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Senate Bill 420 (as introduced 6-28-23)
Sponsor: Senator Jeff Irwin
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 10-3-23

CONTENT

The bill would amend the Juvenile Diversion Act to limit the time for a minor to complete the terms of a diversion agreement to three months, unless a law enforcement official or court intake worker determined a longer period was needed and filled out the necessary documentation.

The Juvenile Diversion Act allows a minor to be diverted from legal proceedings during the investigation of an alleged offense by the minor. If a decision is made to divert a minor with a referral to a person or public or private organization or agency that will assist the minor and the minor's family in resolving the problem that initiated the investigation, a conference with the minor and the minor's parent, guardian, or custodian must be held to consider alternatives to the filing of a petition with the court or to the authorization of a petition.

If a conference results in diversion that imposes conditions on the minor and that will prevent the filing of a petition with the court or the authorization of a petition, the terms of the diversion agreement must be set forth. Under the bill, the time for a minor to complete the terms of a diversion agreement could not exceed three months, unless the law enforcement official or court intake worker determined that a longer period was needed for the minor to complete a specific treatment program and documented this determination as required below.

If a decision were made to divert a minor with the above conditions, the law enforcement official or court intake worker would have to file with the court, in addition to other required information, the time to complete the terms of the diversion agreement and, if the period exceeded three months, the determination that a longer period was necessary for the minor to complete a specific treatment program.

MCL 722.825 & 722.826

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a companion bill to House Bill 4626.

BACKGROUND

Governor Gretchen Whitmer signed Executive Order 2021-6 on June 9, 2021, which, among other things, created the Task Force on Juvenile Justice Reform (Task Force) as a temporary advisory body within the Department of Health and Human Services (DHHS). The Task Force was charged with acting in an advisory capacity with the goal of developing ambitious, innovative, and thorough analysis of Michigan's juvenile justice system, and include

recommendations for changes to State law, policy, and appropriations aimed to improve youth outcomes.¹

The Task Force released its report and recommendations on July 22, 2022. Overall, the report found that the quality of services and case management received by youth, from defense to post-disposition placement, differs across the State. The State lacks uniform judicial justice policies and quality assurance standards, leading to disparities the State cannot address and data it cannot rely upon. Additionally, the lack of State centralization has led to discrepancies in the implementation of research-based, developmentally appropriate practices across the State. Accordingly, children participating in the judicial justice system may not receive quality care or may receive care different from their peers.

Among other recommendations, the Task Force unanimously recommended that pre-court diversion and consent calendar conditions be aligned with research and developmental science. As part of this suggestion, the Task Force recommended the time that a juvenile could be placed on pre-court diversion to be no longer than three months, unless the court determines and articulates on record that a longer period is needed for a juvenile to complete a specific treatment program.²

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on judiciary or local courts, directly. Indirect costs to local courts would be related to local court decision-making on diversion agreements, for which courts would apply a risk screening tool and a mental health screening tool with guidelines developed by the Supreme Court. (The FY 2023-24 omnibus budget included \$2.025 million for the creation of the Juvenile Justice Services Division within the State Court Administrative Office.)

The bill would have no fiscal impact on the DHHS.

Fiscal Analyst: Humphrey Akujobi
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¹ Executive Order 2021-6.

² *Michigan Task Force on Juvenile Justice Reform Report and Recommendations*, p. 15, July 22, 2022.