

The Committee on Families, Mental Health and Human Services offered the following substitute:

May 9, 1997

**SUBSTITUTE FOR
SENATE BILL NO. 490**

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and

section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XIIA

2 Sec. 13a. (1) As used in this section and sections 18f, 19,
3 19a, 19b, and 19c of this chapter:

4 (a) "Agency" means a public or private organization, insti-
5 tution, or facility responsible under court order or contractual
6 arrangement for the care and supervision of a juvenile.

7 (b) "Foster care" means care provided to a juvenile in a
8 foster family home, foster family group home, or juvenile caring
9 institution licensed or approved under ~~Act No. 116 of the Public~~
10 ~~Acts of 1973, being sections 722.111 to 722.128 of the Michigan~~
11 ~~Compiled Laws~~ 1973 PA 116, MCL 722.111 TO 722.128, or care pro-
12 vided to a juvenile in a relative's home under an order of the
13 court.

14 (2) If a juvenile is alleged to be within the provisions of
15 section 2(b) of this chapter, the court may authorize a petition
16 to be filed at the conclusion of the preliminary hearing or
17 inquiry. The petition may be authorized upon a showing of proba-
18 ble cause that 1 or more of the allegations in the petition are
19 true and fall within the provisions of section 2(b) of this
20 chapter.

21 (3) ~~if~~ SUBJECT TO SUBSECTION (13), IF a petition under
22 subsection (2) is authorized, the court may release the juvenile
23 in the custody of either of the juvenile's parents or the

1 juvenile's guardian or custodian under reasonable terms and
2 conditions necessary for either the juvenile's physical health or
3 mental well-being.

4 (4) If a petition alleging abuse by a parent, guardian, cus-
5 todian, or other person residing in the juvenile's home is autho-
6 rized under subsection (2) and the court after a hearing finds
7 probable cause to believe the parent, guardian, custodian, or
8 other person committed the abuse, the court may order that
9 parent, guardian, custodian, or other person to leave the home
10 and not subsequently return to it, except as the court orders,
11 and may release the juvenile to the other parent or to another
12 guardian or custodian. The court shall not enter an order under
13 this subsection unless the court determines all of the
14 following:

15 (a) The presence in the home of the person who is alleged to
16 have committed the abuse presents a substantial risk of harm to
17 the juvenile's life, physical health, or mental well-being.

18 (b) Removing the person who is alleged to have committed the
19 abuse is necessary to adequately safeguard the juvenile from the
20 risk of harm to the juvenile's life, physical health, or mental
21 well-being.

22 (c) The conditions of custody with the other parent or
23 another guardian or custodian are adequate to safeguard the juve-
24 nile from the risk of harm to the juvenile's life, physical
25 health, or mental well-being.

26 (d) It is in the best interests of the juvenile for the
27 juvenile to remain in the home.

1 (5) In determining whether to enter an order under
2 subsection (4), the court may consider whether the parent who is
3 to remain in the juvenile's home is married to the person to be
4 removed or has a legal right to retain possession of the home.

5 (6) An order entered under subsection (4) may also contain 1
6 or more of the following terms or conditions:

7 (a) The court may require the alleged abusive parent to pay
8 appropriate support to maintain a suitable home environment for
9 the juvenile during the duration of the order.

10 (b) The court may order the alleged abusive person, accord-
11 ing to terms the court may set, to surrender to a local law
12 enforcement agency any firearms or other potentially dangerous
13 weapons the alleged abusive person owns, possesses or uses.

14 (c) The court may include any reasonable term or condition
15 necessary for the juvenile's physical or mental well-being or
16 necessary to protect the juvenile.

17 (7) If a petition under subsection (2) is authorized, the
18 court may order placement of the juvenile with someone other than
19 a parent if the court after hearing determines that both of the
20 following conditions exist:

21 (a) Custody of the juvenile with a parent, guardian, or cus-
22 todian presents a substantial risk of harm to the juvenile's
23 life, physical health, or mental well-being and no provision of
24 service or other arrangement except removal of the juvenile is
25 reasonably available to adequately safeguard the juvenile from
26 that risk.

1 (b) Conditions of custody of the juvenile away from a
2 parent, guardian, or custodian are adequate to safeguard the
3 juvenile's health and welfare.

4 (8) If the court orders placement of the juvenile outside
5 the juvenile's home, the court shall inform the parties of the
6 following:

7 (a) The agency has the responsibility to prepare an initial
8 services plan within 30 days of the juvenile's placement.

9 (b) The general elements of an initial services plan as
10 required by the rules promulgated under ~~Act No. 116 of the~~
11 ~~Public Acts of 1973~~ 1973 PA 116, MCL 722.111 TO 722.128.

12 (c) ~~Without a court order, participation~~ PARTICIPATION in
13 an initial services plan is voluntary WITHOUT A COURT ORDER.

14 (9) SUBJECT TO SUBSECTION (11), IF THE CHILD IS PLACED IN THE
15 HOME OF A RELATIVE, THE
16 COURT SHALL ORDER A HOME STUDY TO BE PERFORMED AND A COPY OF THE
17 HOME STUDY TO BE SUBMITTED TO THE COURT NOT MORE THAN 30 DAYS
18 AFTER THE PLACEMENT.

19 (10) ~~(9)~~ In determining placement of a juvenile pending
20 trial, the court shall order the juvenile placed in the most
21 family-like setting available consistent with the needs of the
22 juvenile.

(11) BEFORE PLACING A CHILD IN THE HOME OF A RELATIVE, A
CRIMINAL RECORD CHECK AND CENTRAL REGISTRY CLEARANCE SHALL BE
PERFORMED BY THE DEPARTMENT.

22 ~~(10) Unless parenting time, even if supervised, would be~~
23 ~~harmful to the juvenile, the juvenile's parent shall be permitted~~
24 ~~to have parenting time frequently with the juvenile.~~

25 (12) THE JUVENILE'S PARENT SHALL BE PERMITTED TO HAVE PAR-
26 ENTING TIME FREQUENTLY WITH THE JUVENILE. HOWEVER, IF PARENTING
27 TIME, EVEN IF SUPERVISED, MAY BE HARMFUL TO THE JUVENILE, THE

1 COURT SHALL ORDER A PSYCHOLOGICAL EVALUATION, COUNSELING, OR
2 BOTH, TO DETERMINE THE APPROPRIATENESS AND THE CONDITIONS OF PAR-
3 ENTING TIME.

4 (13) ~~(11)~~ Upon the motion of any party, the court shall
5 review custody and placement orders and initial services plans
6 pending trial and may modify those orders and plans as the court
7 considers under this section are in the best interests of the
8 juvenile.

9 (14) IF THE COURT FINDS THAT THERE IS REASONABLE CAUSE TO
10 BELIEVE THAT A PARENT, GUARDIAN, CUSTODIAN, OR OTHER PERSON WHO
11 IS 18 YEARS OF AGE OR OLDER AND WHO RESIDES FOR ANY LENGTH OF
12 TIME IN THE CHILD'S HOME HAS SEXUALLY ABUSED OR SEVERELY PHYSI-
13 CALLY ABUSED THE CHILD, THE COURT SHALL NOT ORDER THE PLACEMENT
14 OF THE CHILD IN THE CHILD'S HOME UNLESS THE COURT HAS ENTERED AN
15 ORDER UNDER SUBSECTION (4) REQUIRING THE ALLEGED PERPETRATOR TO
16 LEAVE THE HOME.

17 (15) IF A CHILD IS PLACED IN FOSTER CARE, THE COURT SHALL
18 PROVIDE THE FOSTER PARENTS WITH COPIES OF ALL REPORTS RELATED TO
19 THE CHILD THAT ARE FILED WITH THE COURT, INCLUDING REPORTS THAT
20 WERE FILED BEFORE THE CHILD WAS PLACED WITH THOSE FOSTER
21 PARENTS.

22 (16) IF THE PARENT, GUARDIAN, OR CUSTODIAN OF A CHILD PLACED
23 IN FOSTER CARE REFUSES TO SIGN A CONSENT TO THE RELEASE OF THE
24 CHILD'S MEDICAL RECORDS, UPON REQUEST OF THE AGENCY OR THE
25 CHILD'S GUARDIAN AD LITEM THE COURT SHALL ENTER AN ORDER FOR THE
26 RELEASE OF THE CHILD'S MEDICAL RECORDS.

1 (17) ~~(12)~~ As used in subsection (4), "abuse" means 1 or
2 more of the following:

3 (a) Harm or threatened harm by a person to a juvenile's
4 health or welfare that occurs through nonaccidental physical or
5 mental injury.

6 (b) Engaging in sexual contact or sexual penetration as
7 defined in section 520a of the Michigan penal code, ~~Act No. 328~~
8 ~~of the Public Acts of 1931, being section 750.520a of the~~
9 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.520A, with a
10 juvenile.

11 (c) Sexual exploitation of a juvenile, which includes, but
12 is not limited to, allowing, permitting, or encouraging a juve-
13 nile to engage in prostitution or allowing, permitting, encourag-
14 ing, or engaging in photographing, filming, or depicting a juve-
15 nile engaged in a listed sexual act as defined in section 145c of
16 ~~Act No. 328 of the Public Acts of 1931, being section 750.145c~~
17 ~~of the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931
18 PA 328, MCL 750.145C.

19 (d) Maltreatment of a juvenile.

20 SEC. 13B. (1) SUBJECT TO SUBSECTION (7), IF A CHILD UNDER
21 THE COURT'S JURISDICTION UNDER SECTION 2(B) OF THIS CHAPTER IS
22 PLACED IN FOSTER CARE, WHERE THE FOSTER CARE PARENT OBJECTS TO
23 THE PROPOSED CHANGE IN PLACEMENT, THE AGENCY SHALL NOT CHANGE THE
24 FOSTER CARE PLACEMENT OF THE CHILD UNLESS THE CHANGE OF PLACEMENT
25 IS IN ACCORDANCE WITH THIS SECTION, OR THE COURT HAS ORDERED THE
26 CHILD RETURNED HOME OR PLACEMENT IS WITH A RELATIVE WITHIN 90
27 DAYS AFTER INITIAL REMOVAL.

1 (2) AT LEAST 10 DAYS BEFORE A PROPOSED CHANGE IN FOSTER CARE
2 PLACEMENT IS TO TAKE EFFECT, THE AGENCY SHALL DO ALL OF THE
3 FOLLOWING:

4 (A) NOTIFY THE STATE COURT ADMINISTRATIVE OFFICE OF THE PRO-
5 POSED CHANGE IN PLACEMENT.

6 (B) NOTIFY THE FOSTER PARENTS OF THE INTENDED CHANGE IN
7 PLACEMENT AND INFORM THEM THAT IF THEY DISAGREE WITH THE DECI-
8 SION, THEY MAY APPEAL WITHIN 72 HOURS TO A LOCAL FOSTER CARE
9 REVIEW BOARD. THE AGENCY SHALL PROVIDE THE FOSTER PARENTS WITH
10 THE ADDRESS AND TELEPHONE NUMBER OF THE LOCAL FOSTER CARE REVIEW
11 BOARD WITH JURISDICTION OVER THE CHILD.

12 (3) UPON RECEIPT OF AN APPEAL FROM FOSTER PARENTS UNDER SUB-
13 SECTION (2) OR (7), THE FOSTER CARE REVIEW BOARD SHALL INVESTI-
14 GATE THE PROPOSED CHANGE IN FOSTER CARE PLACEMENT AND SHALL
15 REPORT ITS FINDINGS AND RECOMMENDATIONS WITHIN 3 BUSINESS DAYS TO
16 THE COURT AND THE AGENCY.

17 (4) IF THE FOSTER CARE REVIEW BOARD DETERMINES THAT THE MOVE
18 IS IN THE CHILD'S BEST INTERESTS, THE AGENCY MAY MOVE THE CHILD.

19 (5) IF THE FOSTER CARE REVIEW BOARD DETERMINES THAT THE MOVE
20 IS NOT IN THE CHILD'S BEST INTEREST, THE FOSTER CARE REVIEW BOARD
21 SHALL REQUEST THE COURT TO SET A DATE FOR A HEARING AND THE COURT
22 SHALL PROVIDE NOTICE OF THE HEARING TO THE FOSTER PARENTS AND ALL
23 INTERESTED PARTIES. THE DATE OF THE HEARING SHALL NOT BE EARLIER
24 THAN 7 DAYS AFTER THE COURT RECEIVES NOTICE OF THE REQUEST FOR
25 HEARING FROM THE FOSTER CARE REVIEW BOARD PURSUANT TO THIS SUB-
26 SECTION NOT LATER THAN THE DATE THE PROPOSED CHANGE IS INTENDED
27 TO TAKE EFFECT.

1 (6) AFTER HEARING TESTIMONY FROM THE AGENCY AND ANY OTHER
2 INTERESTED PARTY AND CONSIDERING ANY OTHER EVIDENCE BEARING UPON
3 THE PROPOSED CHANGE IN PLACEMENT, THE COURT SHALL ORDER THE CON-
4 TINUATION OF THE PLACEMENT UNLESS THE COURT FINDS BY CLEAR AND
5 CONVINCING EVIDENCE THAT THE PROPOSED CHANGE IN PLACEMENT IS IN
6 THE BEST INTERESTS OF THE CHILD.

7 (7) IF THE AGENCY HAS REASONABLE CAUSE TO BELIEVE THAT THE
8 CHILD HAS BEEN PHYSICALLY OR SEXUALLY HARMED AND IT BELIEVES THE
9 CHILD IS IN IMMEDIATE DANGER OF ADDITIONAL PHYSICAL OR SEXUAL
10 HARM, THE AGENCY MAY CHANGE THE CHILD'S FOSTER CARE PLACEMENT
11 WITHOUT COMPLYING WITH SUBSECTION (1). THE AGENCY SHALL INCLUDE
12 IN THE CHILD'S FILE DOCUMENTATION OF ITS JUSTIFICATION FOR ACTION
13 UNDER THIS SUBSECTION. IF A FOSTER PARENT OBJECTS TO THE REMOVAL
14 OF A CHILD UNDER THIS SUBSECTION, HE OR SHE MAY REQUEST A HEARING
15 OF A LOCAL FOSTER CARE REVIEW BOARD WITHIN 3 BUSINESS DAYS OF THE
16 REMOVAL OF THE CHILD.

17 Sec. 18. (1) If the court finds that a juvenile concerning
18 whom a petition is filed is not within this chapter, the court
19 shall enter an order dismissing the petition. Except as other-
20 wise provided in subsection (10), if the court finds that a juve-
21 nile is within this chapter, the court may enter any of the fol-
22 lowing orders of disposition that are appropriate for the welfare
23 of the juvenile and society in view of the facts proven and
24 ascertained:

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

1 (b) Place the juvenile on probation, or under supervision in
2 the juvenile's own home or in the home of an adult who is related
3 to the juvenile. As used in this subdivision, "related" means
4 being a parent, grandparent, brother, sister, stepparent, step-
5 sister, stepbrother, uncle, or aunt by marriage, blood, or
6 adoption. The court shall order the terms and conditions of pro-
7 bation or supervision, including reasonable rules for the conduct
8 of the parents, guardian, or custodian, if any, as the court
9 determines necessary for the physical, mental, or moral
10 well-being and behavior of the juvenile. IF THE COURT FINDS THAT
11 THERE IS REASONABLE CAUSE TO BELIEVE THAT A PARENT, GUARDIAN,
12 CUSTODIAN, OR OTHER PERSON WHO IS 18 YEARS OF AGE OR OLDER AND
13 WHO RESIDES FOR ANY LENGTH OF TIME IN THE CHILD'S HOME HAS SEXU-
14 ALLY ABUSED OR SEVERELY PHYSICALLY ABUSED THE CHILD, THE COURT
15 SHALL NOT ORDER THE PLACEMENT OF THE CHILD IN THE CHILD'S HOME
16 UNLESS THE COURT HAS ENTERED AN ORDER UNDER SECTION 13A(4)
17 REQUIRING THE ALLEGED PERPETRATOR TO LEAVE THE HOME.

18 (c) If a juvenile is within the court's jurisdiction under
19 section 2(a) of this chapter, place the juvenile in a suitable
20 foster care home subject to the court's supervision. If a juve-
21 nile is within the court's jurisdiction under section 2(b) of
22 this chapter, the court shall not place a juvenile in a foster
23 care home subject to the court's supervision.

24 (d) Place the juvenile in or commit the juvenile to a pri-
25 vate institution or agency approved or licensed by the ~~family~~
26 ~~independence agency~~ DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

1 for the care of juveniles of similar age, sex, and
2 characteristics.

3 (e) Commit the juvenile to a public institution, county
4 facility, institution operated as an agency of the court or
5 county, or agency authorized by law to receive juveniles of simi-
6 lar age, sex, and characteristics. In a placement under subdivi-
7 sion (d) or a commitment under this subdivision, except to a
8 state institution, the religious affiliation of the juvenile
9 shall be protected by placement or commitment to a private
10 child-placing or child-caring agency or institution, if
11 available. In every order of commitment under this subdivision
12 to a state institution or agency described in the youth rehabili-
13 tation services act, ~~Act No. 150 of the Public Acts of 1974,~~
14 ~~being sections 803.301 to 803.309 of the Michigan Compiled Laws~~
15 1974 PA 150, MCL 803.301 TO 803.309, or in ~~Act No. 220 of the~~
16 ~~Public Acts of 1935, being sections 400.201 to 400.214 of the~~
17 ~~Michigan Compiled Laws~~ 1935 PA 220, MCL 400.201 TO 400.214, the
18 court shall name the superintendent of the institution to which
19 the juvenile is committed as a special guardian to receive bene-
20 fits due the juvenile from the government of the United States,
21 and the benefits shall be used to the extent necessary to pay for
22 the portions of the cost of care in the institution that the
23 parent or parents are found unable to pay.

24 (f) Provide the juvenile with medical, dental, surgical, or
25 other health care, in a local hospital if available, or else-
26 where, maintaining as much as possible a local physician-patient

1 relationship, and with clothing and other incidental items as the
2 court considers necessary.

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

9 (h) Appoint a guardian under section 424 of the revised pro-
10 bate code, ~~Act No. 642 of the Public Acts of 1978, being section~~
11 ~~700.424 of the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424,
12 pursuant to a petition filed with the court by a person inter-
13 ested in the welfare of the juvenile. If the court appoints a
14 guardian pursuant to this subdivision, it may enter an order dis-
15 missing the petition under this chapter.

16 (i) Order the juvenile to engage in community service.

17 (j) If the court finds that a juvenile has violated a munic-
18 ipal ordinance or a state or federal law, order the juvenile to
19 pay a civil fine in the amount of the civil or penal fine pro-
20 vided by the ordinance or law. Money collected from fines levied
21 under this subsection shall be distributed as provided in section
22 29 of this chapter.

23 (k) Order the juvenile to pay court costs. Money collected
24 from costs ordered under this subsection shall be distributed as
25 provided in section 29 of this chapter.

26 (l) If a juvenile is within the court's jurisdiction under
27 section 2(a)(1) of this chapter, order the juvenile's parent or

1 guardian to personally participate in treatment reasonably
2 available in the parent's or guardian's location.

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

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

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

22 (iii) The juvenile does not appear to have any mental handi-
23 cap that would prevent participation in the program.

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

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

1 (n) If the court entered a judgment of conviction under
2 section 2d of this chapter, enter any disposition under this
3 section or, if the court determines that the best interests of
4 the public would be served, impose any sentence upon the juvenile
5 that could be imposed upon an adult convicted of the offense for
6 which the juvenile was convicted. If the juvenile is convicted
7 of a violation or conspiracy to commit a violation of section
8 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, ~~Act~~
9 ~~No. 368 of the Public Acts of 1978, being sections 333.7401 and~~
10 ~~333.7403 of the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.7401
11 AND 333.7403, the court may impose the alternative sentence per-
12 mitted under those sections if the court determines that the best
13 interests of the public would be served. The court may delay
14 imposing a sentence of imprisonment under this subdivision for a
15 period not longer than the period during which the court has
16 jurisdiction over the juvenile under this chapter by entering an
17 order of disposition delaying imposition of sentence and placing
18 the juvenile on probation upon the terms and conditions it con-
19 siders appropriate, including any disposition under this
20 section. If the court delays imposing sentence under this sec-
21 tion, section 18i of this chapter applies. If the court imposes
22 sentence, it shall enter a judgment of sentence. If the court
23 imposes a sentence of imprisonment, the juvenile shall receive
24 credit against the sentence for time served before sentencing.
25 In determining whether to enter an order of disposition or impose
26 a sentence under this subdivision, the court shall consider all

1 of the following factors, giving greater weight to the
2 seriousness of the offense and the juvenile's prior record:

3 (i) The seriousness of the offense in terms of community
4 protection, including, but not limited to, the existence of any
5 aggravating factors recognized by the sentencing guidelines, the
6 use of a firearm or other dangerous weapon, and the impact on any
7 victim.

8 (ii) The culpability of the juvenile in committing the
9 offense, including, but not limited to, the level of the
10 juvenile's participation in planning and carrying out the offense
11 and the existence of any aggravating or mitigating factors recog-
12 nized by the sentencing guidelines.

13 (iii) The juvenile's prior record of delinquency including,
14 but not limited to, any record of detention, any police record,
15 any school record, or any other evidence indicating prior delin-
16 quent behavior.

17 (iv) The juvenile's programming history, including, but not
18 limited to, the juvenile's past willingness to participate mean-
19 ingfully in available programming.

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

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

23 (2) An order of disposition placing a juvenile in or commit-
24 ting a juvenile to care outside of the juvenile's own home and
25 under state or court supervision shall contain a provision for
26 reimbursement by the juvenile, parent, guardian, or custodian to
27 the court for the cost of care or service. The order shall be

1 reasonable, taking into account both the income and resources of
2 the juvenile, parent, guardian, or custodian. The amount may be
3 based upon the guidelines and model schedule created under sub-
4 section (6). If the juvenile is receiving an adoption support
5 subsidy ~~pursuant to~~ UNDER section 115j(4) of the social welfare
6 act, ~~Act No. 280 of the Public Acts of 1939, being section~~
7 ~~400.115j of the Michigan Compiled Laws~~ 1939 PA 280,
8 MCL 400.115J, the amount shall not exceed the amount of the sup-
9 port subsidy. The reimbursement provision applies during the
10 entire period the juvenile remains in care outside of the
11 juvenile's own home and under state or court supervision, unless
12 the juvenile is in the permanent custody of the court. The court
13 shall provide for the collection of all amounts ordered to be
14 reimbursed, and the money collected shall be accounted for and
15 reported to the county board of commissioners. Collections to
16 cover delinquent accounts or to pay the balance due on reimburse-
17 ment orders may be made after a juvenile is released or dis-
18 charged from care outside the juvenile's own home and under state
19 or court supervision. Twenty-five percent of all amounts col-
20 lected pursuant to an order entered under this subsection shall
21 be credited to the appropriate fund of the county to offset the
22 administrative cost of collections. The balance of all amounts
23 collected ~~pursuant to~~ UNDER an order entered under this subsec-
24 tion shall be divided in the same ratio in which the county,
25 state, and federal government participate in the cost of care
26 outside the juvenile's own home and under state or court
27 supervision. The court may also collect benefits paid for the

1 cost of care of a court ward from the government of the United
2 States. Money collected for juveniles placed with or committed
3 to the family independence agency shall be accounted for and
4 reported on an individual juvenile basis. In cases of delinquent
5 accounts, the court may also enter an order to intercept state or
6 federal tax refunds of a juvenile, parent, guardian, or custodian
7 and initiate the necessary offset proceedings in order to recover
8 the cost of care or service. The court shall send to the person
9 who is the subject of the intercept order advance written notice
10 of the proposed offset. The notice shall include notice of the
11 opportunity to contest the offset on the grounds that the inter-
12 cept is not proper because of a mistake of fact concerning the
13 amount of the delinquency or the identity of the person subject
14 to the order. The court shall provide for the prompt reimburse-
15 ment of an amount withheld in error or an amount found to exceed
16 the delinquent amount.

17 (3) An order of disposition placing a juvenile in the
18 juvenile's own home under subsection (1)(b) may contain a provi-
19 sion for reimbursement by the juvenile, parent, guardian, or cus-
20 todian to the court for the cost of service. If an order is
21 entered under this subsection, an amount due shall be determined
22 and treated in the same manner provided for an order entered
23 under subsection (2).

24 (4) An order directed to a parent or a person other than the
25 juvenile is not effective and binding on the parent or other
26 person unless opportunity for hearing is given pursuant to
27 issuance of summons or notice as provided in sections 12 and 13

1 of this chapter, and until a copy of the order, bearing the seal
2 of the court, is served on the parent or other person as provided
3 in section 13 of this chapter.

4 (5) If the court appoints an attorney to represent a juve-
5 nile, parent, guardian, or custodian, the court may require in an
6 order entered under this section that the juvenile, parent,
7 guardian, or custodian reimburse the court for attorney fees.

8 (6) The office of the state court administrator, under the
9 supervision and direction of the supreme court and in consulta-
10 tion with the family independence agency and the Michigan probate
11 judges association, shall create guidelines and a model schedule
12 that may be used by the court in determining the ability of the
13 juvenile, parent, guardian, or custodian to pay for care and any
14 costs of service ordered under subsection (2) or (3). The guide-
15 lines and model schedule shall take into account both the income
16 and resources of the juvenile, parent, guardian, or custodian.

17 (7) If the court finds that a juvenile comes under section
18 30 of this chapter, the court shall order the juvenile or the
19 juvenile's parent to pay restitution as provided in sections 30
20 and 31 of this chapter and in sections 44 and 45 of the crime
21 victim's rights act, ~~Act No. 87 of the Public Acts of 1985,~~
22 ~~being sections 780.794 and 780.795 of the Michigan Compiled Laws~~
23 1985 PA 87, MCL 780.794 AND 780.795.

24 (8) If the court imposes restitution as a condition of pro-
25 bation, the court shall require the juvenile to do either of the
26 following as an additional condition of probation:

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

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

5 (9) If the court finds that the juvenile is in intentional
6 default of the payment of restitution, a court may, as provided
7 in section 31 of this chapter, revoke or alter the terms and con-
8 ditions of probation for nonpayment of restitution. If a juve-
9 nile who is ordered to engage in community service intentionally
10 refuses to perform the required community service, the court may
11 revoke or alter the terms and conditions of probation.

12 (10) For the purposes of this subsection and
13 subsection (11), "juvenile offense" means that term as defined in
14 section 1a of ~~Act No. 289 of the Public Acts of 1925, being sec-~~
15 ~~tion 28.241a of the Michigan Compiled Laws~~ 1925 PA 289,
16 MCL 28.241A. The court shall not enter an order of disposition
17 for a juvenile offense until the court has examined the court
18 file and has determined that the juvenile's fingerprints have
19 been taken as required by section 3 of ~~Act No. 289 of the Public~~
20 ~~Acts of 1925, being section 28.243 of the Michigan Compiled Laws~~
21 1925 PA 289, MCL 28.243. If a juvenile has not had his or her
22 fingerprints taken, the court shall do either of the following:
23 (a) Order the juvenile to submit himself or herself to the
24 police agency that arrested or obtained the warrant for the
25 arrest of the juvenile so the juvenile's fingerprints can be
26 taken.

1 (b) Order the juvenile committed to the custody of the
2 sheriff for the taking of the juvenile's fingerprints.

3 (11) Upon disposition or dismissal of a juvenile offense,
4 the clerk of the court entering the disposition or dismissal
5 shall immediately advise the department of state police of the
6 disposition or dismissal on forms approved by the state court
7 administrator. The report to the department of state police
8 shall include information as to the finding of the judge or jury
9 and a summary of the disposition imposed.

10 (12) If the court enters an order of disposition based on an
11 act that is a juvenile offense as defined in section 1 of ~~Act~~
12 ~~No. 196 of the Public Acts of 1989, being section 780.901 of the~~
13 ~~Michigan Compiled Laws~~ 1989 PA 196, MCL 780.901, the court shall
14 order the juvenile to pay the assessment as provided in that
15 act. If the court enters a judgment of conviction under
16 section 2d of this chapter for an offense that is a felony, seri-
17 ous misdemeanor, or specified misdemeanor as defined in section 1
18 of ~~Act No. 196 of the Public Acts of 1989~~ 1989 PA 196,
19 MCL 780.901, the court shall order the juvenile to pay the
20 assessment as provided in that act.

21 (13) If the court has entered an order of disposition for a
22 listed offense as defined in section 2 of the sex offenders reg-
23 istration act, ~~Act No. 295 of the Public Acts of 1994, being~~
24 ~~section 28.722 of the Michigan Compiled Laws~~ 1994 PA 295,
25 MCL 28.722, the court or the family independence agency shall
26 register the juvenile or accept the juvenile's registration as
27 provided in the sex offenders registration act, ~~Act No. 295 of~~

1 ~~the Public Acts of 1994, being sections 28.721 to 28.732 of the~~
2 ~~Michigan Compiled Laws~~ 1994 PA 295, MCL 28.721 TO 28.732.

3 (14) If the court enters an order of disposition placing a
4 juvenile in a juvenile boot camp program and the court receives
5 from the family independence agency a report that the juvenile
6 has failed to perform satisfactorily in the program or a report
7 that the juvenile does not meet the program's requirements or is
8 medically unable to participate in the program for more than 25
9 days or a report that there is not an opening in a juvenile boot
10 camp program, the court shall release the juvenile from placement
11 in the juvenile boot camp and enter an alternative order of
12 disposition. A juvenile shall not be placed in a juvenile boot
13 camp pursuant to an order of disposition more than once, except
14 that a juvenile returned to the court for a medical condition or
15 because there was not an opening in a juvenile boot camp program
16 may be placed again in the juvenile boot camp program after the
17 medical condition is corrected or an opening becomes available in
18 a juvenile boot camp program.

19 (15) The court shall not impose a sentence of imprisonment
20 in the county jail under subsection (1)(n) unless the present
21 county jail facility for the imprisonment of the juvenile would
22 meet all requirements under federal law and regulations for hous-
23 ing juveniles, and the court shall not impose the sentence until
24 it consults with the sheriff to determine when the sentence will
25 begin to ensure that space will be available for the juvenile.

26 Sec. 18f. (1) If, in a proceeding under section 2(b) of
27 this chapter, an agency advises the court against placing a child

1 in the custody of the child's parent, guardian, or custodian, the
2 agency shall report in writing to the court what efforts were
3 made to prevent the child's removal from his or her home or the
4 efforts made to rectify the conditions that caused the child's
5 removal from his or her home. The report shall include all of
6 the following:

7 (a) If services were provided to the child and his or her
8 parent, guardian, or custodian, the services, including in-home
9 services, that were provided.

10 (b) If services were not provided to the child and his or
11 her parent, guardian, or custodian, the reasons why services were
12 not provided.

13 (c) Likely harm to the child if the child were to be sepa-
14 rated from his or her parent, guardian, or custodian.

15 (d) Likely harm to the child if the child were to be
16 returned to his or her parent, guardian, or custodian.

17 (2) Before the court enters an order of disposition in a
18 proceeding under section 2(b) of this chapter, the agency shall
19 prepare a case service plan that shall be available to the court
20 and all the parties to the proceeding.

21 (3) The case service plan shall provide for placing the
22 child in the most family-like setting available and in as close
23 proximity to the child's parents' home as is consistent with the
24 best interests and special needs of the child. The case service
25 plan shall include, but not be limited to, the following:

26 (a) The type of home or institution in which the child is to
27 be placed and the reasons for the selected placement.

1 (b) Efforts to be made by the child's parent to enable the
2 child to return to his or her home.

3 (c) Efforts to be made by the agency to return the child to
4 his or her home.

5 (d) Schedule of services to be provided to the parent,
6 child, and if the child is to be placed in foster care, the
7 foster parent, to facilitate the child's return to his or her
8 home or to facilitate the permanent placement of the child.

9 (e) ~~Unless~~ EXCEPT AS PROVIDED IN SUBDIVISION (F), UNLESS
10 parenting time, even if supervised, would be harmful to the child
11 AS DETERMINED BY THE COURT UNDER SECTION 13A(11) OR OTHERWISE, a
12 schedule for regular and frequent parenting time between the
13 child and his or her parent which shall not be less than once
14 every 7 days.

15 (F) AT THE TIME OF THE INITIAL TERMINATION HEARING,
16 PARENTING TIME SHALL BE SUSPENDED UNLESS THE COURT DETERMINES
17 THAT THE EXERCISE OF PARENTING TIME IS IN THE BEST INTERESTS OF
18 THE CHILD. IF THE COURT ADJOURNS OR CONTINUES THE TERMINATION
HEARING BEYOND THE ORIGINAL SCHEDULED DATE FOR ANY REASON, THE COURT
SHALL SUSPEND PARENTING TIME IN THE INTERIM, UNLESS THE COURT
DETERMINES THAT THE EXERCISE OF PARENTING TIME IS IN THE BEST
INTERESTS OF THE CHILD.

19 (4) The court shall consider the case service plan, any
20 written or oral information concerning the child from the child's
21 parent, guardian, custodian, foster parent, child caring institu-
22 tion, ~~or~~ relative with whom the child is placed, OR THE CHILD'S
23 GUARDIAN AD LITEM and any other evidence, INCLUDING THE APPROPRI-
24 ATENESS OF PARENTING TIME, offered bearing on disposition before
25 the court enters an order of disposition. The order of disposi-
26 tion shall state whether reasonable efforts have been made to
27 prevent the child's removal from his or her home or to rectify

1 the conditions that caused the child's removal from his or her
2 home. The court may order compliance with all or any part of the
3 case service plan as the court considers necessary.

4 (5) If a child continues in placement outside of the child's
5 home, the case service plan shall be updated and revised at
6 90-day intervals as required by the rules promulgated ~~pursuant~~
7 ~~to Act No. 116 of the Public Acts of 1973, being sections 722.111~~
8 ~~to 722.128 of the Michigan Compiled Laws~~ UNDER 1973 PA 116,
9 MCL 722.111 TO 722.128. The agency shall consult with the foster
10 parents when it updates and revises the case service plan, and
11 shall attach a statement summarizing the information received
12 from the foster parents to the updated and revised case service
13 plan. Updated and revised case service plans shall be available
14 to the court and all the parties to the proceeding. ~~Written~~
15 COPIES OF ALL WRITTEN reports, other than those portions made
16 confidential by law, case service plans, and court orders,
17 including all updates and revisions, shall be ~~available~~
18 PROVIDED to the foster parent, child caring institution, or rela-
19 tive with whom the child is placed.

20 Sec. 19. (1) Subject to section 20 of this chapter, if a
21 child remains under the jurisdiction of the court, a cause may be
22 terminated or an order may be amended or supplemented, within the
23 authority granted to the court in section 18 of this chapter, at
24 any time as the court considers necessary and proper. An amended
25 or supplemented order shall be referred to as a "supplemental
26 order of disposition".

1 (2) Except as otherwise provided in subsections (3), ~~(5),~~
2 (6), ~~(8)~~ (7), (9), ~~and~~ (10), AND (11), if a child is placed
3 in foster care, the cause shall be reheard not more than 182 days
4 after entry of the order of disposition. The showing shall be
5 recorded stenographically at a hearing held by the judge or
6 referee. If the child remains in foster care in the temporary
7 custody of the court following the hearing, the cause shall be
8 further reheard not more than 182 days after the hearing. In
9 conducting the review hearing, the court shall review the per-
10 formance of the child, the child's parent, guardian, or custodi-
11 an, the juvenile worker, and other persons providing assistance
12 to the child and his or her family.

13 (3) ~~If~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), IF,
14 in a proceeding under section 2(b) of this chapter, a child is
15 placed and remains in foster care, a review hearing shall be held
16 not more than 91 days after entry of the order of disposition and
17 every 91 days ~~thereafter for the first year following the entry~~
18 ~~of the order of disposition. After the first year following the~~
19 ~~entry of the order of disposition, a review hearing shall be held~~
20 ~~not more than 182 days after a permanency planning hearing held~~
21 ~~pursuant to section 19a of this chapter~~ AFTER THAT SO LONG AS
22 THE CHILD IS UNDER THE JURISDICTION OF THE COURT. Upon motion by
23 any party or in the court's discretion, a review hearing may be
24 accelerated to review any element of the case service plan pre-
25 pared pursuant to section 18f of this chapter.

26 (4) IF A CHILD IS IN A PERMANENT FOSTER FAMILY AGREEMENT, OR
27 PLACED WITH A RELATIVE WHERE PLACEMENT IS INTENDED TO BE

1 PERMANENT, OR WHERE GUARDIANSHIP HAS BEEN ORDERED BY THE COURT, A
2 REVIEW HEARING SHALL BE HELD NOT MORE THAN 182 DAYS AFTER A PER-
3 MANENCY PLANNING HEARING HELD PURSUANT TO SECTION 19A OF THIS
4 CHAPTER AND EVERY 182 DAYS AFTER THAT SO LONG AS THE CHILD IS
5 UNDER THE JURISDICTION OF THE COURT. UPON THE MOTION OF ANY
6 PARTY OR AT THE COURT'S DISCRETION, A REVIEW HEARING MAY BE
7 ACCELERATED TO REVIEW ANY ELEMENT OF THE CASE SERVICE PLAN PRE-
8 PARED PURSUANT TO SECTION 18F OF THIS CHAPTER.

9 (5) ~~(4)~~ Written notice of a review hearing under subsec-
10 tion (2) or (3) shall be served upon all of the following:

11 (a) The agency. The agency shall advise the child of the
12 hearing if the child is 11 years of age or older.

13 (b) The foster parent or custodian of the child.

14 (c) If the parental rights to the child have not been termi-
15 nated, the child's parents.

16 (d) If the child has a guardian, the guardian for the
17 child.

18 (e) If the child has a guardian ad litem, the guardian ad
19 litem for the child.

20 (f) If tribal affiliation has been determined, the elected
21 leader of the Indian tribe.

22 (g) The attorney for the child, the attorneys for each
23 party, and the prosecuting attorney if the prosecuting attorney
24 has appeared in the case.

25 (h) If the child is 11 years of age or older, the child.

26 (i) Other persons as the court may direct.

1 (6) ~~—(5)—~~ At a review hearing under subsection (3), the
2 court shall review on the record all of the following:

3 (a) Compliance with the case service plan with respect to
4 services provided or offered to the child and the child's parent,
5 guardian, or custodian and whether the parent, guardian, or cus-
6 todian has complied with and benefited from those services.

7 (b) Compliance with the case service plan with respect to
8 parenting time with the child. If parenting time did not occur
9 or was infrequent, the court shall determine why parenting time
10 did not occur or was infrequent.

11 (c) The extent to which the parent complied with each provi-
12 sion of the case service plan, prior court orders, and an agree-
13 ment between the parent and the agency.

14 (d) Likely harm to the child if the child continues to be
15 separated from the child's parent, guardian, or custodian.

16 (e) Likely harm to the child if the child is returned to the
17 child's parent, guardian, or custodian.

18 (7) ~~—(6)—~~ After review of the case service plan, the court
19 shall determine the extent of progress made toward alleviating or
20 mitigating the conditions that caused the child to be placed in
21 foster care or that caused the child to remain in foster care.
22 The court may modify any part of the case service plan including,
23 but not limited to, the following:

24 (a) Prescribing additional services that are necessary to
25 rectify the conditions that caused the child to be placed in
26 foster care or to remain in foster care.

1 (b) Prescribing additional actions to be taken by the
2 parent, guardian, or custodian to rectify the conditions that
3 caused the child to be placed in foster care or to remain in
4 foster care.

5 (8) ~~-(7)-~~ At a review hearing under subsection (2) or (3),
6 the court shall determine the continuing necessity and appropri-
7 ateness of the child's placement and shall order the return of
8 the child to the custody of the parent, continue the disposi-
9 tional order, modify the dispositional order, or enter a new dis-
10 positional order. IF THE COURT FINDS THAT THERE IS REASONABLE
11 CAUSE TO BELIEVE THAT A PARENT, GUARDIAN, CUSTODIAN, OR OTHER
12 PERSON WHO IS 18 YEARS OF AGE OR OLDER AND WHO RESIDES FOR ANY
13 LENGTH OF TIME IN THE CHILD'S HOME HAS SEXUALLY ABUSED OR
14 SEVERELY PHYSICALLY ABUSED THE CHILD, THE COURT SHALL NOT ORDER
15 THE RETURN OF THE CHILD TO HIS OR HER HOME UNLESS THE COURT HAS
16 ENTERED AN ORDER UNDER SECTION 13A(4) REQUIRING THE ALLEGED PER-
17 PETRATOR TO LEAVE THE HOME.

18 (9) ~~-(8)-~~ If in a proceeding under section 2(b) of this
19 chapter a child is placed in foster care, the court shall deter-
20 mine at the dispositional hearing and each review hearing whether
21 the cause should be reviewed before the next review hearing
22 required by subsection (3). In making this determination, the
23 court shall consider, but not be limited to, all of the
24 following:

25 (a) The parent's ability and motivation to make necessary
26 changes to provide a suitable environment for the child.

1 (b) Whether there is a reasonable likelihood that the child
2 may be returned to his or her home prior to the next review
3 hearing required by subsection (3).

4 (10) ~~(9)~~ Unless waived, if not less than 7 days' notice is
5 given to all parties prior to the return of a child to the
6 child's home, and no party requests a hearing within the 7 days,
7 the court may issue an order without a hearing permitting the
8 agency to return the child to the child's home.

9 (11) ~~(10)~~ An agency report filed with the court shall be
10 accessible to all parties to the action and shall be offered into
11 evidence. The court shall consider any written or oral informa-
12 tion concerning the child from the child's parent, guardian, cus-
13 todian, foster parent, child caring institution, ~~or~~ relative
14 with whom a child is placed, OR THE CHILD'S GUARDIAN AD LITEM, in
15 addition to any other evidence, INCLUDING THE APPROPRIATENESS OF
16 PARENTING TIME, offered at the hearing.

17 Sec. 19a. (1) If a child remains in foster care and paren-
18 tal rights to the child have not been terminated, the court shall
19 conduct a permanency planning hearing not more than 364 days
20 after ~~entry of the order of disposition and every 364 days~~
21 ~~thereafter during the continuation of the child's placement in~~
22 ~~foster care~~ AN ORIGINAL PETITION HAS BEEN FILED. THE COURT
23 SHALL CONDUCT AN ADDITIONAL PERMANENCY PLANNING HEARING NOT MORE
24 THAN 91 DAYS AFTER THE ORIGINAL PERMANENCY PLANNING HEARING AND
25 EVERY 91 DAYS AFTER THAT SO LONG AS THE CHILD REMAINS UNDER THE
26 JURISDICTION OF THE COURT. A permanency planning hearing may be

1 combined with a review hearing held under section 19(3) of this
2 chapter.

3 (2) A permanency planning hearing shall be conducted to
4 review the status of the child and the progress being made toward
5 the child's return home or to show why the child should not be
6 placed in the permanent custody of the court.

7 (3) Not less than 14 days before a permanency planning hear-
8 ing, written notice of the hearing and a statement of the pur-
9 poses of the hearing, including a notice that the hearing may
10 result in further proceedings to terminate parental rights, shall
11 be served upon all of the following:

12 (a) The agency. The agency shall advise the child of the
13 hearing if the child is 11 years of age or older.

14 (b) The foster parent or custodian of the child.

15 (c) If the parental rights to the child have not been termi-
16 nated, the child's parents.

17 (d) If the child has a guardian, the guardian for the
18 child.

19 (e) If the child has a guardian ad litem, the guardian ad
20 litem for the child.

21 (f) If tribal affiliation has been determined, the elected
22 leader of the Indian tribe.

23 (g) The attorney for the child, the attorneys for each
24 party, and the prosecuting attorney if the prosecuting attorney
25 has appeared in the case.

26 (h) If the child is 11 years of age or older, the child.

1 (i) Other persons as the court may direct.

2 (4) If parental rights to the child have not been terminated
3 and the court determines at a permanency planning hearing that
4 the return of the child to his or her parent would not cause a
5 substantial risk of harm to the child's life, physical health, or
6 mental well-being, the court shall order the child returned to
7 his or her parent. IF THE COURT FINDS THAT THERE IS REASONABLE
8 CAUSE TO BELIEVE THAT A PARENT, GUARDIAN, CUSTODIAN, OR OTHER
9 PERSON WHO IS 18 YEARS OF AGE OR OLDER AND WHO RESIDES FOR ANY
10 LENGTH OF TIME IN THE CHILD'S HOME HAS SEXUALLY ABUSED OR
11 SEVERELY PHYSICALLY ABUSED THE CHILD, THE COURT SHALL NOT ORDER
12 THE RETURN OF THE CHILD TO HIS OR HER HOME UNLESS THE COURT HAS
13 ENTERED AN ORDER UNDER SECTION 13A(4) REQUIRING THE ALLEGED PER-
14 PETRATOR TO LEAVE THE HOME. In determining whether the return of
15 the child would cause a substantial risk of harm to the child,
16 the court shall view the failure of the parent to substantially
17 comply with the terms and conditions of the case service plan
18 prepared under section 18f of this chapter as evidence that
19 return of the child to his or her parent would cause a substan-
20 tial risk of harm to the child's life, physical health, or mental
21 well-being. In addition to considering conduct of the parent as
22 evidence of substantial risk of harm, the court shall consider
23 any condition or circumstance of the child that may be evidence
24 that a return to the parent would cause a substantial risk of
25 harm to the child's life, physical health, or mental well-being.

26 (5) If the court determines at a permanency planning hearing
27 that the child should not be returned to his or her parent, the

1 court shall order the agency to initiate proceedings to terminate
2 parental rights to the child not later than 42 days after the
3 permanency planning hearing, unless the ~~agency demonstrates to~~
4 ~~the court that initiating the termination of parental rights to~~
5 ~~the child is clearly not in the child's best interests~~ COURT
6 FINDS THAT INITIATING THE TERMINATION OF PARENTAL RIGHTS TO THE
7 CHILD IS CLEARLY NOT IN THE CHILD'S BEST INTERESTS.

8 (6) If the agency demonstrates under subsection (5) that
9 initiating the termination of parental rights to the child is
10 clearly not in the child's best interests, then the court shall
11 order either of the following alternative placement plans:

12 (a) If the court determines that other permanent placement
13 is not possible, the child's placement in foster care shall con-
14 tinue for a limited period to be stated by the court.

15 (b) If the court determines that it is in the child's best
16 interests, the child's placement in foster care shall continue on
17 a long-term basis.

18 (7) In making the determinations under this section, the
19 court shall consider any written or oral information concerning
20 the child from the child's parent, guardian, custodian, foster
21 parent, child caring institution, ~~or~~ relative with whom the
22 child is placed, OR THE CHILD'S GUARDIAN AD LITEM in addition to
23 any other evidence, INCLUDING THE APPROPRIATENESS OF PARENTING
24 TIME, offered at the hearing.