

HOUSE BILL NO. 4987

June 10, 2021, Introduced by Reps. Hope, Lightner, Steckloff, Sneller, Breen, Thanedar, Aiyash, Bolden, Manoogian, Calley, Anthony, Ellison, Sowerby, Pohutsky, Rogers, Tyrone Carter, Puri, Brabec, Brixie, Tate, Brenda Carter, Kuppa, Hood, Kahle and Whitsett and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2f, 18, 28, and 29 of chapter XIIIA (MCL 712A.2f, 712A.18, 712A.28, and 712A.29), section 2f as added by 2016 PA 185, section 18 as amended by 2020 PA 389, section 28 as amended by 2020 PA 362, and section 29 as amended by 2003 PA 74, and by adding section 29a to chapter XIIIA; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

1
2 Sec. 2f. (1) If the court determines that formal jurisdiction
3 should not be acquired over a juvenile, the court may proceed in an
4 informal manner referred to as a consent calendar.

5 (2) A case ~~shall~~**must** not be placed on the consent calendar
6 unless the juvenile and the parent, guardian, or legal custodian
7 and the prosecutor agree to have the case placed on the consent
8 calendar.

9 (3) The court may transfer a case from the formal calendar to
10 the consent calendar at any time before disposition. A case
11 involving the alleged commission of an offense as that term is
12 defined in section 31 of the William Van Regenmorter crime victim's
13 rights act, 1985 PA 87, MCL 780.781, ~~shall~~**must** only be placed on
14 the consent calendar upon compliance with the procedures set forth
15 in section 36b of the William Van Regenmorter crime victim's rights
16 act, 1985 PA 87, MCL 780.786b.

17 (4) After a case is placed on the consent calendar, the
18 prosecutor shall provide the victim with notice as required by
19 article 2 of the William Van Regenmorter crime victim's rights act,
20 1985 PA 87, MCL 780.781 to 780.802.

21 (5) Consent calendar cases must be maintained in the following
22 nonpublic manner:

23 (a) Access to consent calendar case records ~~shall~~**must** be
24 provided to the juvenile, the juvenile's parents, guardian, or
25 legal custodian, the guardian ad litem, counsel for the juvenile,
26 the department of health and human services if related to an
27 investigation of neglect and abuse, law enforcement personnel,
28 prosecutor, and other courts. However, consent calendar case
29 records ~~shall~~**must** not be disclosed to federal agencies or military

1 recruiters. For purposes of this subsection, "case records"
2 includes the pleadings, motions, authorized petitions, notices,
3 memoranda, briefs, exhibits, available transcripts, findings of the
4 court, register of actions, consent calendar case plan, and court
5 orders related to the case placed on the consent calendar.

6 (b) The contents of the confidential file, as defined in MCR
7 3.903, ~~shall~~**must** continue to be maintained confidentially.

8 (6) The court shall conduct a consent calendar conference with
9 the juvenile, the juvenile's attorney, if any, and the juvenile's
10 parent, guardian, or legal custodian to discuss the allegations.
11 The prosecuting attorney and victim may be, but are not required to
12 be, present.

13 (7) If it appears to the court that the juvenile has engaged
14 in conduct that would subject the juvenile to the jurisdiction of
15 the court, the court shall issue a written consent calendar case
16 plan. All of the following apply to a consent calendar case plan:

17 (a) ~~The plan may include a provision requiring the juvenile,~~
18 ~~parent, guardian, or legal custodian to reimburse the court for the~~
19 ~~cost of the consent calendar services for the juvenile. The~~
20 ~~reimbursement amount shall be reasonable, taking into account the~~
21 ~~juvenile's income and resources. The plan shall also include a~~
22 requirement that the juvenile pay restitution under the William Van
23 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
24 780.834. **The court shall not order the juvenile or the juvenile's**
25 **parent, guardian, or legal custodian to pay for fees or costs**
26 **associated with consent calendar services.**

27 (b) A consent calendar case plan ~~shall~~**must** not contain a
28 provision removing the juvenile from the custody of the juvenile's
29 parent, guardian, or legal custodian.

1 (c) The consent calendar case plan is not an order of the
2 court, but ~~shall~~**must** be included as a part of the case record.

3 (d) Violation of the terms of the consent calendar case plan
4 may result in the court's returning the case to the formal calendar
5 for further proceedings consistent with subsection (10).

6 (8) The court shall not enter an order of disposition in a
7 case while it is on the consent calendar.

8 (9) Upon successful completion by the juvenile of the consent
9 calendar case plan, the court shall close the case and shall
10 destroy all records of the proceeding in accordance with the
11 records management policies and procedures of the state court
12 administrative office, established in accordance with supreme court
13 rules.

14 (10) If it appears to the court at any time that proceeding on
15 the consent calendar is not in the best interest of either the
16 juvenile or the public, the court shall proceed as follows:

17 (a) If the court did not authorize the original petition, the
18 court may, without hearing, transfer the case from the consent
19 calendar to the formal calendar on the charges contained in the
20 original petition to determine whether the petition should be
21 authorized.

22 (b) If the court authorized the original petition, the court
23 may transfer the case from the consent calendar to the formal
24 calendar on the charges contained in the original petition only
25 after a hearing. After transfer to the formal calendar, the court
26 shall proceed with the case from where it left off before being
27 placed on the consent calendar.

28 (11) Statements made by the juvenile during the proceeding on
29 the consent calendar ~~shall~~**must** not be used against the juvenile at

1 a trial on the formal calendar on the same charge.

2 (12) Upon a judicial determination that the juvenile has
 3 completed the terms of the consent calendar case plan, the court
 4 shall report the successful completion of the consent calendar to
 5 the juvenile and the department of state police. The department of
 6 state police shall maintain a nonpublic record of the case. This
 7 record ~~shall be~~**is** open to the courts of this state, another state,
 8 or the United States, the department of corrections, law
 9 enforcement personnel, and prosecutors only for use in the
 10 performance of their duties or to determine whether an employee of
 11 the court, department, law enforcement agency, or prosecutor's
 12 office has violated his or her conditions of employment or whether
 13 an applicant meets criteria for employment with the court,
 14 department, law enforcement agency, or prosecutor's office.

15 Sec. 18. (1) If the court finds that a juvenile concerning
 16 whom a petition is filed is not within this chapter, the court
 17 shall enter an order dismissing the petition. Except as otherwise
 18 provided in subsection ~~(10)~~**(8)**, if the court finds that a
 19 juvenile is within this chapter, the court shall order the juvenile
 20 returned to his or her parent if the return of the juvenile to his
 21 or her parent would not cause a substantial risk of harm to the
 22 juvenile or society. The court may also enter any of the following
 23 orders of disposition that are appropriate for the welfare of the
 24 juvenile and society in view of the facts proven and ascertained:

25 (a) Warn the juvenile or the juvenile's parents, guardian, or
 26 custodian and, except as provided in subsection ~~(7)~~**(5)**, dismiss
 27 the petition.

28 (b) Place the juvenile on probation, or under supervision in
 29 the juvenile's own home or in the home of an adult who is related

1 to the juvenile. As used in this subdivision, "related" means an
2 individual who is not less than 18 years of age and related to the
3 child by blood, marriage, or adoption, as grandparent, great-
4 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
5 great-uncle, great-great-aunt or great-great-uncle, sibling,
6 stepsibling, nephew or niece, first cousin or first cousin once
7 removed, and the spouse of any of the above, even after the
8 marriage has ended by death or divorce. A child may be placed with
9 the parent of a man whom the court has found probable cause to
10 believe is the putative father if there is no man with legally
11 established rights to the child. This placement of the child with
12 the parent of a man whom the court has found probable cause to
13 believe is the putative father is for the purpose of placement
14 only, is not a finding of paternity, and does not confer legal
15 standing. The court shall order the terms and conditions of
16 probation or supervision, including reasonable rules for the
17 conduct of the parents, guardian, or custodian, if any, as the
18 court determines necessary for the physical, mental, or moral well-
19 being and behavior of the juvenile. The court may order that the
20 juvenile participate in a juvenile drug treatment court under
21 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL
22 600.1060 to 600.1088. ~~The court also shall order, as a condition of~~
23 ~~probation or supervision, that the juvenile shall pay the minimum~~
24 ~~state cost prescribed by section 18m of this chapter.~~

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

1 chapter, the court shall not place a juvenile in a foster care home
2 subject to the court's supervision.

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

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

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

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

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

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

29 (i) Order the juvenile to engage in community service. **The**

1 court shall not order the juvenile or the juvenile's parent,
2 guardian, or legal custodian to pay for fees or costs associated
3 with 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.~~**The court shall not order the juvenile or the**
10 **juvenile's parent, guardian, or legal custodian to pay fines**
11 **associated with a violation of a municipal ordinance or a state or**
12 **federal law if another disposition under this section has been**
13 **ordered.**

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

18 (i) The court order the juvenile violated.

19 (ii) The factual basis for determining that there was
20 reasonable cause to believe that the juvenile violated the court
21 order.

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

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

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

29 (l) For a second or subsequent violation of a court order under

1 section 2(a)(2) to (4) of this chapter, issue a second or
2 subsequent order under subdivision (k), but only if the court finds
3 both of the following:

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

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

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

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

1 (i) Placement in a juvenile boot camp will benefit the
2 juvenile.

3 (ii) The juvenile is physically able to participate in the
4 program.

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

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

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

10 (vi) If the court must commit the juvenile to a county juvenile
11 agency, the county juvenile agency is able to place the juvenile in
12 a juvenile boot camp program.

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

1 imposing sentence under this section, section 18i of this chapter
2 applies. If the court imposes sentence, it shall enter a judgment
3 of sentence. If the court imposes a sentence of imprisonment, the
4 juvenile shall receive credit against the sentence for time served
5 before sentencing. In determining whether to enter an order of
6 disposition or impose a sentence under this subdivision, the court
7 shall consider all of the following factors, giving greater weight
8 to the seriousness of the offense and the juvenile's prior record:

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

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

19 (iii) The juvenile's prior record of delinquency including, but
20 not limited to, any record of detention, any police record, any
21 school record, or any other evidence indicating prior delinquent
22 behavior.

23 (iv) The juvenile's programming history, including, but not
24 limited to, the juvenile's past willingness to participate
25 meaningfully in available programming.

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

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

29 (p) In a proceeding under section 2(b) or (c) of this chapter,

1 if a juvenile is removed from the parent's custody at any time, the
2 court shall permit the juvenile's parent to have regular and
3 frequent parenting time with the juvenile. Parenting time between
4 the juvenile and his or her parent shall not be less than 1 time
5 every 7 days unless the court determines either that exigent
6 circumstances require less frequent parenting time or that
7 parenting time, even if supervised, may be harmful to the
8 juvenile's life, physical health, or mental well-being. If the
9 court determines that parenting time, even if supervised, may be
10 harmful to the juvenile's life, physical health, or mental well-
11 being, the court may suspend parenting time until the risk of harm
12 no longer exists. The court may order the juvenile to have a
13 psychological evaluation or counseling, or both, to determine the
14 appropriateness and the conditions of parenting time.

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

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

1 ~~the order. The court shall provide for the prompt reimbursement of~~
 2 ~~an amount withheld in error or an amount found to exceed the~~
 3 ~~delinquent amount.~~

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

10 **(3) The court shall not order a juvenile or a juvenile's**
 11 **parent, guardian, or legal custodian to pay for the costs of care,**
 12 **services, court-appointed attorney representation, or other costs**
 13 **or assessments related to the juvenile's court proceeding.**

14 (4) An order directed to a parent or a person other than the
 15 juvenile is not effective and binding on the parent or other person
 16 unless opportunity for hearing is given by issuance of summons or
 17 notice as provided in sections 12 and 13 of this chapter and until
 18 a copy of the order, bearing the seal of the court, is served on
 19 the parent or other person as provided in section 13 of this
 20 chapter.

21 ~~(5) If the court appoints an attorney to represent a juvenile,~~
 22 ~~parent, guardian, or custodian, the court may require in an order~~
 23 ~~entered under this section that the juvenile, parent, guardian, or~~
 24 ~~custodian reimburse the court for attorney fees.~~

25 ~~(6) The office of the state court administrator, under the~~
 26 ~~supervision and direction of the supreme court, shall create~~
 27 ~~guidelines that the court may use in determining the ability of the~~
 28 ~~juvenile, parent, guardian, or custodian to pay for care and any~~
 29 ~~costs of service ordered under subsection (2) or (3). The~~

1 ~~guidelines must take into account both the income and resources of~~
2 ~~the juvenile, parent, guardian, or custodian.~~

3 (5) ~~(7)~~—If the court finds that a juvenile comes under section
4 30 of this chapter, the court shall order the juvenile or the
5 juvenile's parent to pay restitution as provided in sections 30 and
6 31 of this chapter and in sections 44 and 45 of the William Van
7 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
8 780.795.

9 (6) ~~(8)~~—If the court imposes restitution as a condition of
10 probation, the court shall require the juvenile to do either of the
11 following as an additional condition of probation:

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

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

16 (7) ~~(9)~~—If the court finds that the juvenile is in intentional
17 default of the payment of restitution, a court may, as provided in
18 section 30 of this chapter, revoke or alter the terms and
19 conditions of probation for nonpayment of restitution. If a
20 juvenile who is ordered to engage in community service
21 intentionally refuses to perform the required community service,
22 the court may revoke or alter the terms and conditions of
23 probation. **The juvenile must not be placed outside of his or her**
24 **home solely based on nonpayment of restitution or refusal to**
25 **perform community service.**

26 (8) ~~(10)~~—The court shall not enter an order of disposition for
27 a juvenile offense as defined in section 1a of 1925 PA 289, MCL
28 28.241a, or a judgment of sentence for a conviction until the court
29 has examined the court file and has determined that the juvenile's

1 biometric data have been collected and forwarded as required by
2 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
3 fingerprints have been taken and forwarded as required by the sex
4 offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.736~~.
5 **28.730**. If a juvenile's biometric data have not been collected or a
6 juvenile has not had his or her fingerprints taken, the court shall
7 do either of the following:

8 (a) Order the juvenile to submit himself or herself to the
9 police agency that arrested or obtained the warrant for the
10 juvenile's arrest so the juvenile's biometric data can be collected
11 and forwarded and his or her fingerprints can be taken and
12 forwarded.

13 (b) Order the juvenile committed to the sheriff's custody for
14 collecting and forwarding the juvenile's biometric data and taking
15 and forwarding the juvenile's fingerprints.

16 **(9)** ~~(11)~~ Upon final disposition, conviction, acquittal, or
17 dismissal of an offense within the court's jurisdiction under
18 section 2(a)(1) of this chapter, using forms approved by the state
19 court administrator, the clerk of the court entering the final
20 disposition, conviction, acquittal, or dismissal shall immediately
21 advise the department of state police of that final disposition,
22 conviction, acquittal, or dismissal as required by section 3 of
23 1925 PA 289, MCL 28.243. The report to the department of state
24 police must include information as to the finding of the judge or
25 jury and a summary of the disposition or sentence imposed.

26 ~~(12) If the court enters an order of disposition based on an~~
27 ~~act that is a juvenile offense as defined in section 1 of 1989 PA~~
28 ~~196, MCL 780.901, the court shall order the juvenile to pay the~~
29 ~~assessment as provided in that act. If the court enters a judgment~~

1 ~~of conviction under section 2d of this chapter for an offense that~~
2 ~~is a felony, misdemeanor, or ordinance violation, the court shall~~
3 ~~order the juvenile to pay the assessment as provided in that act.~~

4 **(10)** ~~(13)~~—If the court has entered an order of disposition or
5 a judgment of conviction for a listed offense as defined in section
6 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,
7 the court, the department, or the county juvenile agency shall
8 register the juvenile or accept the juvenile's registration as
9 provided in the sex offenders registration act, 1994 PA 295, MCL
10 28.721 to ~~28.736~~.**28.730**.

11 **(11)** ~~(14)~~—If the court enters an order of disposition placing
12 a juvenile in a juvenile boot camp program, or committing a
13 juvenile to a county juvenile agency for placement in a juvenile
14 boot camp program, and the court receives from the department a
15 report that the juvenile has failed to perform satisfactorily in
16 the program, that the juvenile does not meet the program's
17 requirements or is medically unable to participate in the program
18 for more than 25 days, that there is no opening in a juvenile boot
19 camp program, or that the county juvenile agency is unable to place
20 the juvenile in a juvenile boot camp program, the court shall
21 release the juvenile from placement or commitment and enter an
22 alternative order of disposition. A juvenile must not be placed in
23 a juvenile boot camp under an order of disposition more than once,
24 except that a juvenile returned to the court for a medical
25 condition, because there was no opening in a juvenile boot camp
26 program, or because the county juvenile agency was unable to place
27 the juvenile in a juvenile boot camp program may be placed again in
28 the juvenile boot camp program after the medical condition is
29 corrected, an opening becomes available, or the county juvenile

1 agency is able to place the juvenile.

2 **(12)** ~~(15)~~—If the juvenile is within the court's jurisdiction
3 under section 2(a)(1) of this chapter for an offense other than a
4 listed offense as defined in section 2 of the sex offenders
5 registration act, 1994 PA 295, MCL 28.722, the court shall
6 determine if the offense is a violation of a law of this state or a
7 local ordinance of a municipality of this state that by its nature
8 constitutes a sexual offense against an individual who is less than
9 18 years of age. If so, the order of disposition is for a listed
10 offense as defined in section 2 of the sex offenders registration
11 act, 1994 PA 295, MCL 28.722, and the court shall include the basis
12 for that determination on the record and include the determination
13 in the order of disposition.

14 **(13)** ~~(16)~~—The court shall not impose a sentence of
15 imprisonment in the county jail under subsection (1)(m) unless the
16 present county jail facility for the juvenile's imprisonment meets
17 all requirements under federal law and regulations for housing
18 juveniles. The court shall not impose the sentence until it
19 consults with the sheriff to determine when the sentence will begin
20 to ensure that space will be available for the juvenile.

21 **(14)** ~~(17)~~—In a proceeding under section 2(h) of this chapter,
22 this section only applies to a disposition for a violation of a
23 personal protection order and subsequent proceedings.

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

27 ~~(19) A juvenile who has been ordered to pay the minimum state~~
28 ~~cost as provided in section 18m of this chapter as a condition of~~
29 ~~probation or supervision and who is not in willful default of the~~

~~1 payment of the minimum state cost may petition the court at any
2 time for a remission of the payment of any unpaid portion of the
3 minimum state cost. If the court determines that payment of the
4 amount due will impose a manifest hardship on the juvenile or his
5 or her immediate family, the court may remit all or part of the
6 amount of the minimum state cost due or modify the method of
7 payment.~~

8 Sec. 28. (1) Before June 1, 1988, the court shall maintain
9 records of all cases brought before it and as provided in the
10 juvenile diversion act. The records are open only by court order to
11 persons having a legitimate interest, except that diversion records
12 are open only as provided in the juvenile diversion act.

13 (2) Beginning June 1, 1988, the court shall maintain records
14 of all cases brought before it and as provided in the juvenile
15 diversion act. Except as otherwise provided in this subsection,
16 until December 31, 2020, records of a case brought before the court
17 are open to the general public. Diversion records are open only as
18 provided in the juvenile diversion act. Except as otherwise
19 provided in section 49 of the William Van Regenmorter crime
20 victim's rights act, 1985 PA 87, MCL 780.799, if the hearing of a
21 case brought before the court is closed under section 17 of this
22 chapter, the records of that hearing are open only by court order
23 to persons having a legitimate interest.

24 (3) Beginning January 1, 2021, except as otherwise provided,
25 records of a case brought before the court are not open to the
26 general public and are open only to persons having a legitimate
27 interest. Diversion records are open only as provided in the
28 juvenile diversion act. Except as otherwise provided in section 49
29 of the William Van Regenmorter crime victim's rights act, 1985 PA

1 87, MCL 780.799, if the hearing of a case brought before the court
2 is closed under section 17 of this chapter, the records of that
3 hearing are open only by court order to persons having a legitimate
4 interest.

5 ~~(4) If the court issues an order in respect to payments by a~~
6 ~~parent under section 18(2) of this chapter, a copy must be mailed~~
7 ~~to the department of treasury. Action taken against parents or~~
8 adults must not be released for publicity unless the parents or
9 adults are found guilty of contempt of court. The court shall
10 furnish the department and a county juvenile agency with reports of
11 the administration of the court in a form recommended by the
12 Michigan Probate Judges Association. Copies of these reports must,
13 upon request, be made available to other state departments by the
14 department.

15 (5) As used in this section:

16 (a) "Child placing agency" means that term as defined in
17 section 1 of 1973 PA 116, MCL 722.111.

18 (b) "Indian child" and "Indian child's tribe" mean those terms
19 as defined in section 3 of the Michigan Indian family preservation
20 act, chapter XIIB of the probate code of 1939, 1939 PA 288, MCL
21 712B.3.

22 (c) "Juvenile diversion act" means the juvenile diversion act,
23 1988 PA 13, MCL 722.821 to 722.831.

24 (d) "Persons having a legitimate interest" includes, but is
25 not limited to, the juvenile, the juvenile's parent, the juvenile's
26 guardian or legal custodian, the juvenile's guardian ad litem,
27 counsel for the juvenile, the department or a licensed child caring
28 institution or child placing agency under contract with the
29 department to provide for the juvenile's care and supervision if

1 related to an investigation of child neglect or child abuse, law
 2 enforcement personnel, a prosecutor, a member of a local foster
 3 care review board established under 1984 PA 422, MCL 722.131 to
 4 722.139a, the Indian child's tribe if the juvenile is an Indian
 5 child, and a court of this state.

6 Sec. 29. (1) If a child is subject to ~~any combination of~~
 7 ~~finer, costs, restitution, assessments, or payments~~ arising out of
 8 the same order of disposition, money collected from that child, or
 9 his or her parent or parents, for the payment of ~~finer, costs,~~
 10 ~~restitution, assessments, or other payments~~ shall **must** be
 11 allocated as provided in this section.

12 (2) ~~Except as otherwise provided in this subsection, if~~ **If** a
 13 child is subject to payment of victim payments ~~and any combination~~
 14 ~~of other fines, costs, assessments, or other payments, 50% 100%~~ of
 15 the money collected from that child, or his or her parent or
 16 parents, shall **must first** be applied to payment of victim payments.
 17 ~~, and the balance shall be applied to payment of fines, costs, and~~
 18 ~~other assessments or payments. If fines, costs, or other~~
 19 ~~assessments or payments remain unpaid after all victim payments~~
 20 ~~have been paid, additional money collected shall be applied to~~
 21 ~~payment of those fines, costs, or other assessments or payments. If~~
 22 ~~victim payments remain unpaid after all fines, costs, or other~~
 23 ~~assessments or payments have been paid, additional money collected~~
 24 ~~shall be applied toward payment of those victim payments.~~

25 (3) ~~In cases involving orders of disposition for offenses that~~
 26 ~~would be violations of state law if committed by an adult, money~~
 27 ~~allocated under subsection (2) for payment of fines, costs, and~~
 28 ~~assessments or payments other than victim payments shall be applied~~
 29 ~~in the following order of priority:~~

1 ~~(a) Payment of the minimum state cost prescribed in section 1j~~
 2 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~
 3 ~~769.1j.~~

4 ~~(b) Payment of other costs.~~

5 ~~(c) Payment of fines.~~

6 ~~(d) Payment of assessments and other payments.~~

7 ~~(4) In cases involving orders of disposition for offenses that~~
 8 ~~would be violations of local ordinances if committed by an adult,~~
 9 ~~money allocated under subsection (2) for payment of fines, costs,~~
 10 ~~and assessments or payments other than victim payments shall be~~
 11 ~~applied in the following order of priority:~~

12 ~~(a) Payment of the minimum state cost prescribed in section 1j~~
 13 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~
 14 ~~769.1j.~~

15 ~~(b) Payment of fines and other costs.~~

16 ~~(c) Payment of assessments and other payments.~~

17 ~~(5) Money allocated for payment of costs under subsection (3)~~
 18 ~~shall be paid to the county treasurer for deposit in the general~~
 19 ~~fund of the county. Money allocated for payment of fines under~~
 20 ~~subsection (3) shall be paid to the county treasurer to be used for~~
 21 ~~library purposes as provided by law.~~

22 ~~(6) One third of the money allocated for payment of fines and~~
 23 ~~costs under subsection (4) shall be paid to the treasurer of the~~
 24 ~~political subdivision whose ordinance was violated, and 2/3 of that~~
 25 ~~money shall be paid to the county treasurer for deposit in the~~
 26 ~~general fund of the county.~~

27 ~~(3) (7)~~As used in this section, "victim payment" means
 28 restitution ordered under sections 30 and 31 **of this chapter** and
 29 under the **William Van Regenmorter** crime victim's rights act, 1985

1 PA 87, MCL 780.751 to 780.834, paid to the victim or the victim's
2 estate, but not to a person who reimbursed the victim for his or
3 her loss. ~~, or an assessment~~ **Victim payment also includes payments**
4 **to the crime victim rights fund** ordered under section 5 of 1989 PA
5 196, MCL 780.905.

6 **Sec. 29a. (1) The court shall not order a juvenile within the**
7 **court's jurisdiction under section 2(a)(1) or (f) of this chapter**
8 **or the juvenile's parent, guardian, or legal custodian to reimburse**
9 **the court for any fine, fees, or costs related to the juvenile's**
10 **court case.**

11 **(2) Beginning July 1, 2022, the court shall not collect the**
12 **balance of any court-ordered fines, fees, or costs previously**
13 **assessed to a juvenile under section 29 of this chapter, or former**
14 **section 18m of this chapter, and only the portion of any court**
15 **order that imposed those fines, fees, or costs is vacated and**
16 **unenforceable.**

17 Enacting section 1. Section 18m of chapter XIIIA of the probate
18 code of 1939, 1939 PA 288, MCL 712A.18m, is repealed.

19 Enacting section 2. This amendatory act takes effect July 1,
20 2022.