

1 provided in subsection (10), if the court finds that a juvenile is
2 within this chapter, the court shall order the juvenile returned to
3 ~~his or her~~ **the juvenile's** parent if the return of the juvenile to
4 ~~his or her~~ **the juvenile's** parent would not cause a substantial risk
5 of harm to the juvenile or society. The court may also enter any of
6 the following orders of disposition that are appropriate for the
7 welfare of the juvenile and society in view of the facts proven and
8 ascertained:

9 (a) Warn the juvenile or the juvenile's parents, guardian, or
10 custodian and, except as provided in subsection (7), dismiss the
11 petition.

12 (b) Place the juvenile on probation, or under supervision in
13 the juvenile's own home or in the home of an adult who is related
14 to the juvenile. As used in this subdivision, "related" means a
15 relative as that term is defined in section 13a of this chapter.
16 The court shall order the terms and conditions of probation or
17 supervision, including reasonable rules for the conduct of the
18 parents, guardian, or custodian, if any, as the court determines
19 necessary for the physical, mental, or moral well-being and
20 behavior of the juvenile. The court may order that the juvenile
21 participate in a juvenile drug treatment court under chapter 10A of
22 the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
23 600.1088. The court also shall order, as a condition of probation
24 or supervision, that the juvenile shall pay the minimum state cost
25 prescribed by section 18m of this chapter.

26 (c) If a juvenile is within the court's jurisdiction under
27 section 2(a) of this chapter, or under section 2(h) of this chapter
28 for a supplemental petition, place the juvenile in a suitable
29 foster care home subject to the court's supervision. If a juvenile

1 is within the court's jurisdiction under section 2(b) of this
2 chapter, the court shall not place a juvenile in a foster care home
3 subject to the court's supervision.

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

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

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

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

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

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

1 (i) Order the juvenile to engage in 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.

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

12 (i) The court order the juvenile violated.

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

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

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

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

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

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

29 (ii) The court has procedures in place to ensure that a

1 juvenile held in a secure facility by a court order is not in
2 custody more than 7 days or the length of time authorized by the
3 court, whichever is shorter.

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

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

24 (i) Placement in a juvenile boot camp will benefit the
25 juvenile.

26 (ii) The juvenile is physically able to participate in the
27 program.

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

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

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

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

7 (o) If the court entered a judgment of conviction under
8 section 2d of this chapter, enter any disposition under this
9 section or, if the court determines that the best interests of the
10 public would be served, impose any sentence upon the juvenile that
11 could be imposed upon an adult convicted of the offense for which
12 the juvenile was convicted, **other than imprisonment for life**
13 **without parole eligibility**. If the juvenile is convicted of a
14 violation or conspiracy to commit a violation of section
15 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,
16 the court may impose the alternative sentence permitted under that
17 section if the court determines that the best interests of the
18 public would be served. The court may delay imposing a sentence of
19 imprisonment under this subdivision for a period not longer than
20 the period during which the court has jurisdiction over the
21 juvenile under this chapter by entering an order of disposition
22 delaying imposition of sentence and placing the juvenile on
23 probation upon the terms and conditions it considers appropriate,
24 including any disposition under this section. If the court delays
25 imposing sentence under this section, section 18i of this chapter
26 applies. If the court imposes sentence, it shall enter a judgment
27 of sentence. If the court imposes a sentence of imprisonment, the
28 juvenile shall receive credit against the sentence for time served
29 before sentencing. In determining whether to enter an order of

1 disposition or impose a sentence under this subdivision, the court
2 shall consider all of the following factors, giving greater weight
3 to the seriousness of the offense and the juvenile's prior record:

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

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

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

18 (iv) The juvenile's programming history, including, but not
19 limited to, the juvenile's past willingness to participate
20 meaningfully in available programming.

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

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

24 (p) In a proceeding under section 2(b) or (c) of this chapter,
25 if a juvenile is removed from the parent's custody at any time, the
26 court shall permit the juvenile's parent to have regular and
27 frequent parenting time with the juvenile. Parenting time between
28 the juvenile and ~~his or her~~ **the juvenile's** parent ~~shall~~ **must** not be
29 less than 1 time every 7 days unless the court determines either

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

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

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

28 (3) An order of disposition placing a juvenile in the
29 juvenile's own home under subsection (1) (b) may contain a provision

1 for reimbursement by the juvenile, parent, guardian, or custodian
2 to the court for the cost of service. If an order is entered under
3 this subsection, an amount due must be determined and treated in
4 the same manner provided for an order entered under subsection (2).

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

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

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

23 (7) If the court finds that a juvenile comes under section 30
24 of this chapter, the court shall order the juvenile or the
25 juvenile's parent to pay restitution as provided in sections 30 and
26 31 of this chapter and in sections 44 and 45 of the William Van
27 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
28 780.795.

29 (8) If the court imposes restitution as a condition of

1 probation, the court shall require the juvenile to do either of the
2 following as an additional condition of probation:

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

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

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

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

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

1 taken and forwarded.

2 (b) Order the juvenile committed to the sheriff's custody for
3 collecting and forwarding the juvenile's biometric data and taking
4 and forwarding the juvenile's fingerprints.

5 (11) Upon final disposition, conviction, acquittal, or
6 dismissal of an offense within the court's jurisdiction under
7 section 2(a)(1) of this chapter, using forms approved by the state
8 court administrator, the clerk of the court entering the final
9 disposition, conviction, acquittal, or dismissal shall immediately
10 advise the department of state police of that final disposition,
11 conviction, acquittal, or dismissal as required by section 3 of
12 1925 PA 289, MCL 28.243. The report to the department of state
13 police must include information as to the finding of the judge or
14 jury and a summary of the disposition or sentence imposed.

15 (12) If the court enters an order of disposition based on an
16 act that is a juvenile offense as defined in section 1 of 1989 PA
17 196, MCL 780.901, the court shall order the juvenile to pay the
18 assessment as provided in that act. If the court enters a judgment
19 of conviction under section 2d of this chapter for an offense that
20 is a felony, misdemeanor, or ordinance violation, the court shall
21 order the juvenile to pay the assessment as provided in 1989 PA
22 196, MCL 780.901 to 780.911.

23 (13) If the court has entered an order of disposition or a
24 judgment of conviction for a listed offense as defined in section 2
25 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
26 court, the department, or the county juvenile agency shall register
27 the juvenile or accept the juvenile's registration as provided in
28 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
29 28.730.

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

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

1 295, MCL 28.722, and the court shall include the basis for that
2 determination on the record and include the determination in the
3 order of disposition.

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

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

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

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

27 Enacting section 1. This amendatory act takes effect 90 days
28 after the date it is enacted into law.

29 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 102nd Legislature are
2 enacted into law:

3 (a) Senate Bill No. 119.

4

5 (b) Senate Bill No. 123.

6

7 (c) Senate Bill No. 120.

8

9 (d) Senate Bill No. 122.

10