail facility for the juvenile's imprisonment meets
15 all requirements under federal law and regulations for housing
16 juveniles. The court shall not impose the sentence until it
17 consults with the sheriff to determine when the sentence will begin
18 to ensure that space will be available for the juvenile.

19 (21) ~~(17)~~—In a proceeding under section 2(h) of this chapter,
20 this section only applies to a disposition for a violation of a
21 personal protection order and subsequent proceedings.

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

25 ~~(19) A juvenile who has been ordered to pay the minimum state~~
26 ~~cost as provided in section 18m of this chapter as a condition of~~
27 ~~probation or supervision and who is not in willful default of the~~
28 ~~payment of the minimum state cost may petition the court at any~~
29 ~~time for a remission of the payment of any unpaid portion of the~~

1 ~~minimum state cost. If the court determines that payment of the~~
2 ~~amount due will impose a manifest hardship on the juvenile or his~~
3 ~~or her immediate family, the court may remit all or part of the~~
4 ~~amount of the minimum state cost due or modify the method of~~
5 ~~payment.~~

6 Sec. 28. (1) Before June 1, 1988, the court shall maintain
7 records of all cases brought before it and as provided in the
8 juvenile diversion act. The records are open only by court order to
9 persons having a legitimate interest, except that diversion records
10 are open only as provided in the juvenile diversion act.

11 (2) Beginning June 1, 1988, the court shall maintain records
12 of all cases brought before it and as provided in the juvenile
13 diversion act. Except as otherwise provided in this subsection,
14 until December 31, 2020, records of a case brought before the court
15 are open to the general public. Diversion records are open only as
16 provided in the juvenile diversion act. Except as otherwise
17 provided in section 49 of the William Van Regenmorter crime
18 victim's rights act, 1985 PA 87, MCL 780.799, if the hearing of a
19 case brought before the court is closed under section 17 of this
20 chapter, the records of that hearing are open only by court order
21 to persons having a legitimate interest.

22 (3) Beginning January 1, 2021, except as otherwise provided,
23 records of a case brought before the court are not open to the
24 general public and are open only to persons having a legitimate
25 interest. Diversion records are open only as provided in the
26 juvenile diversion act. Except as otherwise provided in section 49
27 of the William Van Regenmorter crime victim's rights act, 1985 PA
28 87, MCL 780.799, if the hearing of a case brought before the court
29 is closed under section 17 of this chapter, the records of that

1 hearing are open only by court order to persons having a legitimate
2 interest.

3 ~~(4) If the court issues an order in respect to payments by a~~
4 ~~parent under section 18(2) of this chapter, a copy must be mailed~~
5 ~~to the department of treasury.~~ Action taken against parents or
6 adults must not be released for publicity unless the parents or
7 adults are found guilty of contempt of court. The court shall
8 furnish the department and a county juvenile agency with reports of
9 the administration of the court in a form recommended by the
10 Michigan Probate Judges Association. Copies of these reports must,
11 upon request, be made available to other state departments by the
12 department.

13 (5) As used in this section:

14 (a) "Child placing agency" means that term as defined in
15 section 1 of 1973 PA 116, MCL 722.111.

16 (b) "Indian child" and "Indian child's tribe" mean those terms
17 as defined in section 3 of the Michigan Indian family preservation
18 act, chapter XIIB of the probate code of 1939, 1939 PA 288, MCL
19 712B.3.

20 (c) "Juvenile diversion act" means the juvenile diversion act,
21 1988 PA 13, MCL 722.821 to 722.831.

22 (d) "Persons having a legitimate interest" includes, but is
23 not limited to, the juvenile, the juvenile's parent, the juvenile's
24 guardian or legal custodian, the juvenile's guardian ad litem,
25 counsel for the juvenile, the department or a licensed child caring
26 institution or child placing agency under contract with the
27 department to provide for the juvenile's care and supervision if
28 related to an investigation of child neglect or child abuse, law
29 enforcement personnel, a prosecutor, a member of a local foster

1 care review board established under 1984 PA 422, MCL 722.131 to
2 722.139a, the Indian child's tribe if the juvenile is an Indian
3 child, and a court of this state.

4 Sec. 29. (1) If a child is subject to ~~any combination of~~
5 ~~finer, costs, restitution, assessments, or payments~~ arising out of
6 the same order of disposition, money collected from that child, or
7 ~~his or her~~ **the child's** parent or parents, for the payment of ~~finer,~~
8 ~~costs, restitution, assessments, or other payments~~ shall ~~shall~~ **must** be
9 allocated as provided in this section.

10 (2) ~~Except as otherwise provided in this subsection, if~~ **If** a
11 child is subject to payment of **crime** victim payments and any
12 ~~combination of other fines, costs, assessments, or other payments,~~
13 ~~50%–100%~~ of the money collected from that child, or ~~his or her~~ **the**
14 **child's** parent or parents, shall ~~shall~~ **must first** be applied to **the**
15 payment of victim payments, and the balance shall be applied to
16 ~~payment of fines, costs, and other assessments or payments. If~~
17 ~~fines, costs, or other assessments or payments remain unpaid after~~
18 ~~all victim payments have been paid, additional money collected~~
19 ~~shall be applied to payment of those fines, costs, or other~~
20 ~~assessments or payments. If victim payments remain unpaid after all~~
21 ~~fines, costs, or other assessments or payments have been paid,~~
22 ~~additional money collected shall be applied toward payment of those~~
23 ~~victim payments.~~ **restitution to a victim or victim's estate before**
24 **the balance can be applied to assessments to the crime victim**
25 **rights fund.**

26 (3) ~~In cases involving orders of disposition for offenses that~~
27 ~~would be violations of state law if committed by an adult, money~~
28 ~~allocated under subsection (2) for payment of fines, costs, and~~
29 ~~assessments or payments other than victim payments shall be applied~~

1 ~~in the following order of priority:~~

2 ~~(a) Payment of the minimum state cost prescribed in section 1j~~
 3 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~
 4 ~~769.1j.~~

5 ~~(b) Payment of other costs.~~

6 ~~(c) Payment of fines.~~

7 ~~(d) Payment of assessments and other payments.~~

8 ~~(4) In cases involving orders of disposition for offenses that~~
 9 ~~would be violations of local ordinances if committed by an adult,~~
 10 ~~money allocated under subsection (2) for payment of fines, costs,~~
 11 ~~and assessments or payments other than victim payments shall be~~
 12 ~~applied in the following order of priority:~~

13 ~~(a) Payment of the minimum state cost prescribed in section 1j~~
 14 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~
 15 ~~769.1j.~~

16 ~~(b) Payment of fines and other costs.~~

17 ~~(c) Payment of assessments and other payments.~~

18 ~~(5) Money allocated for payment of costs under subsection (3)~~
 19 ~~shall be paid to the county treasurer for deposit in the general~~
 20 ~~fund of the county. Money allocated for payment of fines under~~
 21 ~~subsection (3) shall be paid to the county treasurer to be used for~~
 22 ~~library purposes as provided by law.~~

23 ~~(6) One-third of the money allocated for payment of fines and~~
 24 ~~costs under subsection (4) shall be paid to the treasurer of the~~
 25 ~~political subdivision whose ordinance was violated, and 2/3 of that~~
 26 ~~money shall be paid to the county treasurer for deposit in the~~
 27 ~~general fund of the county.~~

28 ~~(3) (7)~~As used in this section, "**crime** victim payment" means
 29 restitution ordered under sections 30 and 31 **of this chapter** and

1 under the **William Van Regenmorter** crime victim's rights act, 1985
2 PA 87, MCL 780.751 to 780.834, paid to the victim or the victim's
3 estate, but not to a person who reimbursed the victim for his or
4 her loss. ~~7 or an assessment~~ **Crime victim payment also includes**
5 **assessments to the crime victim rights fund** ordered under section 5
6 of 1989 PA 196, MCL 780.905.

7 **Sec. 29a. (1) The court shall not order a juvenile within the**
8 **court's jurisdiction under section 2(a)(1) or (f) of this chapter**
9 **or the juvenile's parent, guardian, or legal custodian to reimburse**
10 **the court for any fine, fees, or costs related to the juvenile's**
11 **court case.**

12 **(2) Beginning October 1, 2024, the court shall not collect the**
13 **balance of any court-ordered fines, fees, or costs previously**
14 **assessed to a juvenile under section 29 of this chapter, or former**
15 **section 18m of this chapter, and only the portion of any court**
16 **order that imposed those fines, fees, or costs is vacated and**
17 **unenforceable.**

18 Enacting section 1. Section 18m of chapter XIIA of the probate
19 code of 1939, 1939 PA 288, MCL 712A.18m, is repealed.

20 Enacting section 2. This amendatory act takes effect October
21 1, 2024.

22 Enacting section 3. This amendatory act does not take effect
23 unless all of the following bills of the 102nd Legislature are
24 enacted into law:

25 (a) Senate Bill No. 421.

26 (b) Senate Bill No. 429.

27 (c) House Bill No. 4628.

28 (d) House Bill No. 4633.

29 (e) House Bill No. 4636.

1 (f) House Bill No. 4637.