

**SUBSTITUTE FOR
SENATE BILL NO. 428**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 2f, 18, 28, and 29 of chapter XIIIA (MCL
712A.2f, 712A.18, 712A.28, and 712A.29), section 2f as added by
2016 PA 185, section 18 as amended by 2022 PA 209, section 28 as
amended by 2020 PA 362, and section 29 as amended by 2003 PA 74,
and by adding section 29a to chapter XIIIA; and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIIA

2 Sec. 2f. (1) If the court determines that formal jurisdiction
3 should not be acquired over a juvenile, the court may proceed in an
4 informal manner referred to as a consent calendar.



1 (2) A case ~~shall~~**must** not be placed on the consent calendar
2 unless the juvenile and the parent, guardian, or legal custodian
3 and the prosecutor agree to have the case placed on the consent
4 calendar.

5 (3) The court may transfer a case from the formal calendar to
6 the consent calendar at any time before disposition. A case
7 involving the alleged commission of an offense as that term is
8 defined in section 31 of the William Van Regenmorter crime victim's
9 rights act, 1985 PA 87, MCL 780.781, ~~shall~~**must** only be placed on
10 the consent calendar upon compliance with the procedures set forth
11 in section 36b of the William Van Regenmorter crime victim's rights
12 act, 1985 PA 87, MCL 780.786b.

13 (4) After a case is placed on the consent calendar, the
14 prosecutor shall provide the victim with notice as required by
15 article 2 of the William Van Regenmorter crime victim's rights act,
16 1985 PA 87, MCL 780.781 to 780.802.

17 (5) Consent calendar cases must be maintained in the following
18 nonpublic manner:

19 (a) Access to consent calendar case records ~~shall~~**must** be
20 provided to the juvenile, the juvenile's parents, guardian, or
21 legal custodian, the guardian ad litem, counsel for the juvenile,
22 the department of health and human services if related to an
23 investigation of neglect and abuse, law enforcement personnel,
24 prosecutor, and other courts. However, consent calendar case
25 records ~~shall~~**must** not be disclosed to federal agencies or military
26 recruiters. ~~For purposes of this subsection,~~ **As used in this**
27 **subdivision**, "case records" includes the pleadings, motions,
28 authorized petitions, notices, memoranda, briefs, exhibits,
29 available transcripts, findings of the court, register of actions,



1 consent calendar case plan, and court orders related to the case
2 placed on the consent calendar.

3 (b) The contents of the confidential file ~~, as defined in MCR~~
4 ~~3.903, shall must~~ continue to be maintained confidentially. **As used**
5 **in this subdivision, "confidential file" means that term as defined**
6 **in MCR 3.903.**

7 (6) The court shall conduct a consent calendar conference with
8 the juvenile, the juvenile's attorney, if any, and the juvenile's
9 parent, guardian, or legal custodian to discuss the allegations.
10 The prosecuting attorney and victim may be, but are not required to
11 be, present.

12 (7) If it appears to the court that the juvenile has engaged
13 in conduct that would subject the juvenile to the jurisdiction of
14 the court, the court shall issue a written consent calendar case
15 plan. All of the following apply to a consent calendar case plan:

16 (a) ~~The plan may include a provision requiring the juvenile,~~
17 ~~parent, guardian, or legal custodian to reimburse the court for the~~
18 ~~cost of the consent calendar services for the juvenile. The~~
19 ~~reimbursement amount shall be reasonable, taking into account the~~
20 ~~juvenile's income and resources. The plan shall also must~~ include a
21 requirement that the juvenile pay restitution under the William Van
22 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
23 780.834. **The court shall not order the juvenile or the juvenile's**
24 **parent, guardian, or legal custodian to pay for fees or costs**
25 **associated with consent calendar services.**

26 (b) A consent calendar case plan ~~shall must~~ not contain a
27 provision removing the juvenile from the custody of the juvenile's
28 parent, guardian, or legal custodian.

29 (c) The consent calendar case plan is not an order of the



1 court, but ~~shall~~**must** be included as a part of the case record.

2 (d) Violation of the terms of the consent calendar case plan
3 may result in the court's returning the case to the formal calendar
4 for further proceedings consistent with subsection (10).

5 (8) The court shall not enter an order of disposition in a
6 case while it is on the consent calendar.

7 (9) Upon successful completion by the juvenile of the consent
8 calendar case plan, the court shall close the case and shall
9 destroy all records of the proceeding in accordance with the
10 records management policies and procedures of the state court
11 administrative office, established in accordance with supreme court
12 rules.

13 (10) If it appears to the court at any time that proceeding on
14 the consent calendar is not in the best interest of either the
15 juvenile or the public, the court shall proceed as follows:

16 (a) If the court did not authorize the original petition, the
17 court may, without hearing, transfer the case from the consent
18 calendar to the formal calendar on the charges contained in the
19 original petition to determine whether the petition should be
20 authorized.

21 (b) If the court authorized the original petition, the court
22 may transfer the case from the consent calendar to the formal
23 calendar on the charges contained in the original petition only
24 after a hearing. After transfer to the formal calendar, the court
25 shall proceed with the case from where it left off before being
26 placed on the consent calendar.

27 (11) Statements made by the juvenile during the proceeding on
28 the consent calendar ~~shall~~**must** not be used against the juvenile at
29 a trial on the formal calendar on the same charge.



1 (12) Upon a judicial determination that the juvenile has
 2 completed the terms of the consent calendar case plan, the court
 3 shall report the successful completion of the consent calendar to
 4 the juvenile and the department of state police. The department of
 5 state police shall maintain a nonpublic record of the case. This
 6 record ~~shall be~~ **is** open to the courts of this state, another state,
 7 or the United States, the department of corrections, law
 8 enforcement personnel, and prosecutors ~~only~~ for use **only** in the
 9 performance of their duties or to determine whether an employee of
 10 the court, department, law enforcement agency, or prosecutor's
 11 office has violated ~~his or her~~ conditions of employment or whether
 12 an applicant meets criteria for employment with the court,
 13 department, law enforcement agency, or prosecutor's office.

14 Sec. 18. (1) If the court finds that a juvenile concerning
 15 whom a petition is filed is not within this chapter, the court
 16 shall enter an order dismissing the petition. Except as otherwise
 17 provided in subsection ~~(10)~~, **(8)**, if the court finds that a
 18 juvenile is within this chapter, the court shall order the juvenile
 19 returned to his or her parent if the return of the juvenile to his
 20 or her parent would not cause a substantial risk of harm to the
 21 juvenile or society. The court may also enter any of the following
 22 orders of disposition that are appropriate for the welfare of the
 23 juvenile and society in view of the facts proven and ascertained:

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

27 (b) Place the juvenile on probation, or under supervision in
 28 the juvenile's own home or in the home of an adult who is related
 29 to the juvenile. As used in this subdivision, "related" means a



1 relative as that term is defined in section 13a of this chapter.
2 The court shall order the terms and conditions of probation or
3 supervision, including reasonable rules for the conduct of the
4 parents, guardian, or custodian, if any, as the court determines
5 necessary for the physical, mental, or moral well-being and
6 behavior of the juvenile. The court may order that the juvenile
7 participate in a juvenile drug treatment court under chapter 10A of
8 the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
9 600.1088. ~~The court also shall order, as a condition of probation~~
10 ~~or supervision, that the juvenile shall pay the minimum state cost~~
11 ~~prescribed by section 18m of this chapter.~~

12 (c) If a juvenile is within the court's jurisdiction under
13 section 2(a) of this chapter, or under section 2(h) of this chapter
14 for a supplemental petition, place the juvenile in a suitable
15 foster care home subject to the court's supervision. If a juvenile
16 is within the court's jurisdiction under section 2(b) of this
17 chapter, the court shall not place a juvenile in a foster care home
18 subject to the court's supervision.

19 (d) Except as otherwise provided in this subdivision, place
20 the juvenile in or commit the juvenile to a private institution or
21 agency approved or licensed by the department's division of child
22 welfare licensing for the care of juveniles of similar age, sex,
23 and characteristics. If the juvenile is not a ward of the court,
24 the court shall commit the juvenile to the department or, if the
25 county is a county juvenile agency, to that county juvenile agency
26 for placement in or commitment to an institution or agency as the
27 department or county juvenile agency determines is most
28 appropriate, subject to any initial level of placement the court
29 designates.



1 (e) Except as otherwise provided in this subdivision, commit
2 the juvenile to a public institution, county facility, institution
3 operated as an agency of the court or county, or agency authorized
4 by law to receive juveniles of similar age, sex, and
5 characteristics. If the juvenile is not a ward of the court, the
6 court shall commit the juvenile to the department or, if the county
7 is a county juvenile agency, to that county juvenile agency for
8 placement in or commitment to an institution or facility as the
9 department or county juvenile agency determines is most
10 appropriate, subject to any initial level of placement the court
11 designates. In a placement under subdivision (d) or a commitment
12 under this subdivision, except to a state institution or a county
13 juvenile agency, the juvenile's religious affiliation must be
14 protected by placement or commitment to a private child placing or
15 child caring agency or institution, if available. ~~Except for~~
16 ~~commitment to the department or a county juvenile agency, in an~~
17 ~~order of commitment under this subdivision to a state institution~~
18 ~~or agency described in the youth rehabilitation services act, 1974~~
19 ~~PA 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to~~
20 ~~400.214, the court shall name the superintendent of the institution~~
21 ~~where the juvenile is committed as a special guardian to receive~~
22 ~~benefits due the juvenile from the government of the United States.~~
23 ~~An order of commitment under this subdivision to the department or~~
24 ~~a county juvenile agency must name that agency as a special~~
25 ~~guardian to receive those benefits. The benefits received by the~~
26 ~~special guardian must be used to the extent necessary to pay for~~
27 ~~the portions of the cost of care in the institution or facility~~
28 ~~that the parent or parents are found unable to pay.~~

29 (f) Provide the juvenile with medical, dental, surgical, or



1 other health care, in a local hospital if available, or elsewhere,
2 maintaining as much as possible a local physician-patient
3 relationship, and with clothing and other incidental items the
4 court determines are necessary.

5 (g) Order the parents, guardian, custodian, or any other
6 person to refrain from continuing conduct that the court determines
7 has caused or tended to cause the juvenile to come within or to
8 remain under this chapter or that obstructs placement or commitment
9 of the juvenile by an order under this section.

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

16 (i) Order the juvenile to engage in community service. **The**
17 **court shall not order the juvenile or the juvenile's parent,**
18 **guardian, or legal custodian to pay for fees or costs associated**
19 **with community service.**

20 ~~(j) If the court finds that a juvenile has violated a~~
21 ~~municipal ordinance or a state or federal law, order the juvenile~~
22 ~~to pay a civil fine in the amount of the civil or penal fine~~
23 ~~provided by the ordinance or law. Money collected from fines levied~~
24 ~~under this subsection must be distributed as provided in section 29~~
25 ~~of this chapter.~~ **The court shall not order the juvenile or the**
26 **juvenile's parent, guardian, or legal custodian to pay fines**
27 **associated with a violation of a municipal ordinance or a state or**
28 **federal law if another disposition under this section has been**
29 **ordered.**



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

5 (i) The court order the juvenile violated.

6 (ii) The factual basis for determining that there was
7 reasonable cause to believe that the juvenile violated the court
8 order.

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

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

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

16 (l) For a second or subsequent violation of a court order under
17 section 2(a)(2) to (4) of this chapter, issue a second or
18 subsequent order under subdivision (k), but only if the court finds
19 both of the following:

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

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

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



1 (n) If a juvenile is within the court's jurisdiction under
2 section 2(a)(1) of this chapter, place the juvenile in and order
3 the juvenile to complete satisfactorily a program of training in a
4 juvenile boot camp established by the department under the juvenile
5 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
6 in that act. If the county is a county juvenile agency, the court
7 shall commit the juvenile to that county juvenile agency for
8 placement in the program under that act. Upon receiving a report of
9 satisfactory completion of the program from the department, the
10 court shall authorize the juvenile's release from placement in the
11 juvenile boot camp. Following satisfactory completion of the
12 juvenile boot camp program, the juvenile shall complete an
13 additional period of not less than 120 days or more than 180 days
14 of intensive supervised community reintegration in the juvenile's
15 local community. To place or commit a juvenile under this
16 subdivision, the court shall determine all of the following:

17 (i) Placement in a juvenile boot camp will benefit the
18 juvenile.

19 (ii) The juvenile is physically able to participate in the
20 program.

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

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

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

26 (vi) If the court must commit the juvenile to a county juvenile
27 agency, the county juvenile agency is able to place the juvenile in
28 a juvenile boot camp program.

29 (o) If the court entered a judgment of conviction under



1 section 2d of this chapter, enter any disposition under this
2 section or, if the court determines that the best interests of the
3 public would be served, impose any sentence upon the juvenile that
4 could be imposed upon an adult convicted of the offense for which
5 the juvenile was convicted. If the juvenile is convicted of a
6 violation or conspiracy to commit a violation of section
7 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,
8 the court may impose the alternative sentence permitted under that
9 section if the court determines that the best interests of the
10 public would be served. The court may delay imposing a sentence of
11 imprisonment under this subdivision for a period not longer than
12 the period during which the court has jurisdiction over the
13 juvenile under this chapter by entering an order of disposition
14 delaying imposition of sentence and placing the juvenile on
15 probation upon the terms and conditions it considers appropriate,
16 including any disposition under this section. If the court delays
17 imposing sentence under this section, section 18i of this chapter
18 applies. If the court imposes sentence, it shall enter a judgment
19 of sentence. If the court imposes a sentence of imprisonment, the
20 juvenile shall receive credit against the sentence for time served
21 before sentencing. In determining whether to enter an order of
22 disposition or impose a sentence under this subdivision, the court
23 shall consider all of the following factors, giving greater weight
24 to the seriousness of the offense and the juvenile's prior record:

25 (i) The seriousness of the offense in terms of community
26 protection, including, but not limited to, the existence of any
27 aggravating factors recognized by the sentencing guidelines, the
28 use of a firearm or other dangerous weapon, and the impact on any
29 victim.



1 (ii) The juvenile's culpability in committing the offense,
2 including, but not limited to, the level of the juvenile's
3 participation in planning and carrying out the offense and the
4 existence of any aggravating or mitigating factors recognized by
5 the sentencing guidelines.

6 (iii) The juvenile's prior record of delinquency including, but
7 not limited to, any record of detention, any police record, any
8 school record, or any other evidence indicating prior delinquent
9 behavior.

10 (iv) The juvenile's programming history, including, but not
11 limited to, the juvenile's past willingness to participate
12 meaningfully in available programming.

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

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

16 (p) In a proceeding under section 2(b) or (c) of this chapter,
17 if a juvenile is removed from the parent's custody at any time, the
18 court shall permit the juvenile's parent to have regular and
19 frequent parenting time with the juvenile. Parenting time between
20 the juvenile and his or her parent shall not be less than 1 time
21 every 7 days unless the court determines either that exigent
22 circumstances require less frequent parenting time or that
23 parenting time, even if supervised, may be harmful to the
24 juvenile's life, physical health, or mental well-being. If the
25 court determines that parenting time, even if supervised, may be
26 harmful to the juvenile's life, physical health, or mental well-
27 being, the court may suspend parenting time until the risk of harm
28 no longer exists. The court may order the juvenile to have a
29 psychological evaluation or counseling, or both, to determine the



1 appropriateness and the conditions of parenting time.

2 ~~(2) An order of disposition placing a juvenile in or~~
 3 ~~committing a juvenile to care outside of the juvenile's own home~~
 4 ~~and under state, county juvenile agency, or court supervision must~~
 5 ~~contain a provision for reimbursement by the juvenile, parent,~~
 6 ~~guardian, or custodian to the court for the cost of care or~~
 7 ~~service. The order shall be reasonable, taking into account both~~
 8 ~~the income and resources of the juvenile, parent, guardian, or~~
 9 ~~custodian. The amount may be based upon the guidelines and model~~
 10 ~~schedule created under subsection (6). If the juvenile is receiving~~
 11 ~~an adoption assistance under sections 115f to 115m or 115t of the~~
 12 ~~social welfare act, 1939 PA 280, MCL 400.115f to 400.115m and~~
 13 ~~400.115t, the amount must not exceed the amount of the support~~
 14 ~~subsidy. The reimbursement provision applies during the entire~~
 15 ~~period the juvenile remains in care outside of the juvenile's own~~
 16 ~~home and under state, county juvenile agency, or court supervision,~~
 17 ~~unless the juvenile is in the permanent custody of the court. The~~
 18 ~~court shall provide for the collection of all amounts ordered to be~~
 19 ~~reimbursed and the money collected must be accounted for and~~
 20 ~~reported to the county board of commissioners. Collections to cover~~
 21 ~~delinquent accounts or to pay the balance due on reimbursement~~
 22 ~~orders may be made after a juvenile is released or discharged from~~
 23 ~~care outside the juvenile's own home and under state, county~~
 24 ~~juvenile agency, or court supervision. Twenty five percent of all~~
 25 ~~amounts collected under an order entered under this subsection must~~
 26 ~~be credited to the appropriate fund of the county to offset the~~
 27 ~~administrative cost of collections. The balance of all amounts~~
 28 ~~collected under an order entered under this subsection must be~~
 29 ~~divided in the same ratio in which the county, state, and federal~~



~~1 government participate in the cost of care outside the juvenile's~~
~~2 own home and under state, county juvenile agency, or court~~
~~3 supervision. The court may also collect from the government of the~~
~~4 United States benefits paid for the cost of care of a court ward.~~
 5 Money collected for juveniles placed by the court with or committed
 6 to the department or a county juvenile agency must be accounted for
 7 and reported on an individual juvenile basis. ~~In cases of~~
~~8 delinquent accounts, the court may also enter an order to intercept~~
~~9 state or federal tax refunds of a juvenile, parent, guardian, or~~
 10 ~~custodian and initiate the necessary offset proceedings to recover~~
 11 ~~the cost of care or service. The court shall send to the person who~~
~~12 is the subject of the intercept order advance written notice of the~~
~~13 proposed offset. The notice must include notice of the opportunity~~
~~14 to contest the offset on the grounds that the intercept is not~~
~~15 proper because of a mistake of fact concerning the amount of the~~
~~16 delinquency or the identity of the person subject to the order. The~~
~~17 court shall provide for the prompt reimbursement of an amount~~
~~18 withheld in error or an amount found to exceed the delinquent~~
~~19 amount.~~

20 (3) ~~An order of disposition placing a juvenile in the~~
~~21 juvenile's own home under subsection (1) (b) may contain a provision~~
~~22 for reimbursement by the juvenile, parent, guardian, or custodian~~
~~23 to the court for the cost of service. If an order is entered under~~
~~24 this subsection, an amount due must be determined and treated in~~
~~25 the same manner provided for an order entered under subsection~~
~~26 (2).~~ **The court shall not order a juvenile or a juvenile's parent,**
 27 **guardian, or legal custodian to pay for the costs of care,**
 28 **services, court-appointed attorney representation, or other costs**
 29 **or assessments related to the juvenile's court proceeding.**



1 (4) An order directed to a parent or a person other than the
 2 juvenile is not effective and binding on the parent or other person
 3 unless opportunity for hearing is given by issuance of summons or
 4 notice as provided in sections 12 and 13 of this chapter and until
 5 a copy of the order, bearing the seal of the court, is served on
 6 the parent or other person as provided in section 13 of this
 7 chapter.

8 ~~(5) If the court appoints an attorney to represent a juvenile,~~
 9 ~~parent, guardian, or custodian, the court may require in an order~~
 10 ~~entered under this section that the juvenile, parent, guardian, or~~
 11 ~~custodian reimburse the court for attorney fees.~~

12 ~~(6) The office of the state court administrator, under the~~
 13 ~~supervision and direction of the supreme court, shall create~~
 14 ~~guidelines that the court may use in determining the ability of the~~
 15 ~~juvenile, parent, guardian, or custodian to pay for care and any~~
 16 ~~costs of service ordered under subsection (2) or (3). The~~
 17 ~~guidelines must take into account both the income and resources of~~
 18 ~~the juvenile, parent, guardian, or custodian.~~

19 (5) ~~(7)~~ If the court finds that a juvenile comes under section
 20 30 of this chapter, the court shall order the juvenile or the
 21 juvenile's parent to pay restitution as provided in sections 30 and
 22 31 of this chapter and in sections 44 and 45 of the William Van
 23 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
 24 780.795.

25 (6) ~~(8)~~ If the court imposes restitution as a condition of
 26 probation, the court shall require the juvenile to do either of the
 27 following as an additional condition of probation:

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



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

3 (7) ~~(9)~~—If the court finds that the juvenile is in intentional
4 default of the payment of restitution, a court may, as provided in
5 section 30 of this chapter, revoke or alter the terms and
6 conditions of probation for nonpayment of restitution. If a
7 juvenile who is ordered to engage in community service
8 intentionally refuses to perform the required community service,
9 the court may revoke or alter the terms and conditions of
10 probation. **The juvenile must not be placed outside of his or her**
11 **home solely based on nonpayment of restitution or refusal to**
12 **perform community service.**

13 (8) ~~(10)~~—The court shall not enter an order of disposition for
14 a juvenile offense as defined in section 1a of 1925 PA 289, MCL
15 28.241a, or a judgment of sentence for a conviction until the court
16 has examined the court file and has determined that the juvenile's
17 biometric data have been collected and forwarded as required by
18 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
19 fingerprints have been taken and forwarded as required by the sex
20 offenders registration act, 1994 PA 295, MCL 28.721 to 28.730. If a
21 juvenile's biometric data have not been collected or a juvenile has
22 not had his or her fingerprints taken, the court shall do either of
23 the following:

24 (a) Order the juvenile to submit himself or herself to the
25 police agency that arrested or obtained the warrant for the
26 juvenile's arrest so the juvenile's biometric data can be collected
27 and forwarded and his or her fingerprints can be taken and
28 forwarded.

29 (b) Order the juvenile committed to the sheriff's custody for



1 collecting and forwarding the juvenile's biometric data and taking
2 and forwarding the juvenile's fingerprints.

3 (9) ~~(11)~~ Upon final disposition, conviction, acquittal, or
4 dismissal of an offense within the court's jurisdiction under
5 section 2(a)(1) of this chapter, using forms approved by the state
6 court administrator, the clerk of the court entering the final
7 disposition, conviction, acquittal, or dismissal shall immediately
8 advise the department of state police of that final disposition,
9 conviction, acquittal, or dismissal as required by section 3 of
10 1925 PA 289, MCL 28.243. The report to the department of state
11 police must include information as to the finding of the judge or
12 jury and a summary of the disposition or sentence imposed.

13 ~~(12) If the court enters an order of disposition based on an
14 act that is a juvenile offense as defined in section 1 of 1989 PA
15 196, MCL 780.901, the court shall order the juvenile to pay the
16 assessment as provided in that act. If the court enters a judgment
17 of conviction under section 2d of this chapter for an offense that
18 is a felony, misdemeanor, or ordinance violation, the court shall
19 order the juvenile to pay the assessment as provided in 1989 PA
20 196, MCL 780.901 to 780.911.~~

21 (10) ~~(13)~~ If the court has entered an order of disposition or
22 a judgment of conviction for a listed offense as defined in section
23 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,
24 the court, the department, or the county juvenile agency shall
25 register the juvenile or accept the juvenile's registration as
26 provided in the sex offenders registration act, 1994 PA 295, MCL
27 28.721 to 28.730.

28 (11) ~~(14)~~ If the court enters an order of disposition placing
29 a juvenile in a juvenile boot camp program, or committing a



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

19 (12) ~~(15)~~—If the juvenile is within the court's jurisdiction
20 under section 2(a)(1) of this chapter for an offense other than a
21 listed offense as defined in section 2 of the sex offenders
22 registration act, 1994 PA 295, MCL 28.722, the court shall
23 determine if the offense is a violation of a law of this state or a
24 local ordinance of a municipality of this state that by its nature
25 constitutes a sexual offense against an individual who is less than
26 18 years of age. If so, the order of disposition is for a listed
27 offense as defined in section 2 of the sex offenders registration
28 act, 1994 PA 295, MCL 28.722, and the court shall include the basis
29 for that determination on the record and include the determination



1 in the order of disposition.

2 **(13)** ~~(16)~~—The court shall not impose a sentence of
3 imprisonment in the county jail under subsection (1) (o) unless the
4 present county jail facility for the juvenile's imprisonment meets
5 all requirements under federal law and regulations for housing
6 juveniles. The court shall not impose the sentence until it
7 consults with the sheriff to determine when the sentence will begin
8 to ensure that space will be available for the juvenile.

9 **(14)** ~~(17)~~—In a proceeding under section 2(h) of this chapter,
10 this section only applies to a disposition for a violation of a
11 personal protection order and subsequent proceedings.

12 ~~(18) If a juvenile is within the court's jurisdiction under
13 section 2(a) (1) of this chapter, the court shall order the juvenile
14 to pay costs as provided in section 18m of this chapter.~~

15 ~~(19) A juvenile who has been ordered to pay the minimum state
16 cost as provided in section 18m of this chapter as a condition of
17 probation or supervision and who is not in willful default of the
18 payment of the minimum state cost may petition the court at any
19 time for a remission of the payment of any unpaid portion of the
20 minimum state cost. If the court determines that payment of the
21 amount due will impose a manifest hardship on the juvenile or his
22 or her immediate family, the court may remit all or part of the
23 amount of the minimum state cost due or modify the method of
24 payment.~~

25 Sec. 28. (1) Before June 1, 1988, the court shall maintain
26 records of all cases brought before it and as provided in the
27 juvenile diversion act. The records are open only by court order to
28 persons having a legitimate interest, except that diversion records
29 are open only as provided in the juvenile diversion act.



1 (2) Beginning June 1, 1988, the court shall maintain records
2 of all cases brought before it and as provided in the juvenile
3 diversion act. Except as otherwise provided in this subsection,
4 until December 31, 2020, records of a case brought before the court
5 are open to the general public. Diversion records are open only as
6 provided in the juvenile diversion act. Except as otherwise
7 provided in section 49 of the William Van Regenmorter crime
8 victim's rights act, 1985 PA 87, MCL 780.799, if the hearing of a
9 case brought before the court is closed under section 17 of this
10 chapter, the records of that hearing are open only by court order
11 to persons having a legitimate interest.

12 (3) Beginning January 1, 2021, except as otherwise provided,
13 records of a case brought before the court are not open to the
14 general public and are open only to persons having a legitimate
15 interest. Diversion records are open only as provided in the
16 juvenile diversion act. Except as otherwise provided in section 49
17 of the William Van Regenmorter crime victim's rights act, 1985 PA
18 87, MCL 780.799, if the hearing of a case brought before the court
19 is closed under section 17 of this chapter, the records of that
20 hearing are open only by court order to persons having a legitimate
21 interest.

22 ~~(4) If the court issues an order in respect to payments by a~~
23 ~~parent under section 18(2) of this chapter, a copy must be mailed~~
24 ~~to the department of treasury. Action taken against parents or~~
25 ~~adults must not be released for publicity unless the parents or~~
26 ~~adults are found guilty of contempt of court. The court shall~~
27 ~~furnish the department and a county juvenile agency with reports of~~
28 ~~the administration of the court in a form recommended by the~~
29 ~~Michigan Probate Judges Association. Copies of these reports must,~~



1 upon request, be made available to other state departments by the
2 department.

3 (5) As used in this section:

4 (a) "Child placing agency" means that term as defined in
5 section 1 of 1973 PA 116, MCL 722.111.

6 (b) "Indian child" and "Indian child's tribe" mean those terms
7 as defined in section 3 of the Michigan Indian family preservation
8 act, chapter XIIB of the probate code of 1939, 1939 PA 288, MCL
9 712B.3.

10 (c) "Juvenile diversion act" means the juvenile diversion act,
11 1988 PA 13, MCL 722.821 to 722.831.

12 (d) "Persons having a legitimate interest" includes, but is
13 not limited to, the juvenile, the juvenile's parent, the juvenile's
14 guardian or legal custodian, the juvenile's guardian ad litem,
15 counsel for the juvenile, the department or a licensed child caring
16 institution or child placing agency under contract with the
17 department to provide for the juvenile's care and supervision if
18 related to an investigation of child neglect or child abuse, law
19 enforcement personnel, a prosecutor, a member of a local foster
20 care review board established under 1984 PA 422, MCL 722.131 to
21 722.139a, the Indian child's tribe if the juvenile is an Indian
22 child, and a court of this state.

23 Sec. 29. (1) If a child is subject to ~~any combination of~~
24 ~~finer, costs, restitution, assessments, or payments~~ arising out of
25 the same order of disposition, money collected from that child, or
26 ~~his or her~~ **the child's** parent or parents, for the payment of ~~finer,~~
27 ~~costs, restitution, assessments, or other payments shall~~ **must** be
28 allocated as provided in this section.

29 (2) ~~Except as otherwise provided in this subsection, if~~ **If** a



1 child is subject to payment of **crime** victim payments and any
 2 combination of other fines, costs, assessments, or other payments,
 3 50%–100% of the money collected from that child, or his or her the
 4 **child's** parent or parents, shall **must first** be applied to the
 5 payment of **restitution to a victim or victim's estate before the**
 6 **balance can be applied to assessments to the crime victim rights**
 7 **fund.** victim payments, and the balance shall be applied to payment
 8 of fines, costs, and other assessments or payments. If fines,
 9 costs, or other assessments or payments remain unpaid after all
 10 victim payments have been paid, additional money collected shall be
 11 applied to payment of those fines, costs, or other assessments or
 12 payments. If victim payments remain unpaid after all fines, costs,
 13 or other assessments or payments have been paid, additional money
 14 collected shall be applied toward payment of those victim payments.

15 (3) In cases involving orders of disposition for offenses that
 16 would be violations of state law if committed by an adult, money
 17 allocated under subsection (2) for payment of fines, costs, and
 18 assessments or payments other than victim payments shall be applied
 19 in the following order of priority:

20 (a) Payment of the minimum state cost prescribed in section 1j
 21 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
 22 769.1j.

23 (b) Payment of other costs.

24 (c) Payment of fines.

25 (d) Payment of assessments and other payments.

26 (4) In cases involving orders of disposition for offenses that
 27 would be violations of local ordinances if committed by an adult,
 28 money allocated under subsection (2) for payment of fines, costs,
 29 and assessments or payments other than victim payments shall be



1 ~~applied in the following order of priority:~~

2 ~~(a) Payment of the minimum state cost prescribed in section 1j~~
 3 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~
 4 ~~769.1j.~~

5 ~~(b) Payment of fines and other costs.~~

6 ~~(c) Payment of assessments and other payments.~~

7 ~~(5) Money allocated for payment of costs under subsection (3)~~
 8 ~~shall be paid to the county treasurer for deposit in the general~~
 9 ~~fund of the county. Money allocated for payment of fines under~~
 10 ~~subsection (3) shall be paid to the county treasurer to be used for~~
 11 ~~library purposes as provided by law.~~

12 ~~(6) One-third of the money allocated for payment of fines and~~
 13 ~~costs under subsection (4) shall be paid to the treasurer of the~~
 14 ~~political subdivision whose ordinance was violated, and 2/3 of that~~
 15 ~~money shall be paid to the county treasurer for deposit in the~~
 16 ~~general fund of the county.~~

17 ~~(3) (7)~~As used in this section, "**crime** victim payment" means
 18 restitution ordered under sections 30 and 31 **of this chapter** and
 19 under the **William Van Regenmorter** crime victim's rights act, 1985
 20 PA 87, MCL 780.751 to 780.834, paid to the victim or the victim's
 21 estate, but not to a person who reimbursed the victim for his or
 22 her loss. ~~, or an assessment~~ **Crime victim payment also includes**
 23 **assessments to the crime victim rights fund** ordered under section 5
 24 of 1989 PA 196, MCL 780.905.

25 **Sec. 29a. (1) The court shall not order a juvenile within the**
 26 **court's jurisdiction under section 2(a)(1) or (f) of this chapter**
 27 **or the juvenile's parent, guardian, or legal custodian to reimburse**
 28 **the court for any fine, fees, or costs related to the juvenile's**
 29 **court case.**



1 (2) Beginning July 1, 2024, the court shall not collect the
2 balance of any court-ordered fines, fees, or costs previously
3 assessed to a juvenile under section 29 of this chapter, or former
4 section 18m of this chapter, and only the portion of any court
5 order that imposed those fines, fees, or costs is vacated and
6 unenforceable.

7 Enacting section 1. Section 18m of chapter XIIIA of the probate
8 code of 1939, 1939 PA 288, MCL 712A.18m, is repealed.

9 Enacting section 2. This amendatory act takes effect July 1,
10 2024.

11 Enacting section 3. This amendatory act does not take effect
12 unless all of the following bills of the 102nd Legislature are
13 enacted into law:

14 (a) Senate Bill No. 429.

15 (b) Senate Bill No. 430.

16 (c) Senate Bill No. 431.

