

1 provided in subsection (10) **and subject to subsection (11)**, if the
2 court finds that a juvenile is within this chapter, the court shall
3 order the juvenile returned to ~~his or her~~ **the juvenile's** parent if
4 the return of the juvenile to ~~his or her~~ **the juvenile's** parent
5 would not cause a substantial risk of harm to the juvenile or
6 society. ~~The~~ **Subject to subsection (11), the** court may also enter
7 any of the following orders of disposition that are appropriate for
8 the welfare of the juvenile and society in view of the facts proven
9 and ascertained:

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

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

27 (c) If a juvenile is within the court's jurisdiction under
28 section 2(a) of this chapter, or under section 2(h) of this chapter
29 for a supplemental petition, place the juvenile in a suitable

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

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

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

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

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

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

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

1 by this subdivision, it may dismiss the petition under this
2 chapter.

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

4 (j) If the court finds that a juvenile has violated a
5 municipal ordinance or a state or federal law, order the juvenile
6 to pay a civil fine in the amount of the civil or penal fine
7 provided by the ordinance or law. Money collected from fines levied
8 under this subsection must be distributed as provided in section 29
9 of this chapter.

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

14 (i) The court order the juvenile violated.

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

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

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

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

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

29 (i) The juvenile violated a court order after the date that the

1 court issued the first order under subdivision (k).

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

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

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

26 (i) Placement in a juvenile boot camp will benefit the
27 juvenile.

28 (ii) The juvenile is physically able to participate in the
29 program.

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

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

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

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

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

1 before sentencing. In determining whether to enter an order of
2 disposition or impose a sentence under this subdivision, the court
3 shall consider all of the following factors, giving greater weight
4 to the seriousness of the offense and the juvenile's prior record:

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

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

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

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

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

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

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

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

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

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

29 (3) An order of disposition placing a juvenile in the

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

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

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

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

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

1 780.795.

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

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

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

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

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

28 (a) Order the juvenile to submit himself or herself to the
29 police agency that arrested or obtained the warrant for the

1 juvenile's arrest so the juvenile's biometric data can be collected
2 and forwarded and ~~his or her~~ **the juvenile's** fingerprints can be
3 taken and forwarded.

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

7 **(11) A designated court officer shall conduct a risk and needs**
8 **assessment for each juvenile before disposition. The following**
9 **procedure applies to a risk and needs assessment conducted under**
10 **this subsection:**

11 (a) The results of the risk and needs assessment, and a
12 dispositional recommendation made by the designated court officer
13 who performed the risk and needs assessment, must be shared with
14 the court and each party to the proceeding, including the juvenile,
15 counsel for the juvenile, and the prosecuting attorney.

16 (b) The results of the risk and needs assessment must be used
17 to inform a dispositional recommendation and to determine the most
18 appropriate disposition for the juvenile commensurate with all of
19 the following factors:

20 (i) Public safety.

21 (ii) Victim interests.

22 (iii) Rehabilitation of the juvenile.

23 (iv) Improved juvenile outcomes, including, but not limited to,
24 educational advancement.

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

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

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

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

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

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

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

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

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

16 (a) Is research based and nationally validated for use with
17 juveniles.

18 (b) Complies with the guidelines created under subsection
19 (15).

20 (15) The supreme court shall create guidelines on the use of
21 risk and needs assessments under this section.

22 (16) A designated court officer who conducts risk and needs
23 assessments under subsection (11) must be trained on the
24 appropriate use of the applicable risk and needs assessment
25 selected by the court.

26 (17) A risk and needs assessment conducted as part of a
27 proceeding under this section and any information obtained from a
28 minor in the court of the assessment, including any admission,
29 confession, or incriminating evidence, are not admissible into

1 **evidence in any adjudicatory hearing in which the minor is accused**
2 **and are not subject to subpoena or any other court process for use**
3 **in any other proceeding or for any other purpose.**

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

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

22 (20) ~~(13)~~—If the court has entered an order of disposition or
23 a judgment of conviction for a listed offense as **that term is**
24 defined in section 2 of the sex offenders registration act, 1994 PA
25 295, MCL 28.722, the court, the department, or the county juvenile
26 agency shall register the juvenile or accept the juvenile's
27 registration as provided in the sex offenders registration act,
28 1994 PA 295, MCL 28.721 to 28.730.

29 (21) ~~(14)~~—If the court enters an order of disposition placing

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

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

1 court shall include the basis for that determination on the record
2 and include the determination in the order of disposition.

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

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

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

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

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. 418 of the 102nd Legislature is enacted into
28 law.