

# **A Balanced Approach: Striving for Fair, Effective, and Affordable Dispositions in Delinquency Cases**

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## **Characteristics and Funding of the Michigan Juvenile Court System**

Juvenile delinquency proceedings in Michigan involve juveniles, under the age of 17, charged with violating a criminal law or ordinance, or with a status offense. Delinquency proceedings occur within a county-based juvenile court system. If the juvenile is found responsible for the offense, the court may order a juvenile disposition. Juvenile dispositions in Michigan are focused on the rehabilitation and development of juvenile defenders. The juvenile court system is supported by both state and county funds. State funding covers judicial salaries, the Trial Court Equity Fund, DHS Delinquency workers, DHS treatment facilities and half of the Child Care Fund. County funding covers court staff, court facilities, prosecution costs, juvenile probation staff, and the other half of the Child Care Fund.

## **Core Principles of the Michigan Juvenile Court System:**

The Michigan Juvenile Court System has several core principles:

- Individualized Justice
  - Consider Age, Previous Record
  - “Graduated Sanctions”
  - Family
  - School Performance
  - Mental Health
  - Substance Abuse
  - Evaluations
  - May Continue Juvenile Court Supervision To Age 19, 21
- Rehabilitation, Not Punishment
- Least Restrictive Alternative
- Local Treatment
- Balanced Approach to Restorative Justice
  - Community Safety
  - Offender Accountability
  - Competency Development

## **Case Processing**

Juvenile cases go through several processing steps, dependent upon the nature and circumstances of the crime. A case is initiated with the apprehension of a juvenile and a prosecutorial review of the case. During the initial court appearance, a juvenile may be represented by a court-appointed lawyer and have the right to request a trial by jury. When a juvenile is found responsible for having committed an offense, the court may enter a disposition order. The following is a list of juvenile disposition options in the state of Michigan:

- a) Warning and Petition Dismissal
  - Court warns juvenile or juvenile's parent, custodian or guardian and then dismiss the petition.
- b) Appointing a Guardian
- c) In-Home Probation
- d) Community Service
- e) Foster Care
- f) Juvenile Boot Camp
- g) Placement in a Private Institution or Agency
- h) Placement in a Public Institution or Agency
- i) DHS Wardship
- j) Mandatory Restitution
  - This is only ordered when the juvenile is in a position to be able to pay.

\* Placement in jail or a detention center is not used as a disposition for juvenile offenders, except for cases that involve the use of a firearm during a criminal violation. If a juvenile is found to have used a firearm during a criminal violation, he/she must be committed to a detention facility for a specified period of time.

## **Adult Sanctions**

There are two processes through which a juvenile may be tried as an adult:

### 1. Designation

- ☐ In these instances, the juvenile court prosecutor has designated, or asked the court to designate, that the juvenile be tried in the same

manner as an adult. These cases still fall under the jurisdiction of the circuit court, but result in adult criminal punishments.

## 2. Waiver

- ☐ In these instances, the prosecuting attorney requests that the Family Division waive its jurisdiction over the case so the juvenile can be tried as an adult in the Criminal Division. A juvenile must be at least 14 years old and charged with a felony for this process to be used. Following a conviction, the juvenile will be sentenced as an adult, subject to regular criminal punishments.

### **“Blueprints” Programs**

These programs can be used as dispositions in juvenile court cases, if available. 11 programs have been selected, from more than 900 studied programs, as effective in reducing adolescent violent crime, aggression, delinquency and substance abuse:

1. Midwestern Prevention Project (MPP)
2. Big Brothers/Big Sisters (BBBS)
3. Functional Family Therapy (FFT)
4. Life Skills Training (LST)
5. Multisystemic Therapy (MST)
6. Nurse-Family Partnership (NFP)
7. Multidimensional Treatment (MTFC) Foster Care
8. Olweus Bullying Prevention Program (BPP)
9. Promoting Alternative Thinking (PATHS) Strategies
10. The Incredible Years: Parent, Teacher (IYS) & Child Training Series
11. Project Towards No Drug (Project TND) Abuse

### **Expungement of Juvenile Records**

Juvenile offenders may be eligible to have their records expunged. Expungement of juvenile records is unavailable for those offenders who have more than one offense. Juvenile records may be expunged 5 years after jurisdiction ends or the offender has reached age 25, whichever instance occurs latest. Although juvenile records can be expunged from public records, a non-public record of the offense will exist for law enforcement use. Juvenile offenders who commit crimes that result in placement on the Sex Offender Registry may be required to continue complying with the registration requirement, even after a conviction has been set aside. Traffic and life-sentence offenses do not qualify for expungement.

## Issues

### 1. Cost of Placement to Court

- In-Home care costs are split evenly between the state and county.
- Court-Operated Foster Care costs an average of \$37.62/Day.
- DHS Foster Care costs an average of \$16.74/Day for children ages 0 – 12 and \$26.59/Day for children ages 13 – 18.
- Private Agency Foster Care costs an average of \$53.75/Day for children ages 0 – 12 and \$63.59/Day for children ages 13 – 18. Both of these rates include a \$37/Day Administrative Rate.
- TITLE IV-E costs are split evenly between the state and federal government.

### 2. Cost of Institutional Care

- Private Non-Profit care costs between \$130 - \$400/Day, depending on the intensity of the programming.
- Camp Shawano costs approximately \$473/Day.
- Bay Pines costs approximately \$385/Day.
- Maxey Training School costs approximately \$667/Day.

### 3. Data Collection/Analysis

State-level aggregate data collection includes only the number of filings, charges filed and the age, gender and race of a delinquent. Local-level data includes the state-level information, plus individual data on number of offenses, participation in services, length of time under jurisdiction and placement (number and location). While this data is useful, not all jurisdictions collect it.

### 4. Competency

Questions of competency present significant difficulties for the juvenile court system. A juvenile cannot be tried in he/she is found unable to assist counsel in the defense or does not understand the proceedings. If a juvenile is found to be incompetent, efforts to restore competency are made so the individual may be tried. If restoration of competency is not possible, however, the juvenile court system faces the difficult decision of what to do with the accused offender. Neither option, dismissal of the petition or incarceration without trial, is in the best interests of both the individual and community.

### 5. Substance Abuse

Substance abuse is a major problem in the juvenile court system. Because substance abuse may cause or contribute to a juvenile's decision to commit an offense, rehabilitation is often

considered to be an important element of juvenile dispositions. However, a large lack in funding and availability for juvenile inpatient substance abuse treatment keeps many juvenile offenders from getting the help they necessary for rehabilitation. In total, only 40 beds currently exist in the state of Michigan for disposition orders for juvenile offenders who need substance abuse treatment.

## 6. Status Offenders

Status offenses include behaviors or actions that are only illegal for juveniles because of their age. These offenses include running away from home, truancy, incorrigibility, and the use of tobacco products and alcohol. These offenses are treated differently within the juvenile court system because the actions are not criminal for adults. Status offenders cannot be securely confined. Additionally, clear and convincing evidence must be presented that court services are necessary in ordering dispositions for these offenders. Family support services are often recommended or ordered for status offenders and their families. Although these offenses are not handled as seriously as some other offenses, there remains concern that these offenses may be predictors of later, more serious delinquency offenses.

## References

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