

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

***** 712A.11.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2021 *****

712A.11.amended Preliminary inquiry; petition; effect of juvenile attaining eighteenth birthday; biometric data; amendment of petition or other court record; offer of court services.

Sec. 11. (1) Except as provided in subsection (2), if a person gives information to the court that a juvenile is within section 2(a)(2) to (4), (b), (c), or (d) of this chapter, a preliminary inquiry may be made to determine whether the interests of the public or the juvenile require that further action be taken. If the court determines that formal jurisdiction should be acquired, the court shall authorize a petition to be filed. The court may proceed on the consent calendar under section 2f of this chapter if at any time before disposition the court determines that a case should not proceed on the formal calendar but that the protective and supportive action by the court will serve the best interests of the juvenile and the public.

(2) Only the prosecuting attorney may file a petition requesting the court to take jurisdiction of a juvenile allegedly within section 2(a)(1) of this chapter. If the prosecuting attorney submits a petition requesting the court to take jurisdiction of a juvenile allegedly within section 2(a)(1) of this chapter and the court determines that formal jurisdiction should be acquired, the court shall authorize a petition to be filed.

(3) The petition described in subsections (1) and (2) shall be verified and may be upon information and belief. The petition shall set forth plainly the facts that bring the juvenile within this chapter and shall contain all of the following information:

- (a) The juvenile's name, birth date, and address.
- (b) The name and address of the juvenile's parents.
- (c) The name and address of the juvenile's legal guardian, if there is a legal guardian.
- (d) The name and address of each person having custody or control of the juvenile.
- (e) The name and address of the juvenile's nearest known relative, if no parent or legal guardian can be found.

(4) If any of the facts required under subsection (3) are not known to the petitioner, the petition shall state that the facts are not known. If the juvenile attains his or her eighteenth birthday after the filing of the petition, the court's jurisdiction shall continue beyond the juvenile's eighteenth birthday and the court may hear and dispose of the petition under this chapter.

(5) When a petition is authorized, the court shall examine the court file to determine if a juvenile has had his or her biometric data collected as required under section 3 of 1925 PA 289, MCL 28.243. If a juvenile's biometric data has not been collected, the court shall do either of the following:

- (a) Order the juvenile to submit himself or herself to the police agency that arrested or obtained the warrant for the arrest of the juvenile so the juvenile's biometric data can be collected.
- (b) Order the juvenile committed to the custody of the sheriff for the collection of the juvenile's biometric data.

(6) A petition or other court record may be amended at any stage of the proceedings as the ends of justice require.

(7) If the juvenile diversion act, 1988 PA 13, MCL 722.821 to 722.831, is complied with and the court determines that court services can be used in the prevention of delinquency without formal jurisdiction, the court may offer court services to a juvenile without a petition being authorized as provided in section 2(e) of this chapter.

History: Add. 1944, 1st Ex. Sess., Act 54, Imd. Eff. Mar. 6, 1944;—CL 1948, 712A.11;—Am. 1963, Act 118, Eff. Sept. 6, 1963;—Am. 1965, Act 182, Imd. Eff. July 15, 1965;—Am. 1988, Act 18, Eff. Apr. 1, 1988;—Am. 1988, Act 72, Eff. June 1, 1988;—Am. 1988, Act 92, Eff. Apr. 1, 1988;—Am. 1996, Act 409, Eff. Jan. 1, 1998;—Am. 2016, Act 185, Eff. Sept. 19, 2016;—Am. 2019, Act 98, Eff. Oct. 1, 2021.

Former law: See section 17 of Ch. XII of Act 288 of 1939; section 5 of Act 6 of 1907, Ex. Sess.; Act 310 of 1909; Act 164 of 1911; Act 262 of 1911; Act 363 of 1913; Act 308 of 1915; CL 1915, § 2015; Act 24 of 1921, 1st Ex. Sess.; Act 105 of 1923; Act 127 of 1927; and CL 1929, § 12838.

Popular name: Probate Code

Popular name: Juvenile Code