# **SENATE BILL No. 997**

## June 12, 2014, Introduced by Senators JONES and MARLEAU and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 288, entitled

"Probate code of 1939,"

by amending sections 13a and 18 of chapter XIIA (MCL 712A.13a and 712A.18), section 13a as amended by 2012 PA 163 and section 18 as amended by 2011 PA 295.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 997

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### CHAPTER XIIA

Sec. 13a. (1) As used in this section and sections 2, 6b, 13b, 17c, 17d, 18f, 19, 19a, 19b, and 19c of this chapter:

(a) "Agency" means a public or private organization,

institution, or facility that is performing the functions under

6 part D of title IV of the social security act, 42 USC 651 to 669b,

7 or that is responsible under court order or contractual arrangement8 for a juvenile's care and supervision.

(b) "Agency case file" means the current file from the agency
providing direct services to the child, that can include the child
protective services file if the child has not been removed from the
home or the department of human services or contract agency foster
care file as defined PROVIDED under 1973 PA 116, MCL 722.111 to
722.128.

7 (c) "Attorney" means, if appointed to represent a child in a proceeding under section 2(b) or (c) of this chapter, an attorney 8 serving as the child's legal advocate in a traditional attorney-9 client relationship with the child, as governed by the Michigan 10 11 rules of professional conduct. An attorney defined under this 12 subdivision owes the same duties of undivided loyalty, confidentiality, and zealous representation of the child's 13 14 expressed wishes as the attorney would to an adult client. For the 15 purpose of a notice required under these sections, attorney includes a child's lawyer-guardian ad litem. 16

17 (d) "Case service plan" means the plan developed by an agency 18 and prepared under section 18f of this chapter that includes 19 services to be provided by and responsibilities and obligations of 20 the agency and activities, responsibilities, and obligations of the 21 parent. The case service plan may be referred to using different names than case service plan including, but not limited to, a 22 23 parent/agency agreement or a parent/agency treatment plan and 24 service agreement.

(e) "Foster care" means care provided to a juvenile in a
foster family home, foster family group home, or child caring
institution licensed or approved under 1973 PA 116, MCL 722.111 to

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722.128, or care provided to a juvenile in a relative's home under
 a court order.

3 (f) "Guardian ad litem" means an individual whom the court
4 appoints to assist the court in determining the child's best
5 interests. A guardian ad litem does not need to be an attorney.

(g) "Lawyer-guardian ad litem" means an attorney appointed
under section 17c of this chapter. A lawyer-guardian ad litem
represents the child, and has the powers and duties, as set forth
in section 17d of this chapter. The provisions of section 17d of
this chapter also apply to a lawyer-guardian ad litem appointed
under each of the following:

12 (*i*) Section 5213 or 5219 of the estates and protected
13 individuals code, 1998 PA 386, MCL 700.5213 and 700.5219.

14 (*ii*) Section 4 of the child custody act of 1970, 1970 PA 91,
15 MCL 722.24.

16 (*iii*) Section 10 of the child protection law, 1975 PA 238, MCL17 722.630.

(h) "Nonparent adult" means a person who is 18 years of age or older and who, regardless of the person's domicile, meets all of the following criteria in relation to a child over whom the court takes jurisdiction under this chapter:

22 (*i*) Has substantial and regular contact with the child.

23 (*ii*) Has a close personal relationship with the child's parent24 or with a person responsible for the child's health or welfare.

25 (iii) Is not the child's parent or a person otherwise related to26 the child by blood or affinity to the third degree.

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(i) "Permanent foster family agreement" means an agreement for

a child 14 years old or older to remain with a particular foster
 family until the child is 18 years old under standards and
 requirements established by the department of human services, which
 agreement is among all of the following:

5 (*i*) The child.

6 (*ii*) If the child is a temporary ward, the child's family.

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(*iii*) The foster family.

8 (*iv*) The child placing agency responsible for the child's care9 in foster care.

(j) "Relative" means an individual who is at least 18 years of 10 11 age and related to the child by blood, marriage, or adoption, as 12 grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-13 14 uncle, sibling, stepsibling, nephew or niece, first cousin or first 15 cousin once removed, and the spouse of any of the above, even after the marriage has ended by death or divorce. A child may be placed 16 17 with the parent of a man whom the court has found probable cause to 18 believe is the putative father if there is no man with legally 19 established rights to the child. A placement with the parent of a 20 putative father under this subdivision is not to be construed as a 21 finding of paternity or to confer legal standing on the putative 22 father.

23 (k) "Sex offenders registration act" means the sex offenders
24 registration act, 1994 PA 295, MCL 28.721 to 28.736.

(2) If a juvenile is alleged to be within the provisions of
section 2(b) of this chapter, the court may authorize a petition to
be filed at the conclusion of the preliminary hearing or inquiry.

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1 The court may authorize the petition upon a showing of probable 2 cause that 1 or more of the allegations in the petition are true and fall within the provisions of section 2(b) of this chapter. If 3 a petition is before the court because the department of human 4 5 services is required to submit the petition under section 17 of the 6 child protection law, 1975 PA 238, MCL 722.637, the court shall hold a hearing on the petition within 24 hours or on the next 7 business day after the petition is submitted, at which hearing the 8 9 court shall consider at least the matters governed by subsections (4) and (5). 10

(3) Except as provided in subsections (5) and (6), if a petition under subsection (2) is authorized, the court may release the juvenile in the custody of either of the juvenile's parents or the juvenile's guardian or custodian under reasonable terms and conditions necessary for either the juvenile's physical health or mental well-being.

17 (4) The court may order a parent, guardian, custodian,
18 nonparent adult, or other person residing in a child's home to
19 leave the home and, except as the court orders, not to subsequently
20 return to the home if all of the following take place:

(a) A petition alleging abuse of the child by the parent,
guardian, custodian, nonparent adult, or other person is authorized
under subsection (2).

(b) The court after a hearing finds probable cause to believe
the parent, guardian, custodian, nonparent adult, or other person
committed the abuse.

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(c) The court finds on the record that the presence in the

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home of the person alleged to have committed the abuse presents a
 substantial risk of harm to the child's life, physical health, or
 mental well-being.

4 (5) If a petition alleges abuse by a person described in 5 subsection (4), regardless of whether the court orders the alleged 6 abuser to leave the child's home under subsection (4), the court shall not leave the child in or return the child to the child's 7 home or place the child with a person not licensed under 1973 PA 8 9 116, MCL 722.111 to 722.128, unless the court finds that the 10 conditions of custody at the placement and with the individual with 11 whom the child is placed are adequate to safequard the child from 12 the risk of harm to the child's life, physical health, or mental 13 well-being.

14 (6) If a court finds a parent is required by court order to register under the sex offenders registration act, the department 15 of human services may, but is not required to, make reasonable 16 17 efforts to reunify the child with the parent. The court may order 18 reasonable efforts to be made by the department of human services. 19 (7) In determining whether to enter an order under subsection 20 (4), the court may consider whether the parent who is to remain in 21 the juvenile's home is married to the person to be removed or has a 22 legal right to retain possession of the home.

23 (8) An order entered under subsection (4) may also contain 1
24 or more of the following terms or conditions:

(a) The court may require the alleged abusive parent to pay
appropriate support to maintain a suitable home environment for the
juvenile during the duration of the order.

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(b) The court may order the alleged abusive person, according
 to terms the court may set, to surrender to a local law enforcement
 agency any firearms or other potentially dangerous weapons the
 alleged abusive person owns, possesses, or uses.

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5 (c) The court may include any reasonable term or condition
6 necessary for the juvenile's physical or mental well-being or
7 necessary to protect the juvenile.

8 (9) The court may order placement of the child in foster care9 if the court finds all of the following conditions:

10 (a) Custody of the child with the parent presents a
11 substantial risk of harm to the child's life, physical health, or
12 mental well-being.

13 (b) No provision of service or other arrangement except
14 removal of the child is reasonably available to adequately
15 safequard the child from risk as described in subdivision (a).

16 (c) Continuing the child's residence in the home is contrary17 to the child's welfare.

18 (d) Consistent with the circumstances, reasonable efforts were19 made to prevent or eliminate the need for removal of the child.

20 (e) Conditions of child custody away from the parent are21 adequate to safeguard the child's health and welfare.

(10) If the court orders placement of the juvenile outside the juvenile's home, the court shall inform the parties of the following:

(a) That the agency has the responsibility to prepare an
initial services plan within 30 days of the juvenile's placement.

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(b) The general elements of an initial services plan as

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required by the rules promulgated under 1973 PA 116, MCL 722.111 to
 722.128.

3 (c) That participation in the initial services plan is4 voluntary without a court order.

5 (11) Before or within 7 days after a child is placed in a 6 relative's home, the department of human services shall perform a 7 criminal record check and central registry clearance. If the child 8 is placed in the home of a relative, the court shall order a home 9 study to be performed and a copy of the home study to be submitted 10 to the court not more than 30 days after the placement.

(12) In determining placement of a juvenile pending trial, the court shall order the juvenile placed in the most family-like setting available consistent with the juvenile's needs.

14 (13) If a juvenile is removed from his or her home, THE PARENT'S CUSTODY AT ANY TIME, the court shall permit the juvenile's 15 16 parent to have frequent parenting time with the juvenile. If UNLESS 17 THE COURT DETERMINES THAT parenting time, even if supervised, may 18 be harmful to the juvenile, the JUVENILE'S LIFE, PHYSICAL HEALTH, 19 OR MENTAL WELL-BEING, PARENTING TIME BETWEEN THE JUVENILE AND HIS 20 OR HER PARENT SHALL BE REGULAR AND FREQUENT AND NOT LESS THAN 1 TIME EVERY 7 DAYS. IF THE COURT DETERMINES THAT PARENTING TIME, 21 EVEN IF SUPERVISED, MAY BE HARMFUL TO THE JUVENILE'S LIFE, PHYSICAL 22 HEALTH, OR MENTAL WELL-BEING, THE COURT MAY SUSPEND PARENTING TIME 23 UNTIL THE RISK OF HARM NO LONGER EXISTS. THE court shall MAY order 24 25 the child JUVENILE to have a psychological evaluation or 26 counseling, or both, to determine the appropriateness and the 27 conditions of parenting time. The court may suspend parenting time

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1 while the psychological evaluation or counseling is conducted.

2 (14) Upon the motion of any party, the court shall review
3 custody and placement orders and initial services plans pending
4 trial and may modify those orders and plans as the court considers
5 under this section are in the juvenile's best interests.

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6 (15) The court shall include in an order placing a child in foster care an order directing the release of information 7 concerning the child in accordance with this subsection. If a child 8 9 is placed in foster care, within 10 days after receipt of a written 10 request, the agency shall provide the person who is providing the 11 foster care with copies of all initial, updated, and revised case 12 service plans and court orders relating to the child and all of the 13 child's medical, mental health, and education reports, including 14 reports compiled before the child was placed with that person.

15 (16) In an order placing a child in foster care, the court16 shall include both of the following:

17 (a) An order that the child's parent, guardian, or custodian
18 provide the supervising agency with the name and address of each of
19 the child's medical providers.

(b) An order that each of the child's medical providers
release the child's medical records. The order may specify
providers by profession or type of institution.

23 (17) As used in this section, "abuse" means 1 or more of the24 following:

(a) Harm or threatened harm by a person to a juvenile's health
or welfare that occurs through nonaccidental physical or mental
injury.

(b) Engaging in sexual contact or sexual penetration as
 defined in section 520a of the Michigan penal code, 1931 PA 328,
 MCL 750.520a, with a juvenile.

4 (c) Sexual exploitation of a juvenile, which includes, but is
5 not limited to, allowing, permitting, or encouraging a juvenile to
6 engage in prostitution or allowing, permitting, encouraging, or
7 engaging in photographing, filming, or depicting a juvenile engaged
8 in a listed sexual act as defined in section 145c of the Michigan
9 penal code, 1931 PA 328, MCL 750.145c.

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(d) Maltreatment of a juvenile.

Sec. 18. (1) If the court finds that a juvenile concerning whom a petition is filed is not within this chapter, the court shall enter an order dismissing the petition. Except as otherwise provided in subsection (10), if the court finds that a juvenile is within this chapter, the court may enter any of the following orders of disposition that are appropriate for the welfare of the juvenile and society in view of the facts proven and ascertained:

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

(b) Place the juvenile on probation, or under supervision in the juvenile's own home or in the home of an adult who is related to the juvenile. As used in this subdivision, "related" means an individual who is not less than 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, greatgrandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling,

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stepsibling, nephew or niece, first cousin or first cousin once 1 2 removed, and the spouse of any of the above, even after the marriage has ended by death or divorce. A child may be placed with 3 4 the parent of a man whom the court has found probable cause to believe is the putative father if there is no man with legally 5 6 established rights to the child. This placement of the child with the parent of a man whom the court has found probable cause to 7 believe is the putative father is for the purposes of placement 8 only and is not to be construed as a finding of paternity or to 9 confer legal standing. The court shall order the terms and 10 11 conditions of probation or supervision, including reasonable rules 12 for the conduct of the parents, guardian, or custodian, if any, as the court determines necessary for the physical, mental, or moral 13 14 well-being and behavior of the juvenile. The court may order that the juvenile participate in a juvenile drug treatment court under 15 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 16 17 600.1060 to <del>600.1084.</del> **600.1099A.** The court also shall order, as a condition of probation or supervision, that the juvenile shall pay 18 19 the minimum state cost prescribed by section 18m of this chapter.

(c) If a juvenile is within the court's jurisdiction under section 2(a) of this chapter, or under section 2(h) of this chapter for a supplemental petition, place the juvenile in a suitable foster care home subject to the court's supervision. If a juvenile is within the court's jurisdiction under section 2(b) of this chapter, the court shall not place a juvenile in a foster care home subject to the court's supervision.

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(d) Except as otherwise provided in this subdivision, place

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the juvenile in or commit the juvenile to a private institution or 1 2 agency approved or licensed by the department of consumer and industry HUMAN services for the care of juveniles of similar age, 3 4 sex, and characteristics. If the juvenile is not a ward of the 5 court, the court shall commit the juvenile to the family independence agency DEPARTMENT OF HUMAN SERVICES or, if the county 6 is a county juvenile agency, to that county juvenile agency for 7 placement in or commitment to such an institution or agency as the 8 9 department of human services or county juvenile agency determines 10 is most appropriate, subject to any initial level of placement the 11 court designates.

12 (e) Except as otherwise provided in this subdivision, commit the juvenile to a public institution, county facility, institution 13 14 operated as an agency of the court or county, or agency authorized by law to receive juveniles of similar age, sex, and 15 characteristics. If the juvenile is not a ward of the court, the 16 17 court shall commit the juvenile to the department of human services 18 or, if the county is a county juvenile agency, to that county 19 juvenile agency for placement in or commitment to such an 20 institution or facility as the department of human services or 21 county juvenile agency determines is most appropriate, subject to 22 any initial level of placement the court designates. If a child is 23 not less than 17 years of age and is in violation of a personal 24 protection order, the court may commit the child to a county jail 25 within the adult prisoner population. In a placement under 26 subdivision (d) or a commitment under this subdivision, except to a 27 state institution or a county juvenile agency institution, the

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1 juvenile's religious affiliation shall be protected by placement or 2 commitment to a private child-placing or child-caring agency or institution, if available. Except for commitment to the department 3 4 of human services or a county juvenile agency, an order of 5 commitment under this subdivision to a state institution or agency described in the youth rehabilitation services act, 1974 PA 150, 6 MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to 400.214, 7 the court shall name the superintendent of the institution to which 8 9 the juvenile is committed as a special quardian to receive benefits 10 due the juvenile from the government of the United States. An order 11 of commitment under this subdivision to the department of human 12 services or a county juvenile agency shall name that agency as a special guardian to receive those benefits. The benefits received 13 14 by the special guardian shall be used to the extent necessary to pay for the portions of the cost of care in the institution or 15 16 facility that the parent or parents are found unable to pay.

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

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

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(h) Appoint a guardian under section 5204 of the estates and

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protected individuals code, 1998 PA 386, MCL 700.5204, in response to a petition filed with the court by a person interested in the juvenile's welfare. If the court appoints a guardian as authorized by this subdivision, it may dismiss the petition under this chapter.

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

7 (j) If the court finds that a juvenile has violated a
8 municipal ordinance or a state or federal law, order the juvenile
9 to pay a civil fine in the amount of the civil or penal fine
10 provided by the ordinance or law. Money collected from fines levied
11 under this subsection shall be distributed as provided in section
12 29 of this chapter.

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

17 (1) If a juvenile is within the court's jurisdiction under section 2(a)(1) of this chapter, place the juvenile in and order 18 19 the juvenile to complete satisfactorily a program of training in a 20 juvenile boot camp established by the department of human services 21 under the juvenile boot camp act, 1996 PA 263, MCL 400.1301 to 22 400.1309, as provided in that act. If the county is a county 23 juvenile agency, however, the court shall commit the juvenile to 24 that county juvenile agency for placement in the program under that 25 act. Upon receiving a report of satisfactory completion of the 26 program from the department of human services, the court shall 27 authorize the juvenile's release from placement in the juvenile

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boot camp. Following satisfactory completion of the juvenile boot camp program, the juvenile shall complete an additional period of not less than 120 days or more than 180 days of intensive supervised community reintegration in the juvenile's local community. To place or commit a juvenile under this subdivision, the court shall determine all of the following:

7 (i) Placement in a juvenile boot camp will benefit the8 juvenile.

9 (*ii*) The juvenile is physically able to participate in the10 program.

(*iii*) The juvenile does not appear to have any mental handicapthat would prevent participation in the program.

13 (*iv*) The juvenile will not be a danger to other juveniles in14 the boot camp.

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

16 (vi) If the court must commit the juvenile to a county juvenile 17 agency, the county juvenile agency is able to place the juvenile in 18 a juvenile boot camp program.

19 (m) If the court entered a judgment of conviction under 20 section 2d of this chapter, enter any disposition under this 21 section or, if the court determines that the best interests of the 22 public would be served, impose any sentence upon the juvenile that 23 could be imposed upon an adult convicted of the offense for which 24 the juvenile was convicted. If the juvenile is convicted of a 25 violation or conspiracy to commit a violation of section 26 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403, 27 the court may impose the alternative sentence permitted under that

section if the court determines that the best interests of the 1 2 public would be served. The court may delay imposing a sentence of imprisonment under this subdivision for a period not longer than 3 4 the period during which the court has jurisdiction over the juvenile under this chapter by entering an order of disposition 5 delaying imposition of sentence and placing the juvenile on 6 probation upon the terms and conditions it considers appropriate, 7 including any disposition under this section. If the court delays 8 9 imposing sentence under this section, section 18i of this chapter 10 applies. If the court imposes sentence, it shall enter a judgment 11 of sentence. If the court imposes a sentence of imprisonment, the 12 juvenile shall receive credit against the sentence for time served 13 before sentencing. In determining whether to enter an order of disposition or impose a sentence under this subdivision, the court 14 shall consider all of the following factors, giving greater weight 15 to the seriousness of the offense and the juvenile's prior record: 16

17 (i) The seriousness of the offense in terms of community 18 protection, including, but not limited to, the existence of any 19 aggravating factors recognized by the sentencing guidelines, the 20 use of a firearm or other dangerous weapon, and the impact on any 21 victim.

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

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(*iii*) The juvenile's prior record of delinquency including, but

not limited to, any record of detention, any police record, any
 school record, or any other evidence indicating prior delinquent
 behavior.

4 (*iv*) The juvenile's programming history, including, but not
5 limited to, the juvenile's past willingness to participate
6 meaningfully in available programming.

7 (v) The adequacy of the punishment or programming available in8 the juvenile justice system.

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(vi) The dispositional options available for the juvenile.

10 (N) IN A PROCEEDING UNDER SECTION 2(B) OR (C) OF THIS CHAPTER, 11 IF A JUVENILE IS REMOVED FROM THE CUSTODY OF A PARENT, THE COURT 12 SHALL PERMIT THE JUVENILE'S PARENT TO HAVE REGULAR AND FREQUENT 13 PARENTING TIME THAT IS NOT LESS THAN 1 TIME EVERY 7 DAYS. IF THE 14 COURT DETERMINES THAT PARENTING TIME, EVEN IF SUPERVISED, MAY BE 15 HARMFUL TO THE CHILD, THE COURT MAY SUSPEND PARENTING TIME.

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

1 reimbursement provision applies during the entire period the 2 juvenile remains in care outside of the juvenile's own home and under state, county juvenile agency, or court supervision, unless 3 4 the juvenile is in the permanent custody of the court. The court 5 shall provide for the collection of all amounts ordered to be reimbursed and the money collected shall be accounted for and 6 reported to the county board of commissioners. Collections to cover 7 delinquent accounts or to pay the balance due on reimbursement 8 9 orders may be made after a juvenile is released or discharged from 10 care outside the juvenile's own home and under state, county 11 juvenile agency, or court supervision. Twenty-five percent of all 12 amounts collected under an order entered under this subsection 13 shall be credited to the appropriate fund of the county to offset the administrative cost of collections. The balance of all amounts 14 collected under an order entered under this subsection shall be 15 16 divided in the same ratio in which the county, state, and federal 17 government participate in the cost of care outside the juvenile's 18 own home and under state, county juvenile agency, or court 19 supervision. The court may also collect from the government of the 20 United States benefits paid for the cost of care of a court ward. 21 Money collected for juveniles placed by the court with or committed 22 to the department of human services or a county juvenile agency 23 shall be accounted for and reported on an individual juvenile 24 basis. In cases of delinquent accounts, the court may also enter an 25 order to intercept state or federal tax refunds of a juvenile, 26 parent, guardian, or custodian and initiate the necessary offset 27 proceedings in order to recover the cost of care or service. The

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1 court shall send to the person who is the subject of the intercept 2 order advance written notice of the proposed offset. The notice shall include notice of the opportunity to contest the offset on 3 4 the grounds that the intercept is not proper because of a mistake 5 of fact concerning the amount of the delinquency or the identity of the person subject to the order. The court shall provide for the 6 prompt reimbursement of an amount withheld in error or an amount 7 found to exceed the delinquent amount. 8

9 (3) An order of disposition placing a juvenile in the 10 juvenile's own home under subsection (1)(b) may contain a provision 11 for reimbursement by the juvenile, parent, guardian, or custodian 12 to the court for the cost of service. If an order is entered under 13 this subsection, an amount due shall be determined and treated in 14 the same manner provided for an order entered under subsection (2).

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

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

26 (6) The office of the state court administrator, under the27 supervision and direction of the supreme court, shall create

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guidelines that the court may use in determining the ability of the juvenile, parent, guardian, or custodian to pay for care and any costs of service ordered under subsection (2) or (3). The guidelines shall take into account both the income and resources of the juvenile, parent, guardian, or custodian.

6 (7) If the court finds that a juvenile comes under section 30
7 of this chapter, the court shall order the juvenile or the
8 juvenile's parent to pay restitution as provided in sections 30 and
9 31 of this chapter and in sections 44 and 45 of the crime victim's
10 rights act, 1985 PA 87, MCL 780.794 and 780.795.

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

14 (a) Engage in community service or, with the victim's consent,15 perform services for the victim.

16 (b) Seek and maintain paid employment and pay restitution to17 the victim from the earnings of that employment.

18 (9) If the court finds that the juvenile is in intentional 19 default of the payment of restitution, a court may, as provided in 20 section 31 of this chapter, revoke or alter the terms and 21 conditions of probation for nonpayment of restitution. If a 22 juvenile who is ordered to engage in community service 23 intentionally refuses to perform the required community service, 24 the court may revoke or alter the terms and conditions of 25 probation.

26 (10) The court shall not enter an order of disposition for a
27 juvenile offense as defined in section 1a of 1925 PA 289, MCL

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1 28.241a, or a judgment of sentence for a conviction until the court 2 has examined the court file and has determined that the juvenile's 3 fingerprints have been taken and forwarded as required by section 3 4 of 1925 PA 289, MCL 28.243, and as required by the sex offenders 5 registration act, 1994 PA 295, MCL 28.721 to 28.736. If a juvenile 6 has not had his or her fingerprints taken, the court shall do 7 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 fingerprints can be taken and
11 forwarded.

12 (b) Order the juvenile committed to the sheriff's custody for13 taking and forwarding the juvenile's fingerprints.

14 (11) Upon final disposition, conviction, acquittal, or dismissal of an offense within the court's jurisdiction under 15 section 2(a)(1) of this chapter, using forms approved by the state 16 17 court administrator, the clerk of the court entering the final disposition, conviction, acquittal, or dismissal shall immediately 18 19 advise the department of state police of that final disposition, 20 conviction, acquittal, or dismissal as required by section 3 of 21 1925 PA 289, MCL 28.243. The report to the department of state 22 police shall include information as to the finding of the judge or 23 jury and a summary of the disposition or sentence imposed.

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

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

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

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

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again in the juvenile boot camp program after the medical condition
 is corrected, an opening becomes available, or the county juvenile
 agency is able to place the juvenile.

4 (15) If the juvenile is within the court's jurisdiction under 5 section 2(a)(1) of this chapter for an offense other than a listed offense as defined in section 2 of the sex offenders registration 6 act, 1994 PA 295, MCL 28.722, the court shall determine if the 7 offense is a violation of a law of this state or a local ordinance 8 9 of a municipality of this state that by its nature constitutes a 10 sexual offense against an individual who is less than 18 years of 11 age. If so, the order of disposition is for a listed offense as 12 defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, and the court shall include the basis for that 13 determination on the record and include the determination in the 14 order of disposition. 15

16 (16) The court shall not impose a sentence of imprisonment in 17 the county jail under subsection (1)(m) unless the present county 18 jail facility for the juvenile's imprisonment would meet all 19 requirements under federal law and regulations for housing 20 juveniles. The court shall not impose the sentence until it 21 consults with the sheriff to determine when the sentence will begin 22 to ensure that space will be available for the juvenile.

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

26 (18) If a juvenile is within the court's jurisdiction under27 section 2(a)(1) of this chapter, the court shall order the juvenile

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1 to pay costs as provided in section 18m of this chapter.

2 (19) A juvenile who has been ordered to pay the minimum state cost as provided in section 18m of this chapter as a condition of 3 4 probation or supervision and who is not in willful default of the payment of the minimum state cost may petition the court at any 5 time for a remission of the payment of any unpaid portion of the 6 minimum state cost. If the court determines that payment of the 7 amount due will impose a manifest hardship on the juvenile or his 8 or her immediate family, the court may remit all or part of the 9 10 amount of the minimum state cost due or modify the method of 11 payment.