

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2024**

**Introduced by Reps. Breen, Hope, Byrnes, Glanville, Conlin, Brabec, Arbit, MacDonell, Andrews, Steckloff, Tyrone Carter, Liberati, Filler, Tsernoglou, Wilson, Hood, Dievendorf, Hill, Coffia, Snyder, Morse and Aiyash**

## **ENROLLED HOUSE BILL No. 4522**

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 1082 (MCL 600.1082), as amended by 2012 PA 334, and by adding chapter 10D.

*The People of the State of Michigan enact:*

Sec. 1082. (1) A state drug treatment court advisory committee is created in the legislative council. The state drug treatment court advisory committee consists of the following members:

- (a) The state court administrator or the state court administrator’s designee.
- (b) Eighteen members appointed jointly by the speaker of the house of representatives and the senate majority leader, as follows:
  - (i) A circuit court judge who has presided for at least 2 years over a drug treatment court.
  - (ii) A district court judge who has presided for at least 2 years over a drug treatment court.
  - (iii) A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
  - (iv) A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
  - (v) A circuit or district court judge who has presided over a veterans treatment court.
  - (vi) A circuit court judge who has presided over a family treatment court.
  - (vii) A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
  - (viii) A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
  - (ix) An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
  - (x) An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.

- (xi) An individual representing criminal defense attorneys, who has worked for at least 2 years with drug or alcohol treatment courts.
  - (xii) An individual who has successfully completed a drug treatment court program.
  - (xiii) An individual who has successfully completed a juvenile drug treatment court program.
  - (xiv) An individual who is an advocate for the rights of crime victims.
  - (xv) An individual representing the Michigan Association of Drug Court Professionals.
  - (xvi) An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.
  - (xvii) An individual representing a substance abuse coordinating agency.
  - (xviii) An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.
- (2) Members of the advisory committee shall serve without compensation. However, members of the advisory committee may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee.
- (3) Members of the advisory committee shall serve for terms of 4 years each, except that the members first appointed shall serve terms as follows:
- (a) The members appointed under subsection (1)(b)(i) to (vii) shall serve terms of 4 years each.
  - (b) The members appointed under subsection (1)(b)(viii) to (xii) shall serve terms of 3 years each.
  - (c) The members appointed under subsection (1)(b)(xiii) to (xviii) shall serve terms of 2 years each.
- (4) If a vacancy occurs in an appointed membership on the advisory committee, the appointing authority shall make an appointment for the unexpired term in the same manner as the original appointment.
- (5) The appointing authority may remove an appointed member of the advisory committee for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.
- (6) The first meeting of the advisory committee must be called by the speaker of the house of representatives and the senate majority leader. At the first meeting, the advisory committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the advisory committee shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members.
- (7) A majority of the members of the advisory committee constitute a quorum for the transaction of business at a meeting of the advisory committee. A majority of the members present and serving are required for official action of the advisory committee.
- (8) The business that the advisory committee may perform must be conducted at a public meeting of the advisory committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- (9) A writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (10) The advisory committee shall monitor the effectiveness of drug treatment courts, family treatment courts, and veterans treatment courts and the availability of funding for those courts and shall present annual recommendations to the legislature and supreme court regarding proposed statutory changes regarding those courts.

## CHAPTER 10D

Sec. 1099aa. As used in this chapter:

- (a) "Department" means the department of health and human services.
- (b) "Family-centered" means a treatment approach that is designed to meet the needs of each member of a family, not just the individual diagnosed with a substance abuse disorder, and recognizes that families are diverse and can be made up of nuclear family members, extended family members, fictive kin, and nonblood relations. As used in this subdivision, "family" means all individuals whom the child and parent define as family.
- (c) "Family treatment court" means either of the following:
  - (i) A court-supervised treatment program for individuals with a civil child abuse or neglect case and who are diagnosed with a substance use disorder.
  - (ii) A program designed to adhere to the family treatment court best practice standards promulgated by a national organization representing the interest of drug and specialty court treatment programs and the Center for Children and Family Futures, which include all of the following:
    - (A) Early identification, screening, and assessment of eligible participants, with prompt placement in the program.

(B) Integration of timely, high-quality, and appropriate substance use disorder treatment services with justice system case processing.

(C) Access to comprehensive case management, services, and supports for families.

(D) Valid, reliable, random, and frequent drug testing.

(E) Therapeutic responses to improve parent, child, and family functioning, ensure children's safety, permanency, and well-being, support participant behavior change, and promote participant accountability.

(F) Ongoing close judicial interaction with each participant.

(G) Collecting and reviewing data to monitor participant progress, engage in a process of continuous quality improvement, monitor adherence to best practice standards, and evaluate outcomes using scientifically reliable and valid procedures.

(H) Continued interdisciplinary education in order to promote effective family treatment court planning, implementation, and operation.

(I) The forging of partnerships among other family treatment courts, public agencies, and community-based organizations to generate local support.

(J) A family-centered, culturally relevant, and trauma-informed approach.

(K) Ensuring equity and inclusion.

(d) "Indian child's tribe" means that term as defined in section 3 of the Michigan Indian family preservation act, chapter XIIB of the probate code of 1939, 1939 PA 288, MCL 712B.3.

(e) "Lawyer-guardian ad litem" means that term as defined in section 13a of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

(f) "Participant" means an individual who is admitted into a family treatment court.

(g) "Prosecutor" means the prosecuting attorney of the county, attorney general, or attorney retained by the department.

(h) "Termination" means removal from the family treatment court due to a new offense, noncompliance, absconding, voluntary withdrawal, medical discharge, or death.

(i) "Violent offender" means an individual who is currently charged with or has pled guilty to an offense involving the death of or serious bodily injury to any individual, whether or not death or serious bodily injury is an element of the offense, or an offense that is criminal sexual conduct of any degree.

Sec. 1099bb. (1) The circuit court in any judicial circuit may adopt or institute a family treatment court, pursuant to statute or court rules. The circuit court shall not adopt or institute the family treatment court unless the circuit court enters into a memorandum of understanding with the prosecuting attorney, a representative of the bar specializing in family or juvenile law, a lawyer-guardian ad litem, a representative or representatives of the department, and a representative or representatives of community treatment providers. The memorandum of understanding may also include other parties considered necessary, such as a court appointed special advocate, local law enforcement, the local substance abuse coordinating agency for that circuit court, a mental health treatment provider, a domestic violence services provider, an Indian child's tribe, or child and adolescent services providers. The memorandum of understanding must describe the role of each party.

(2) A court that is adopting a family treatment court shall participate in training as required by the state court administrative office.

(3) A family treatment court operating in this state, or a circuit court in any judicial circuit seeking to adopt or institute a family treatment court, must be certified by the state court administrative office. The state court administrative office shall, under the direction and supervision of the supreme court, establish the procedure for certification. Approval and certification under this subsection of a family treatment court by the state court administrative office is required to begin or to continue the operation of a family treatment court under this chapter. The state court administrative office shall, under the direction and supervision of the supreme court, include a family treatment court certified under this subsection on the statewide official list of family treatment courts. The state court administrative office shall not recognize and include a family treatment court that is not certified under this subsection on the statewide official list of family treatment courts. A family treatment court that is not certified under this subsection shall not perform any of the functions of a family treatment court, including, but not limited to, receiving funding under section 1099ll.

Sec. 1099cc. A family treatment court may hire or contract with licensed or accredited treatment providers in consultation and cooperation with the local substance abuse coordinating agency, the local community mental health service provider, and other such appropriate persons to assist the family treatment court in fulfilling its requirements under this chapter, including, but not limited to, the investigation of an individual's background or

circumstances, the clinical evaluation of an individual for the individual's admission into or participation in a family treatment court, providing a recommended treatment modality and level of care, and providing evidence-based, family-centered treatment using an integrated, comprehensive continuum of care.

Sec. 1099dd. (1) A family treatment court shall determine whether an individual may be admitted to the family treatment court. An individual does not have a right to be admitted into a family treatment court. Unless the family treatment court judge and the prosecuting attorney, in consultation with any known victim in the instant case, consent, a violent offender must not be admitted into a family treatment court. An individual must not be admitted to a family treatment court if either of the following applies:

(a) The individual is currently charged with first degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316, or criminal sexual conduct in the first, second, or third degree in violation of section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d.

(b) The individual has been convicted of first degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316, criminal sexual conduct in the first degree in violation of section 520b of the Michigan penal code, 1931 PA 328, MCL 750.520b, or child sexually abusive activity in violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(2) To be admitted into a family treatment court, admission must be indicated as appropriate as a result of a preadmission screening, evaluation, or assessment with an evidence-based screening and assessment tool. An individual shall cooperate with and complete a preadmission screening, evaluation, or assessment, and shall agree to cooperate with any future evaluation or assessment as directed by the family treatment court. A preadmission screening, evaluation, or assessment must include all of the following:

(a) A complete review of the individual's criminal history, and a review of whether or not the individual has been admitted to, has participated in, or is currently participating in a problem-solving court. The court may accept verifiable and reliable information from the prosecutor or the individual's attorney to complete its review and may require the individual to submit a statement as to whether or not the individual has previously been admitted to a problem-solving court and the results of the individual's participation in the prior program or programs.

(b) A complete review of the individual's child protective services history.

(c) As much as practicable, a complete review of the individual's civil record, including any records pertaining to divorce, custody, personal protection order, and extreme risk protection order proceedings.

(d) An assessment of the family situation, including any nonrespondent parent and family support.

(e) An assessment of the risk of danger or harm to the individual, the individual's children, or the community.

(f) As much as practicable, a complete review of the individual's history regarding the use or abuse of any controlled substance or alcohol and an assessment of whether the individual abuses controlled substances or alcohol or is drug or alcohol dependent. As much as practicable, the assessment must be a clinical assessment.

(g) A review of any special needs or circumstances of the individual that may potentially affect the individual's ability to receive substance abuse treatment and follow the court's orders.

(3) The information received for an assessment under subsection (2) is confidential and must not be used for any purpose other than treatment and case planning.

(4) Except as otherwise permitted in this act, any statement or other information obtained as a result of participating in a preadmission screening, evaluation, or assessment under subsection (2) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

(5) The court may request that the department provide to the court information about an individual applicant's child protective services history to determine an individual's admission into the family treatment court. The department shall provide the information requested by a family treatment court under this subsection and as required under section 7(1)(g) of the child protection law, 1975 PA 238, MCL 722.627.

Sec. 1099ee. Before an individual is admitted into a family treatment court, the court shall find on the record, or place a statement in the court file establishing all of the following:

(a) That the individual has a substance use disorder and is an appropriate candidate for participation in the family treatment court as determined by the preadmission screening, evaluation, or assessment.

(b) That the individual understands the consequences of entering the family treatment court and agrees to comply with all court orders and requirements of the family treatment court and treatment providers.

(c) That either the individual is not a violent offender or, subject to subdivisions (d) and (e), the family treatment court judge, the lawyer-guardian ad litem, and the prosecuting attorney, in consultation with any known victim in the instant case, consent to the violent offender being admitted to the family treatment court.

(d) The individual is not currently charged with first degree murder or criminal sexual conduct in the first, second, or third degree.

(e) The individual has never been convicted of first degree murder, criminal sexual conduct in the first degree, or child sexually abusive activity.

(f) That an individual has completed a preadmission screening, evaluation, or assessment under section 1099dd and has agreed to cooperate with any future evaluation or assessment as directed by the family treatment court.

(g) The terms and conditions of the agreement between the parties.

Sec. 1099ff. If the individual being considered for admission to a family treatment court is adjudicated in a civil child neglect and abuse case, the individual's admission is subject to all of the following conditions:

(a) The allegations contained in the petition must be related to the abuse, illegal use, or possession of a controlled substance or alcohol.

(b) The individual must make an admission of responsibility to the allegations on the record.

(c) The individual must sign a written agreement to participate in the family treatment court.

Sec. 1099gg. (1) On admitting an individual into a family treatment court, both of the following apply:

(a) For an individual who is admitted to a family treatment court based on having an adjudicated child neglect or abuse case, the court shall accept the admission of responsibility to the allegations described in section 1099ff.

(b) The court may place the individual under court jurisdiction in the family treatment court program with terms and conditions as considered necessary by the court.

(2) The family treatment court shall cooperate with, and act in a collaborative manner with, the prosecutor, representative of the bar specializing in family or juvenile law, treatment providers, lawyer-guardian ad litem, local substance abuse coordinating agency, department, and, to the extent possible, court appointed special advocate, local law enforcement, child and adolescent services providers, domestic violence services providers, Indian child's tribe, and community corrections agencies.

(3) The family treatment court may require an individual admitted into the court to pay a reasonable family treatment court fee that is reasonably related to the cost to the court of administering the family treatment court program as provided in the memorandum of understanding under section 1099bb. The clerk of the circuit court shall transmit the fees collected to the treasurer of the local funding unit at the end of each month.

(4) The family treatment court may request that the department provide the court with information about an admitted individual's child protective services history and updates on the individual's compliance with child protective services for the purpose of determining an individual's progress in and compliance with the family treatment court. The department shall provide the information requested by a family treatment court under this subsection and as required under section 7(1)(g) of the child protection law, 1975 PA 283, MCL 722.627.

Sec. 1099hh. (1) A family treatment court shall provide a family treatment court participant with all of the following:

(a) Consistent, continual, and close monitoring of the participant and interaction among the court, treatment providers, department, and participant.

(b) Mandatory periodic and random testing for the presence of any controlled substance, alcohol, or other abused substance in a participant's blood, urine, saliva, or breath, using to the extent practicable the best available, accepted, and scientifically valid methods.

(c) Periodic evaluation assessments of the participant's circumstances and progress in the program.

(d) A regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance, including, but not limited to, the possibility of incarceration or confinement.

(e) Substance abuse treatment services, including, but not limited to, family-centered treatment, relapse prevention services, mental health treatment services, education, and vocational opportunities as appropriate and practicable.

(2) Any statement or other information obtained as a result of participating in an assessment, evaluation, treatment, or testing while in a family treatment court is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

Sec. 1099ii. (1) To continue to participate in and successfully complete a family treatment court program, an individual must do both of the following:

(a) Pay the family treatment court fee allowed under section 1099gg, as applicable.

(b) Comply with all court orders and case service plans, violations of which may be sanctioned according to national and state recognized family treatment court best practices and standards.

(2) The family treatment court must be notified of any new neglect and abuse allegations against the participant or if the participant is accused of a crime. The judge shall consider whether to terminate the participant's participation in the family treatment court in conformity with the memorandum of understanding under section 1099bb.

(3) The court shall require that a participant pay the fee described in subsection (1)(a). However, if the court determines that the payment of the fee would be a substantial hardship for the participant or would interfere with the participant's substance abuse treatment, the court may waive all or part of the fee.

Sec. 1099jj. (1) On completion of or termination from a family treatment court program, the court shall find on the record or place a written statement in the court file as to whether the participant completed the program successfully or whether the individual's participation in the program was terminated and, if it was terminated, the reason for the termination.

(2) If a participant has successfully completed family treatment court, the court shall send a notice of the family treatment court completion and final disposition to the department. The department shall record successful participation by the individual in a family treatment court.

(3) If a participant was terminated from the family treatment court, the court shall send a notice of the family treatment court termination to the department. The department shall record the termination of the individual from family treatment court.

(4) All court proceedings under this section must be open to the public.

Sec. 1099kk. (1) Each family treatment court shall collect and provide data on each individual applicant and participant in the program as required by the state court administrative office.

(2) A family treatment court shall maintain files or databases on each individual applicant or referral who is denied or refused admission to the program, including the reasons for the denial or rejection, the criminal history of the applicant, the preadmission evaluation or assessment, and other demographic information as required by the state court administrative office.

(3) A family treatment court shall maintain files or databases on each individual participant in the program for review and evaluation, as directed by the state court administrative office. The information collected for evaluation purposes must include a minimum standard data set developed and specified by the state court administrative office. This information should be maintained in the court files or otherwise accessible by the courts and the state court administrative office and, as much as practicable, should include all of the following:

(a) Location and contact information for each individual participant, on admission and termination or completion of the program for follow-up reviews, and third-party contact information.

(b) Significant transition point dates, including dates of referral, enrollment, new court orders, violations, detentions, changes in services or treatments provided, discharge for completion or termination, any provision of after-care, and after-program recidivism.

(c) The individual's precipitating adjudication and significant factual information, source of referral, and all family treatment court evaluations and assessments.

(d) Treatments provided, including the intensity of care or dosage, and the outcome of each treatment.

(e) Other services or opportunities provided to the individual and resulting use by the individual, such as education or employment and the participation of and outcome for that individual.

(f) Reasons for discharge, completion, or termination of the program.

(g) Outcomes related to reunification and placement of a child or children.

(4) As directed by the state court administrative office, after an individual is discharged either on completion of or termination from the program, the family treatment court should conduct, as much as practicable, follow-up contacts with and reviews of participants for key outcome indicators, such as substance use, custody status of children, recidivism, and employment, as frequently and for a period of time determined by the state court administrative office based on the nature of the family treatment court and the nature of the participant. The follow-up contact and review of former participants is not an extension of the court's jurisdiction over the individual.

(5) A family treatment court shall provide to the state court administrative office all information requested by the state court administrative office.

(6) The state court administrative office, under the direction and supervision of the supreme court, is responsible for evaluating and collecting data on the performance of family treatment courts in this state as follows:

(a) Provide an annual review of the performance of family treatment courts in this state to the minority and majority party leaders in the senate and house of representatives, the state drug treatment court advisory committee created under section 1082, the governor, and the supreme court.

(b) Provide standards for family treatment courts in this state, including, but not limited to, developing a list of approved measurement instruments and indicators for data collection and evaluation. These standards must provide comparability between programs and their outcomes.

(c) Provide evaluation plans, including appropriate and scientifically valid research designs that, as soon as practicable, include the use of comparison and control groups.

(7) The information collected under this section regarding individual applicants to family treatment court programs for the purpose of application to that program and participants who have successfully completed family treatment courts is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 1099*ll*. (1) The supreme court is responsible for the expenditure of state funds for the establishment and operation of family treatment courts. Federal funds provided to the state for the operation of family treatment courts must be distributed by the department or the appropriate state agency as otherwise provided by law.

(2) The state treasurer may receive money or other assets from any source for deposit into the appropriate state fund or funds for the purposes described in subsection (1).

(3) Each family treatment court shall report quarterly to the state court administrative office on the funds received and expended by that family treatment court, in a manner prescribed by the state court administrative office.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor