

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

712A.16 Detention and care of juvenile.

Sec. 16.

(1) If a juvenile who is less than 18 years of age is taken into custody or detained, the juvenile must not be confined in a police station, prison, jail, lock-up, or reformatory or transported with, or compelled or permitted to associate or mingle with, criminal or dissolute persons. Except as otherwise provided in section 15 of this chapter, the court may order a juvenile 15 years of age or older whose habits or conduct are considered a menace to other juveniles, or who may not otherwise be safely detained, placed in a jail or other place of detention for adults, but in a room or ward separate from adults and for not more than 30 days, unless longer detention is necessary for the service of process.

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

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

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

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

(3) If a detention home or facility is established as an agency of the county, the judge may appoint a superintendent and other necessary employees for the home or facility who shall receive compensation as provided by the county board of commissioners of the county. This section does not alter or diminish the legal responsibility of the department or a county juvenile agency to receive juveniles committed by the court.

(4) If the court under subsection (2) arranges for the board of juveniles temporarily detained in private homes or in a child caring institution or child placing agency, a reasonable sum fixed by the court for the juvenile's board must be paid by the county treasurer as provided in section 25 of this chapter.

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

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

History: Add. 1944, 1st Ex. Sess., Act 54, Imd. Eff. Mar. 6, 1944 ;-- CL 1948, 712A.16 ;-- Am. 1963, Act 65, Eff. May 8, 1963 ;-- Am. 1968, Act 150, Eff. Nov. 15, 1968 ;-- Am. 1972, Act 175, Imd. Eff. June 16, 1972 ;-- Am. 1987, Act 72, Eff. Sept. 1, 1987 ;-- Am. 1988, Act 224, Eff. Apr. 1, 1989 ;-- Am. 1996, Act 409, Eff. Jan. 1, 1998 ;-- Am. 1998, Act 478, Eff. Jan. 12, 1999 ;-- Am. 2019, Act 102, Eff. Oct. 1, 2021 ;-- Am. 2023, Act 290, Eff. Oct. 1, 2024

Compiler's Notes: Section 2 of Act 72 of 1987 provides: "If this amendatory act requires any increase in the level of any activity or service currently required by this act or requires a new activity or service by a local unit of government, the state shall reimburse the local unit of government for any new or increased costs."

Former Law: See section 27 of Ch. XII of Act 288 of 1939; and CL 1929, § 12841.

Popular Name: Probate Code

Popular Name: Juvenile Code

Admin Rule: R 400.1 et seq. of the Michigan Administrative Code.