



SENATE BILL No. 460

April 20, 1995, Introduced by Senator BOUCHARD and referred to the Committee on Education.

A bill to amend section 11 of chapter XIIIA of Act No. 288 of the Public Acts of 1939, entitled as amended

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

as amended by Act No. 92 of the Public Acts of 1988, being section 712A.11 of the Michigan Compiled Laws; and to add section 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 11 of chapter XIIIA of Act No. 288 of the
2 Public Acts of 1939, as amended by Act No. 92 of the Public Acts
3 of 1988, being section 712A.11 of the Michigan Compiled Laws, is
4 amended and section 32 is added to read as follows:

5 CHAPTER XIIIA

6 Sec. 11. (1) ~~Before June 1, 1988, if a person gives infor-~~
7 ~~mation to the juvenile division of the probate court that a child~~
8 ~~is within the provisions of this chapter, a preliminary inquiry~~
9 ~~may be made to determine whether the interests of the public or~~
10 ~~of the child require that further action be taken. If it appears~~
11 ~~that formal jurisdiction should be acquired, the court shall~~
12 ~~authorize a petition to be filed. (2) Beginning June 1, 1988 and~~
13 ~~except as provided in subsection (3), if~~ IF a person gives
14 information to the juvenile division of the probate court that a
15 child is within section 2(a)(2) to ~~(6)~~ (4), (b), (c), or (d) of
16 this chapter, a preliminary inquiry may be made to determine
17 whether the interests of the public or of the child require that
18 further action be taken. If it appears that formal jurisdiction
19 should be acquired, the court shall authorize a petition to be
20 filed.

21 (2) ~~(3) Beginning June 1, 1988, only~~ ONLY the prosecuting
22 attorney may file a petition requesting the court to take juris-
23 diction of a child allegedly within section 2(a)(1) of this
24 chapter. If the prosecuting attorney submits a petition request-
25 ing the court to take jurisdiction of a child allegedly within
26 section 2(a)(1) of this chapter and, EXCEPT AS PROVIDED IN

1 SECTION 32, it appears that formal jurisdiction should be
2 acquired, the court shall authorize a petition to be filed.

3 (3) ~~(4)~~ The petition described in subsections (1) ~~—~~ AND
4 (2) ~~—, and (3),~~ shall be verified and may be upon information
5 and belief. The petition shall set forth plainly the facts that
6 bring the child within this chapter and shall contain all of the
7 following information:

8 (a) The name, birth date, and address of the child.

9 (b) The name and address of the child's parents.

10 (c) The name and address of the child's legal guardian, if
11 there is one.

12 (d) The name and address of each person having custody or
13 control of the child.

14 (e) The name and address of the child's nearest known rela-
15 tive, if no parent or guardian can be found.

16 (4) ~~(5)~~ If ~~any of the facts~~ A FACT required by subsec-
17 tion ~~(4)~~ are (3) IS not known to the petitioner, the petition
18 shall so state. If the child attains his or her seventeenth
19 birthday after the filing of the petition, the jurisdiction of
20 the court ~~shall continue~~ CONTINUES beyond the child's seven-
21 teenth birthday, and the court ~~shall have~~ HAS authority to hear
22 and dispose of the petition in accordance with this chapter.

23 (5) ~~(6)~~ ~~Beginning June 1, 1988, at~~ AT the time a petition
24 is authorized, the court shall examine the court file to deter-
25 mine if a child has had fingerprints taken as required by
26 section 3 of Act No. 289 of the Public Acts of 1925, being
27 section 28.243 of the Michigan Compiled Laws. If a child has not

1 had his or her fingerprints taken, the court shall do either of
2 the following:

3 (a) Order the child to submit himself or herself to the
4 police agency that arrested or obtained the warrant for the
5 arrest of the child so the child's fingerprints can be taken.

6 (b) Order the child committed to the custody of the sheriff
7 for the taking of the child's fingerprints.

8 (6) ~~(7)~~ A petition or other court record may be amended at
9 any stage of the proceedings, as the ends of justice may
10 require.

11 (7) ~~(8)~~ If the juvenile diversion act, ACT NO. 13 OF THE
12 PUBLIC ACTS OF 1988, BEING SECTIONS 722.821 TO 722.831 OF THE
13 MICHIGAN COMPILED LAWS, is complied with and it appears that
14 court services can be used in the prevention of delinquency with-
15 out formal jurisdiction, the court may offer court services to
16 children without a petition being authorized as provided in
17 section 2(e) of this chapter.

18 SEC. 32. (1) IF A CHILD IS EXPELLED FROM SCHOOL FOR UNLAW-
19 FUL POSSESSION OF A FIREARM OR OTHER DANGEROUS WEAPON AS PROVIDED
20 IN SECTION 1311 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE
21 PUBLIC ACTS OF 1976, BEING SECTION 380.1311 OF THE MICHIGAN
22 COMPILED LAWS, THE LAW ENFORCEMENT AGENCY WITHIN WHOSE JURISDIC-
23 TION THE SCHOOL IS LOCATED SHALL INFORM THE PROSECUTING
24 ATTORNEY. THE PROSECUTING ATTORNEY SHALL FILE A PETITION WITH
25 THE JUVENILE DIVISION OF THE PROBATE COURT ALLEGING THAT THE
26 CHILD IS WITHIN SECTION 2(A)(1) OF THIS CHAPTER, AND THE PROBATE
27 COURT SHALL AUTHORIZE THE FILING OF THAT PETITION.

1 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, A
2 PETITION FILED AND AUTHORIZED AS PROVIDED IN THIS SECTION SHALL
3 NOT BE DISMISSED. IN ADDITION TO ANY OTHER DISPOSITION ORDERED
4 UNDER THIS CHAPTER IN A MATTER GOVERNED BY THIS SECTION, THE
5 ORDER OF DISPOSITION SHALL INCLUDE AN OFFER OF ALTERNATIVE EDUCA-
6 TION FOR THE CHILD IN A PROGRAM INTENDED FOR JUVENILE
7 DELINQUENTS. IN A COUNTY THAT HAS A PROGRAM THAT PROVIDES SUCH
8 ALTERNATIVE EDUCATION, THE CHILD SHALL BE ENTERED IN THAT
9 PROGRAM. THE COST OF ALTERNATIVE EDUCATION PROVIDED UNDER THIS
10 SECTION SHALL BE PAID BY THE STATE SCHOOL AID FUND ESTABLISHED BY
11 SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963.