

SUBSTITUTE FOR
SENATE BILL NO. 421

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 18 of chapter XIIA (MCL 712A.18), as amended by
2022 PA 209.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIA

2 Sec. 18. (1) If the court finds that a juvenile concerning
3 whom a petition is filed is not within this chapter, the court
4 shall enter an order dismissing the petition. Except as otherwise
5 provided in subsection (10) **and subject to subsection (11)**, if the
6 court finds that a juvenile is within this chapter, the court shall
7 order the juvenile returned to ~~his or her~~ **the juvenile's** parent if
8 the return of the juvenile to ~~his or her~~ **the juvenile's** parent

1 would not cause a substantial risk of harm to the juvenile or
2 society. ~~The Subject to subsection (11), 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), dismiss the
8 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 **to** the juvenile from the government of the United
5 States. An order of commitment under this subdivision to the
6 department or a county juvenile agency must name **the department or**
7 that agency as a special guardian to receive those benefits. The
8 benefits received by the special guardian must be used to the
9 extent necessary to pay for the portions of the cost of care in the
10 institution or facility that the parent or parents are found unable
11 to pay.

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

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

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

28 (i) Order the juvenile to engage in community service.

29 (j) If the court finds that a juvenile has violated a

1 municipal ordinance or a state or federal law, order the juvenile
2 to pay a civil fine in the amount of the civil or penal fine
3 provided by the ordinance or law. Money collected from fines levied
4 under this subsection must be distributed as provided in section 29
5 of this chapter.

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

10 (i) The court order the juvenile violated.

11 (ii) The factual basis for determining that there was
12 reasonable cause to believe that the juvenile violated the court
13 order.

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

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

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

21 (l) For a second or subsequent violation of a court order under
22 section 2(a)(2) to (4) of this chapter, issue a second or
23 subsequent order under subdivision (k), but only if the court finds
24 both of the following:

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

27 (ii) The court has procedures in place to ensure that a
28 juvenile held in a secure facility by a court order is not in
29 custody more than 7 days or the length of time authorized by the

1 court, whichever is shorter.

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

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

22 (i) Placement in a juvenile boot camp will benefit the
23 juvenile.

24 (ii) The juvenile is physically able to participate in the
25 program.

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

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

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

2 (vi) If the court must commit the juvenile to a county juvenile
3 agency, the county juvenile agency is able to place the juvenile in
4 a juvenile boot camp program.

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

1 (i) The seriousness of the offense in terms of community
2 protection, including, but not limited to, the existence of any
3 aggravating factors recognized by the sentencing guidelines, the
4 use of a firearm or other dangerous weapon, and the impact on any
5 victim.

6 (ii) The juvenile's culpability in committing the offense,
7 including, but not limited to, the level of the juvenile's
8 participation in planning and carrying out the offense and the
9 existence of any aggravating or mitigating factors recognized by
10 the sentencing guidelines.

11 (iii) The juvenile's prior record of delinquency including, but
12 not limited to, any record of detention, any police record, any
13 school record, or any other evidence indicating prior delinquent
14 behavior.

15 (iv) The juvenile's programming history, including, but not
16 limited to, the juvenile's past willingness to participate
17 meaningfully in available programming.

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

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

21 (p) In a proceeding under section 2(b) or (c) of this chapter,
22 if a juvenile is removed from the parent's custody at any time, the
23 court shall permit the juvenile's parent to have regular and
24 frequent parenting time with the juvenile. Parenting time between
25 the juvenile and ~~his or her~~ **the juvenile's** parent ~~shall~~ **must** not be
26 less than 1 time every 7 days unless the court determines either
27 that exigent circumstances require less frequent parenting time or
28 that parenting time, even if supervised, may be harmful to the
29 juvenile's life, physical health, or mental well-being. If the

1 court determines that parenting time, even if supervised, may be
2 harmful to the juvenile's life, physical health, or mental well-
3 being, the court may suspend parenting time until the risk of harm
4 no longer exists. The court may order the juvenile to have a
5 psychological evaluation or counseling, or both, to determine the
6 appropriateness and the conditions of parenting time.

7 (2) An order of disposition placing a juvenile in or
8 committing a juvenile to care outside of the juvenile's own home
9 and under state, county juvenile agency, or court supervision must
10 contain a provision for reimbursement by the juvenile, parent,
11 guardian, or custodian to the court for the cost of care or
12 service. The order ~~shall~~**must** be reasonable, taking into account
13 both the income and resources of the juvenile, parent, guardian, or
14 custodian. The amount may be based upon the guidelines ~~and model~~
15 ~~schedule~~ created under subsection (6). If the juvenile is receiving
16 an adoption assistance under sections 115f to 115m or 115t of the
17 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m and
18 400.115t, the amount must not exceed the amount of the support
19 subsidy. The reimbursement provision applies during the entire
20 period the juvenile remains in care outside of the juvenile's own
21 home and under state, county juvenile agency, or court supervision,
22 unless the juvenile is in the permanent custody of the court. The
23 court shall provide for the collection of all amounts ordered to be
24 reimbursed and the money collected must be accounted for and
25 reported to the county board of commissioners. Collections to cover
26 delinquent accounts or to pay the balance due on reimbursement
27 orders may be made after a juvenile is released or discharged from
28 care outside the juvenile's own home and under state, county
29 juvenile agency, or court supervision. Twenty-five percent of all

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

25 (3) An order of disposition placing a juvenile in the
26 juvenile's own home under subsection (1) (b) may contain a provision
27 for reimbursement by the juvenile, parent, guardian, or custodian
28 to the court for the cost of service. If an order is entered under
29 this subsection, an amount due must be determined and treated in

1 the same manner provided for an order entered under subsection (2).

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

9 (5) If the court appoints an attorney to represent a juvenile,
10 parent, guardian, or custodian, the court may require in an order
11 entered under this section that the juvenile, parent, guardian, or
12 custodian reimburse the court for attorney fees.

13 (6) The ~~office of the state court administrator,~~
14 **administrative office**, under the supervision and direction of the
15 supreme court, shall create guidelines that the court may use in
16 determining the ability of the juvenile, parent, guardian, or
17 custodian to pay for care and any costs of service ordered under
18 subsection (2) or (3). The guidelines must take into account both
19 the income and resources of the juvenile, parent, guardian, or
20 custodian.

21 (7) If the court finds that a juvenile comes under section 30
22 of this chapter, the court shall order the juvenile or the
23 juvenile's parent to pay restitution as provided in sections 30 and
24 31 of this chapter and in sections 44 and 45 of the William Van
25 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
26 780.795.

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

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

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

5 (9) If the court finds that the juvenile is in intentional
6 default of the payment of restitution, a court may, as provided in
7 section 30 of this chapter, revoke or alter the terms and
8 conditions of probation for nonpayment of restitution. If a
9 juvenile who is ordered to engage in community service
10 intentionally refuses to perform the required community service,
11 the court may revoke or alter the terms and conditions of
12 probation.

13 (10) The court shall not enter an order of disposition for a
14 juvenile offense as defined in section 1a of 1925 PA 289, MCL
15 28.241a, or a judgment of sentence for a conviction until the court
16 has examined the court file and has determined that the juvenile's
17 biometric data have been collected and forwarded as required by
18 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
19 fingerprints have been taken and forwarded as required by the sex
20 offenders registration act, 1994 PA 295, MCL 28.721 to 28.730. If a
21 juvenile's biometric data have not been collected or a juvenile has
22 not had ~~his or her~~ **the juvenile's** fingerprints taken, the court
23 shall do either of the following:

24 (a) Order the juvenile to submit himself or herself to the
25 police agency that arrested or obtained the warrant for the
26 juvenile's arrest so the juvenile's biometric data can be collected
27 and forwarded and ~~his or her~~ **the juvenile's** fingerprints can be
28 taken and forwarded.

29 (b) Order the juvenile committed to the sheriff's custody for

1 collecting and forwarding the juvenile's biometric data and taking
2 and forwarding the juvenile's fingerprints.

3 (11) A designated individual or agency shall conduct a risk
4 and needs assessment for each juvenile before disposition. The
5 following procedure applies to a risk and needs assessment
6 conducted under this subsection:

7 (a) The results of the risk and needs assessment, and a
8 dispositional recommendation made by the designated individual or
9 agency that performed the risk and needs assessment, must be shared
10 with the court and each party to the proceeding, including the
11 juvenile, counsel for the juvenile, and the prosecuting attorney.

12 (b) The results of the risk and needs assessment must be used
13 to inform a dispositional recommendation and to determine the most
14 appropriate disposition for the juvenile considering all of the
15 following factors:

16 (i) The least restrictive setting possible.

17 (ii) Public safety.

18 (iii) Victim interests.

19 (iv) Rehabilitation of the juvenile.

20 (v) Improved juvenile outcomes, including, but not limited to,
21 educational advancement.

22 (12) The court shall consider the results of the risk and
23 needs assessment conducted under subsection (11) when making a
24 dispositional decision regarding a juvenile found within this
25 chapter, including, but not limited to, any of the following
26 decisions:

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

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

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

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

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

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

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

11 (14) A risk and needs assessment conducted under subsection
12 (11) must meet both of the following requirements:

13 (a) Be research based and nationally validated for use with
14 juveniles.

15 (b) Comply with the guidelines created under subsection (15).

16 (15) The state court administrative office, under the
17 supervision and direction of the supreme court, shall create
18 guidelines on the use of risk and needs assessments under this
19 section.

20 (16) A designated individual or agency that conducts risk and
21 needs assessments under subsection (11) must be trained on the
22 appropriate use of the applicable risk and needs assessment
23 selected by the court.

24 (17) A risk and needs assessment conducted as part of a
25 proceeding under this section and any information obtained from a
26 minor in the course of the assessment, including any admission,
27 confession, or incriminating evidence, are not admissible into
28 evidence in any adjudicatory hearing in which the minor is accused
29 and are not subject to subpoena or any other court process for use

1 **in any other proceeding or for any other purpose.**

2 (18) ~~(11)~~—Upon final disposition, conviction, acquittal, or
3 dismissal of an offense within the court's jurisdiction under
4 section 2(a)(1) of this chapter, using forms approved by the state
5 court administrator, the clerk of the court entering the final
6 disposition, conviction, acquittal, or dismissal shall immediately
7 advise the department of state police of that final disposition,
8 conviction, acquittal, or dismissal as required by section 3 of
9 1925 PA 289, MCL 28.243. The report to the department of state
10 police must include information as to the finding of the judge or
11 jury and a summary of the disposition or sentence imposed.

12 (19) ~~(12)~~—If the court enters an order of disposition based on
13 an act that is a juvenile offense as **that term is** defined in
14 section 1 of 1989 PA 196, MCL 780.901, the court shall order the
15 juvenile to pay the assessment as provided in that act. If the
16 court enters a judgment of conviction under section 2d of this
17 chapter for an offense that is a felony, misdemeanor, or ordinance
18 violation, the court shall order the juvenile to pay the assessment
19 as provided in 1989 PA 196, MCL 780.901 to 780.911.

20 (20) ~~(13)~~—If the court has entered an order of disposition or
21 a judgment of conviction for a listed offense as **that term is**
22 defined in section 2 of the sex offenders registration act, 1994 PA
23 295, MCL 28.722, the court, the department, or the county juvenile
24 agency shall register the juvenile or accept the juvenile's
25 registration as provided in the sex offenders registration act,
26 1994 PA 295, MCL 28.721 to 28.730.

27 (21) ~~(14)~~—If the court enters an order of disposition placing
28 a juvenile in a juvenile boot camp program, or committing a
29 juvenile to a county juvenile agency for placement in a juvenile

1 boot camp program, and the court receives from the department a
2 report that the juvenile has failed to perform satisfactorily in
3 the program, that the juvenile does not meet the program's
4 requirements or is medically unable to participate in the program
5 for more than 25 days, that there is no opening in a juvenile boot
6 camp program, or that the county juvenile agency is unable to place
7 the juvenile in a juvenile boot camp program, the court shall
8 release the juvenile from placement or commitment and enter an
9 alternative order of disposition. A juvenile must not be placed in
10 a juvenile boot camp under an order of disposition more than once,
11 except that a juvenile returned to the court for a medical
12 condition, because there was no opening in a juvenile boot camp
13 program, or because the county juvenile agency was unable to place
14 the juvenile in a juvenile boot camp program may be placed again in
15 the juvenile boot camp program after the medical condition is
16 corrected, an opening becomes available, or the county juvenile
17 agency is able to place the juvenile.

18 (22) ~~(15)~~—If the juvenile is within the court's jurisdiction
19 under section 2(a)(1) of this chapter for an offense other than a
20 listed offense as **that term is** defined in section 2 of the sex
21 offenders registration act, 1994 PA 295, MCL 28.722, the court
22 shall determine if the offense is a violation of a law of this
23 state or a local ordinance of a municipality of this state that by
24 its nature constitutes a sexual offense against an individual who
25 is less than 18 years of age. If so, the order of disposition is
26 for a listed offense as **that term is** defined in section 2 of the
27 sex offenders registration act, 1994 PA 295, MCL 28.722, and the
28 court shall include the basis for that determination on the record
29 and include the determination in the order of disposition.

1 **(23)** ~~(16)~~—The court shall not impose a sentence of
 2 imprisonment in the county jail under subsection (1)(o) unless the
 3 present county jail facility for the juvenile's imprisonment meets
 4 all requirements under federal law and regulations for housing
 5 juveniles. The court shall not impose the sentence until it
 6 consults with the sheriff to determine when the sentence will begin
 7 to ensure that space will be available for the juvenile.

8 **(24)** ~~(17)~~—In a proceeding under section 2(h) of this chapter,
 9 this section only applies to a disposition for a violation of a
 10 personal protection order and subsequent proceedings.

11 **(25)** ~~(18)~~—If a juvenile is within the court's jurisdiction
 12 under section 2(a)(1) of this chapter, the court shall order the
 13 juvenile to pay costs as provided in section 18m of this chapter.

14 **(26)** ~~(19)~~—A juvenile who has been ordered to pay the minimum
 15 state cost as provided in section 18m of this chapter as a
 16 condition of probation or supervision and who is not in willful
 17 default of the payment of the minimum state cost may petition the
 18 court at any time for a remission of the payment of any unpaid
 19 portion of the minimum state cost. If the court determines that
 20 payment of the amount due will impose a manifest hardship on the
 21 juvenile or ~~his or her~~ **the juvenile's** immediate family, the court
 22 may remit all or part of the amount of the minimum state cost due
 23 or modify the method of payment.

24 Enacting section 1. This amendatory act takes effect October
 25 1, 2024.

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