

SUBSTITUTE FOR
HOUSE BILL NO. 4887

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 16 of chapter XIIA (MCL 712A.16), as amended by
2019 PA 102.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2 CHAPTER XIIA
3 Sec. 16. (1) ~~If~~ **Except as provided in subsection (7), if** a
4 juvenile under the age of 18 years is taken into custody or
5 detained, the juvenile shall not be confined in any police station,
6 prison, jail, lock-up, or reformatory or transported with, or
7 compelled or permitted to associate or mingle with, criminal or
8 dissolute persons. Except as otherwise provided in section 15(3),
(4), and (5) of this chapter, the court may order a juvenile 15

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

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

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

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

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

27 (3) If a detention home or facility is established as an
28 agency of the county, the judge may appoint a superintendent and
29 other necessary employees for the home or facility who shall

1 receive compensation as provided by the county board of
2 commissioners of the county. This section does not alter or
3 diminish the legal responsibility of the department or a county
4 juvenile agency to receive juveniles committed by the court.

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

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

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

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

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

25 (b) **The adult is 25 years of age or younger.**

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

28 (d) **The juvenile and adult are taken into custody for the same**
29 **offense or both occupied the same vehicle at the time the offense**

1 was committed.

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

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