

**SUBSTITUTE FOR
HOUSE BILL NO. 4164**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 18 of chapter XIIA (MCL 712A.18), as amended by
2023 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIA

2 Sec. 18. (1) If the court finds that a juvenile concerning
3 whom a petition is filed is not within this chapter, the court
4 shall enter an order dismissing the petition. Except as otherwise
5 provided in subsection (8) and subject to subsection (9), if the
6 court finds that a juvenile is within this chapter, the court shall
7 order the juvenile returned to the juvenile's parent if the return
8 of the juvenile to the juvenile's parent would not cause a



1 substantial risk of harm to the juvenile or society. Subject to
2 subsection (9), the court may also enter any of the following
3 orders of disposition that are appropriate for the welfare of the
4 juvenile and society in view of the facts proven and ascertained:

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

8 (b) Place the juvenile on probation, or under supervision in
9 the juvenile's own home or in the home of an adult who is related
10 to the juvenile. As used in this subdivision, "related" means a
11 relative as that term is defined in section 13a of this chapter.
12 The court shall order the terms and conditions of probation or
13 supervision, including reasonable rules for the conduct of the
14 parents, guardian, or custodian, if any, as the court determines
15 necessary for the physical, mental, or moral well-being and
16 behavior of the juvenile. The court may order that the juvenile
17 participate in a juvenile drug treatment court under chapter 10A of
18 the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
19 600.1088.

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

27 (d) Except as otherwise provided in this subdivision, place
28 the juvenile in or commit the juvenile to a private institution or
29 agency approved or licensed by the department's division of child



1 welfare licensing for the care of juveniles of similar age, sex,
2 and characteristics. If the juvenile is not a ward of the court,
3 the court shall commit the juvenile to the department or, if the
4 county is a county juvenile agency, to that county juvenile agency
5 for placement in or commitment to an institution or agency as the
6 department or county juvenile agency determines is most
7 appropriate, subject to any initial level of placement the court
8 designates.

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

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

29 (g) Order the parents, guardian, custodian, or any other



1 person to refrain from continuing conduct that the court determines
2 has caused or tended to cause the juvenile to come within or to
3 remain under this chapter or that obstructs placement or commitment
4 of the juvenile by an order under this section.

5 (h) Appoint a guardian under section 5204 of the estates and
6 protected individuals code, 1998 PA 386, MCL 700.5204, in response
7 to a petition filed with the court by a person interested in the
8 juvenile's welfare. If the court appoints a guardian as authorized
9 by this subdivision, it may dismiss the petition under this
10 chapter.

11 (i) Order the juvenile to engage in community service. The
12 court shall not order the juvenile or the juvenile's parent,
13 guardian, or legal custodian to pay for fees or costs associated
14 with community service.

15 (j) The court shall not order the juvenile or the juvenile's
16 parent, guardian, or legal custodian to pay fines associated with a
17 violation of a municipal ordinance or a state or federal law if
18 another disposition under this section has been ordered.

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

23 (i) The court order the juvenile violated.

24 (ii) The factual basis for determining that there was
25 reasonable cause to believe that the juvenile violated the court
26 order.

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



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

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

5 (l) For a second or subsequent violation of a court order under
6 section 2(a)(2) to (4) of this chapter, issue a second or
7 subsequent order under subdivision (k), but only if the court finds
8 both of the following:

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

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

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

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



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

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

8 (ii) The juvenile is physically able to participate in the
9 program.

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

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

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

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

18 (o) If the court entered a judgment of conviction under
19 section 2d of this chapter, enter any disposition under this
20 section or, if the court determines that the best interests of the
21 public would be served, impose any sentence upon the juvenile that
22 could be imposed upon an adult convicted of the offense for which
23 the juvenile was convicted, **other than imprisonment for life**
24 **without parole eligibility**. 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
28 section if the court determines that the best interests of the
29 public would be served. The court may delay imposing a sentence of



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

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

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

25 (iii) The juvenile's prior record of delinquency including, but
26 not limited to, any record of detention, any police record, any
27 school record, or any other evidence indicating prior delinquent
28 behavior.

29 (iv) The juvenile's programming history, including, but not



1 limited to, the juvenile's past willingness to participate
2 meaningfully in available programming.

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

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

6 (p) In a proceeding under section 2(b) or (c) of this chapter,
7 if a juvenile is removed from the parent's custody at any time, the
8 court shall permit the juvenile's parent to have regular and
9 frequent parenting time with the juvenile. Parenting time between
10 the juvenile and the juvenile's parent must not be less than 1 time
11 every 7 days unless the court determines either that exigent
12 circumstances require less frequent parenting time or that
13 parenting time, even if supervised, may be harmful to the
14 juvenile's life, physical health, or mental well-being. If the
15 court determines that parenting time, even if supervised, may be
16 harmful to the juvenile's life, physical health, or mental well-
17 being, the court may suspend parenting time until the risk of harm
18 no longer exists. The court may order the juvenile to have a
19 psychological evaluation or counseling, or both, to determine the
20 appropriateness and the conditions of parenting time.

21 (2) Money collected for juveniles placed by the court with or
22 committed to the department or a county juvenile agency must be
23 accounted for and reported on an individual juvenile basis.

24 (3) The court shall not order a juvenile or a juvenile's
25 parent, guardian, or legal custodian to pay for the costs of care,
26 services, court-appointed attorney representation, or other costs
27 or assessments related to the juvenile's court proceeding.

28 (4) An order directed to a parent or a person other than the
29 juvenile is not effective and binding on the parent or other person



1 unless opportunity for hearing is given by issuance of summons or
2 notice as provided in sections 12 and 13 of this chapter and until
3 a copy of the order, bearing the seal of the court, is served on
4 the parent or other person as provided in section 13 of this
5 chapter.

6 (5) 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 William Van
10 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
11 780.795.

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

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

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

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

29 (8) The court shall not enter an order of disposition for a



1 juvenile offense as defined in section 1a of 1925 PA 289, MCL
2 28.241a, or a judgment of sentence for a conviction until the court
3 has examined the court file and has determined that the juvenile's
4 biometric data have been collected and forwarded as required by
5 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
6 fingerprints have been taken and forwarded as required by the sex
7 offenders registration act, 1994 PA 295, MCL 28.721 to 28.730. If a
8 juvenile's biometric data have not been collected or a juvenile has
9 not had the juvenile's fingerprints taken, the court shall do
10 either of the following:

11 (a) Order the juvenile to submit ~~himself or herself~~ go to the
12 police agency that arrested or obtained the warrant for the
13 juvenile's arrest so the juvenile's biometric data can be collected
14 and forwarded and the juvenile's fingerprints can be taken and
15 forwarded.

16 (b) Order the juvenile committed to the sheriff's custody for
17 collecting and forwarding the juvenile's biometric data and taking
18 and forwarding the juvenile's fingerprints.

19 (9) A designated individual or agency shall conduct a risk and
20 needs assessment for each juvenile before disposition. The
21 following procedure applies to a risk and needs assessment
22 conducted under this subsection:

23 (a) The results of the risk and needs assessment, and a
24 dispositional recommendation made by the designated individual or
25 agency that performed the risk and needs assessment, must be shared
26 with the court and each party to the proceeding, including the
27 juvenile, counsel for the juvenile, and the prosecuting attorney.

28 (b) The results of the risk and needs assessment must be used
29 to inform a dispositional recommendation and to determine the most



1 appropriate disposition for the juvenile considering all of the
2 following factors:

3 (i) The least restrictive setting possible.

4 (ii) Public safety.

5 (iii) Victim interests.

6 (iv) Rehabilitation of the juvenile.

7 (v) Improved juvenile outcomes, including, but not limited to,
8 educational advancement.

9 (10) The court shall consider the results of the risk and
10 needs assessment conducted under subsection (9) when making a
11 dispositional decision regarding a juvenile found within this
12 chapter, including, but not limited to, any of the following
13 decisions:

14 (a) Whether to place a juvenile under supervision, including
15 the length, level, and conditions of this supervision.

16 (b) Whether to place a juvenile on probation.

17 (c) Whether to place a juvenile in out-of-home care.

18 (11) For the duration of each order of disposition for a
19 juvenile found within this chapter, the court shall require a new
20 risk and needs assessment for the juvenile, to be conducted,
21 shared, and used in the same manner as described in subsection (9),
22 if any of the following conditions occur:

23 (a) Six months have passed since the juvenile's last risk and
24 needs assessment.

25 (b) The juvenile experiences a major life event.

26 (c) There is a major change in the juvenile's proceedings.

27 (12) A risk and needs assessment conducted under subsection
28 (9) must meet both of the following requirements:

29 (a) Be research based and nationally validated for use with



1 juveniles.

2 (b) Comply with the guidelines created under subsection (13).

3 (13) The state court administrative office, under the
4 supervision and direction of the supreme court, shall create
5 guidelines on the use of risk and needs assessments under this
6 section.

7 (14) A designated individual or agency that conducts risk and
8 needs assessments under subsection (9) must be trained on the
9 appropriate use of the applicable risk and needs assessment
10 selected by the court.

11 (15) A risk and needs assessment conducted as part of a
12 proceeding under this section and any information obtained from a
13 minor in the course of the assessment, including any admission,
14 confession, or incriminating evidence, are not admissible into
15 evidence in any adjudicatory hearing in which the minor is accused
16 and are not subject to subpoena or any other court process for use
17 in any other proceeding or for any other purpose.

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

28 (17) If the court has entered an order of disposition or a
29 judgment of conviction for a listed offense as that term is defined



1 in section 2 of the sex offenders registration act, 1994 PA 295,
2 MCL 28.722, the court, the department, or the county juvenile
3 agency shall register the juvenile or accept the juvenile's
4 registration as provided in the sex offenders registration act,
5 1994 PA 295, MCL 28.721 to 28.730.

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

26 (19) If the juvenile is within the court's jurisdiction under
27 section 2(a)(1) of this chapter for an offense other than a listed
28 offense as that term is defined in section 2 of the sex offenders
29 registration act, 1994 PA 295, MCL 28.722, the court shall



1 determine if the offense is a violation of a law of this state or a
2 local ordinance of a municipality of this state that by its nature
3 constitutes a sexual offense against an individual who is less than
4 18 years of age. If so, the order of disposition is for a listed
5 offense as that term is defined in section 2 of the sex offenders
6 registration act, 1994 PA 295, MCL 28.722, and the court shall
7 include the basis for that determination on the record and include
8 the determination in the order of disposition.

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

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

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

21 Enacting section 2. This amendatory act does not take effect
22 unless all of the following bills of the 102nd Legislature are
23 enacted into law:

24 (a) House Bill No. 4160.

25 (b) House Bill No. 4161.

26 (c) House Bill No. 4162.

27 (d) House Bill No. 4163.

