

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 436

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 2a of chapter XIIA (MCL 712A.2a), as amended by
1998 PA 474.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIA

2 Sec. 2a. (1) Except as otherwise provided in ~~subsection (2),~~
3 **THIS SECTION**, if the court has exercised jurisdiction over a
4 juvenile under section 2(a) or (b) of this chapter, jurisdiction
5 shall continue for a period of 2 years beyond the maximum age of
6 jurisdiction conferred under section 2 of this chapter, unless the
7 juvenile is released sooner by court order.

8 (2) **IF THE DEPARTMENT FILES A REPORT WITH THE COURT UNDER**

1 SECTION 15 OF THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT, THE COURT
2 SHALL DETERMINE WHETHER IT IS IN THE YOUTH'S BEST INTERESTS TO
3 CONTINUE IN VOLUNTARY FOSTER CARE WITHIN 21 DAYS OF THE FILING OF
4 THE REPORT. A HEARING IS NOT REQUIRED UNDER THIS SUBSECTION, BUT
5 MAY BE HELD ON THE COURT'S OWN MOTION OR AT THE REQUEST OF THE
6 YOUTH OR THE DEPARTMENT.

7 (3) IF THE COURT FINDS THAT THE VOLUNTARY FOSTER CARE
8 AGREEMENT IS IN THE YOUTH'S BEST INTERESTS, THE COURT SHALL ISSUE
9 AN ORDER CONTAINING INDIVIDUALIZED FINDINGS TO SUPPORT ITS
10 DETERMINATIONS MADE UNDER SUBSECTION (2) AND CLOSE THE CASE IN
11 ACCORDANCE WITH SECTION 19 OF THE YOUNG ADULT VOLUNTARY FOSTER CARE
12 ACT. THE INDIVIDUALIZED FINDINGS SHALL BE BASED ON THE DEPARTMENT'S
13 WRITTEN REPORT AND OTHER MATERIALS AND INFORMATION SUBMITTED TO THE
14 COURT.

15 (4) ~~(2)~~—If the court has exercised jurisdiction over a
16 juvenile under section 2(a)(1) of this chapter for an offense that,
17 if committed by an adult, would be a violation or attempted
18 violation of section 72, 83, 84, 86, 88, 89, 91, 110a(2), 186a,
19 316, 317, 349, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of
20 the Michigan penal code, 1931 PA 328, MCL 750.72, 750.83, 750.84,
21 750.86, 750.88, 750.89, 750.91, 750.110a, 750.186a, 750.316,
22 750.317, 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529,
23 750.529a, 750.530, and 750.531, or section 7401(2)(a)(i) or
24 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401
25 and 333.7403, jurisdiction may be continued under section 18d of
26 this chapter until the juvenile is 21 years of age.

27 (5) ~~(3)~~—If the court exercised jurisdiction over a child under

1 section 2(h) of this chapter, jurisdiction of the court continues
2 until the order expires but action regarding the personal
3 protection order after the respondent's eighteenth birthday shall
4 not be subject to this chapter.

5 (6) ~~(4)~~ This section does not apply if the juvenile is
6 sentenced to the jurisdiction of the department of corrections.

7 (7) ~~(5)~~ As used in this chapter, "child", "juvenile", "minor",
8 or any other term signifying a person under the age of 18 applies
9 to a person 18 years of age or older concerning whom proceedings
10 are commenced in the court under section 2 of this chapter and over
11 whom the court has continuing jurisdiction ~~pursuant to~~ **UNDER**
12 subsections (1) ~~and (3)~~ **TO (5)**.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 435 of the 96th Legislature is enacted into
15 law.