

HOUSE BILL NO. 4018

January 22, 2025, Introduced by Reps. Mueller, Beson, Harris, BeGole, Neyer, Snyder, Witwer, T. Carter and Hoadley and referred to Committee on Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 16 (MCL 712A.16), as amended by 2023 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

Sec. 16. (1) ~~If~~**Except as provided in subsection (7), if** a
juvenile who is less than 18 years of age is taken into custody or
detained, the juvenile must not be confined in a police station,
prison, jail, lock-up, or reformatory or transported with, or
compelled or permitted to associate or mingle with, criminal or

1 dissolute persons. Except as otherwise provided in section 15 of
2 this chapter, the court may order a juvenile 15 years of age or
3 older whose habits or conduct are considered a menace to other
4 juveniles, or who may not otherwise be safely detained, placed in a
5 jail or other place of detention for adults, but in a room or ward
6 separate from adults and for not more than 30 days, unless longer
7 detention is necessary for the service of process.

8 (2) The county board of commissioners in each county or of
9 counties contracting together may provide for the diagnosis,
10 treatment, care, training, and detention of juveniles in a child
11 care home or facility conducted as an agency of the county if the
12 home or facility meets the licensing standards established under
13 1973 PA 116, MCL 722.111 to 722.128. The court or a court-approved
14 agency may arrange for the boarding of juveniles in any of the
15 following:

16 (a) If a juvenile is within the court's jurisdiction under
17 section 2(a) of this chapter, a suitable foster care home subject
18 to the court's supervision. If a juvenile is within the court's
19 jurisdiction under section 2(b) of this chapter, the court shall
20 not place a juvenile in a foster care home subject to the court's
21 supervision.

22 (b) A child caring institution or child placing agency
23 licensed by the department to receive for care juveniles within the
24 court's jurisdiction.

25 (c) If in a room or ward separate and apart from adult
26 criminals, the county jail for juveniles ~~over~~**more than** 17 years of
27 age within the court's jurisdiction.

28 (3) If a detention home or facility is established as an
29 agency of the county, the judge may appoint a superintendent and

1 other necessary employees for the home or facility who shall
2 receive compensation as provided by the county board of
3 commissioners of the county. This section does not alter or
4 diminish the legal responsibility of the department or a county
5 juvenile agency to receive juveniles committed by the court.

6 (4) If the court under subsection (2) arranges for the board
7 of juveniles temporarily detained in private homes or in a child
8 caring institution or child placing agency, a reasonable sum fixed
9 by the court for the juvenile's board must be paid by the county
10 treasurer as provided in section 25 of this chapter.

11 (5) A court shall not provide foster care home services
12 subject to the court's supervision to juveniles within section 2(b)
13 of this chapter.

14 (6) A juvenile detention home described in subsection (3) is
15 operated under the direction of the county board of commissioners
16 or, in a county that has an elected county executive, under the
17 county executive's direction. A different method for directing the
18 operation of a detention home may be agreed to in any county by the
19 chief judge of the circuit court in that county and the county
20 board of commissioners or, in a county that has an elected county
21 executive, the county executive.

22 **(7) If a juvenile who is less than 18 years of age is taken**
23 **into custody or detained, the juvenile may be transported with an**
24 **adult if all of the following apply:**

25 **(a) The juvenile is 16 years of age or older.**

26 **(b) The adult is not more than 25 years of age.**

27 **(c) The juvenile and adult are taken into custody at the same**
28 **time.**

29 **(d) The juvenile and adult are taken into custody for the same**

1 offense or both occupied the same vehicle at the time the offense
2 was committed.

3 (e) The juvenile is taken directly to the appropriate location
4 and is then separated from the adult at the earliest available time
5 in accordance with subsection (1).

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