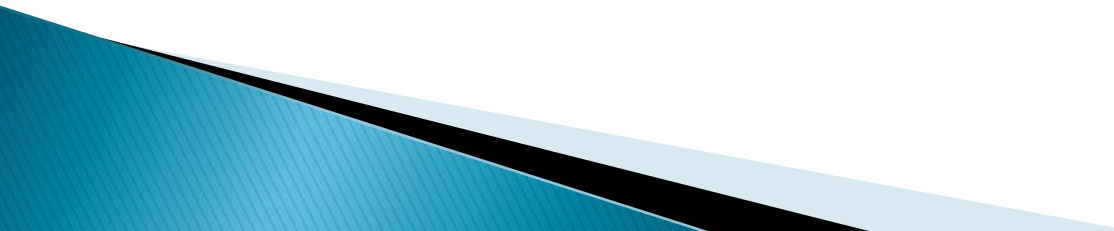


# A Balanced Approach:

Striving for Fair, Effective,  
and Affordable Dispositions In  
Delinquency Cases

Prepared by: Hon. Michael J. Anderegg

# Characteristics of the Juvenile Court System

- ▶ County-based
  - ▶ Age of Criminal Responsibility is 17, not 18
- 

# Funding

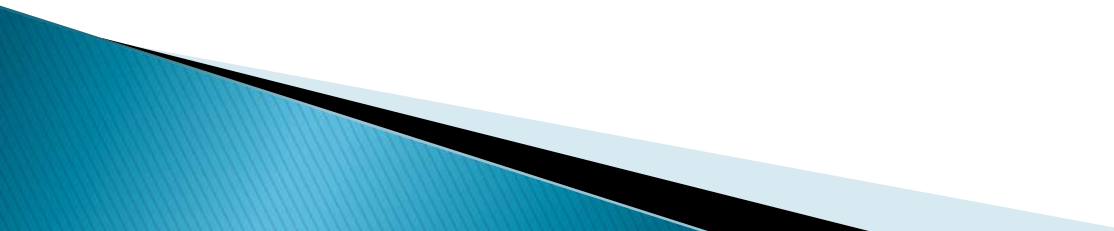
## State

- ▶ Judicial Salaries
- ▶ Trial Court Equity Fund
- ▶ DHS Delinquency Workers
- ▶ DHS Treatment Facilities
- ▶ ½ Child Care Fund

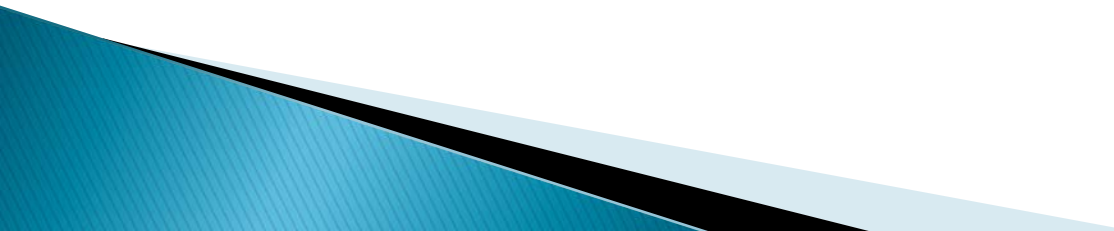
## County

- ▶ Court Staff
- ▶ Court Facilities
- ▶ Prosecution
- ▶ Juvenile Probation
- ▶ ½ Child Care Fund

# Core Principles

- ▶ Individualized Justice
  - ▶ Rehabilitation, not Punishment
  - ▶ Least Restrictive Alternative
  - ▶ Local Treatment
  - ▶ Balanced Approach to Restorative Justice
    - Community Safety
    - Offender Accountability
    - Competency Development
- 

# Case Processing-I

- ▶ Police Apprehension/Detention
  - ▶ Prosecutor Review
  - ▶ Petition Filing
  - ▶ Transfer to County of Residence (Venue)
- 

# Case Processing– II

- ▶ Initial court Appearance
- ▶ Court–Appointed Lawyer
- ▶ Jury Trial if requested (Jury of 6)
- ▶ Specialized Terminology
  - “Petition”– Not “Warrant”
  - “Respondent”– Not “Defendant”
  - “Adjudication”– Not “Trial”
  - “Disposition”– Not “Sentencing”
- ▶ Public Proceeding/  
Public Records
- ▶ County Probation  
Staff
- ▶ County Treatment  
Programs

# Case Processing III

- ▶ Disposition Options (MCL 712A.18)
  - Probation
  - Licensed Foster Care
    - Court
    - DHS
    - Private Agency
  - Licensed Child Care Institution
    - Public
    - Private
    - In-State/Out of State
  - DHS Wardship (Act 150)
  - Mandatory Restitution; if able to pay

# Case Processing IV

- ▶ NO Placement in Jail or Detention as disposition



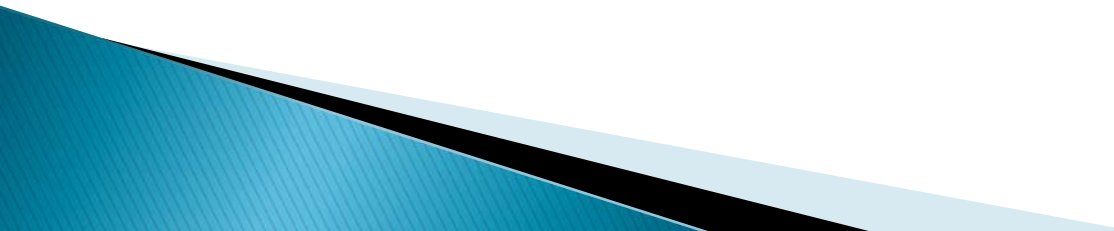
# Case Processing V

## ▶ Adult Sanctions

- “Designation”
  - Hearing
  - Juvenile Court Judge orders adult criminal punishment
- Waiver
  - Age 14 or older
  - Criminal Court Judge orders adult criminal punishment
  - “Once Waived, Always Waived”

# Case Processing VI

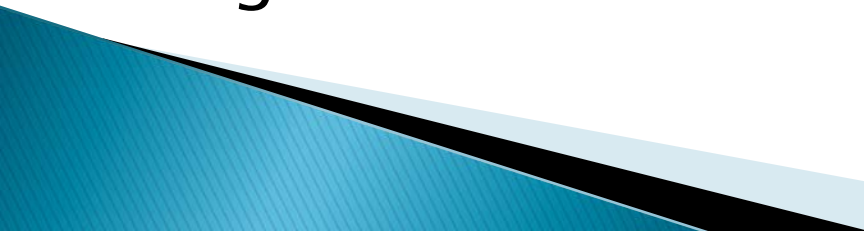
## “Blueprints” Programs

- ▶ 11 Model Programs selected from more than 900 programs studied
  - ▶ Identified 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 Foster Care (MTFC)
8. Olweus Bullying Prevention Program (BPP)
9. Promoting Alternative Thinking Strategies (PATHS)
10. The Incredible Years: Parent, Teacher & Child Training Series (IYS)
11. Project Towards No Drug Abuse (Project TND)

E-mail: [blueprints@colorado.edu](mailto:blueprints@colorado.edu)

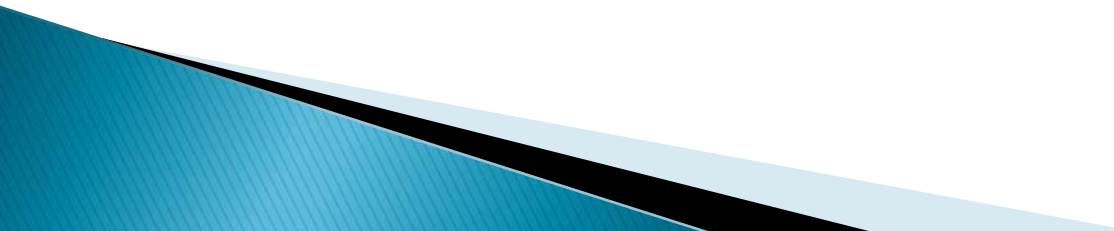
# Individualized Justice

- ▶ Consider age, previous record
  - ▶ “Graduated Sanctions”
  - ▶ Family
  - ▶ School Performance
  - ▶ Mental Health
  - ▶ Substance Abuse
  - ▶ Evaluations
  - ▶ May continue juvenile court supervision to age 19–21
- 

# Expungement of Juvenile Records

- ▶ Unavailable if more than one offense
- ▶ When?
  - 5 years after jurisdiction ends
  - OR
  - Age 25 whichever is LATER
- ▶ Non-Public record for law enforcement use
- ▶ Sex offender registry
- ▶ No Expungement for life-sentence offenses/traffic offenses

# Expungement of Adult Criminal Records

- ▶ Delay of sentence
  - ▶ Holmes youthful trainee act– MCL 762.11–16 (“HYTA”)
  - ▶ Drug Offenses– MCL 333.7411 (“7411”)
- 

# Issues: I-Costs

Costs of Placement to Court	
In Home Care	50% State / 50% County
Court-Operated Foster-Care	\$37.62/Day (No Administrative Rate)
DHS Foster Care	
Ages 0-12	\$16.74/Day (No Administrative Rate)
Ages 13-18	\$26.59/Day (No Administrative Rate)
Private Agency Foster Care	
Ages 0-12	\$53.75/Day (Includes \$37/Day Administrative Rate)
Ages 13-18	\$63.59/Day (Includes \$37/Day Administrative Rate)
Title IV-E	50% State / 50% Federal (Income & Placement Limitations)

# Issues– II Costs of Institutional Care

Costs of Institutional Care	
Private Non-Profit (Depending of Intensity of Programming)	\$130-\$400/Day
Camp Shawano	\$473/Day
Bay Pines	\$385/Day
Maxey Training School	\$667/Day



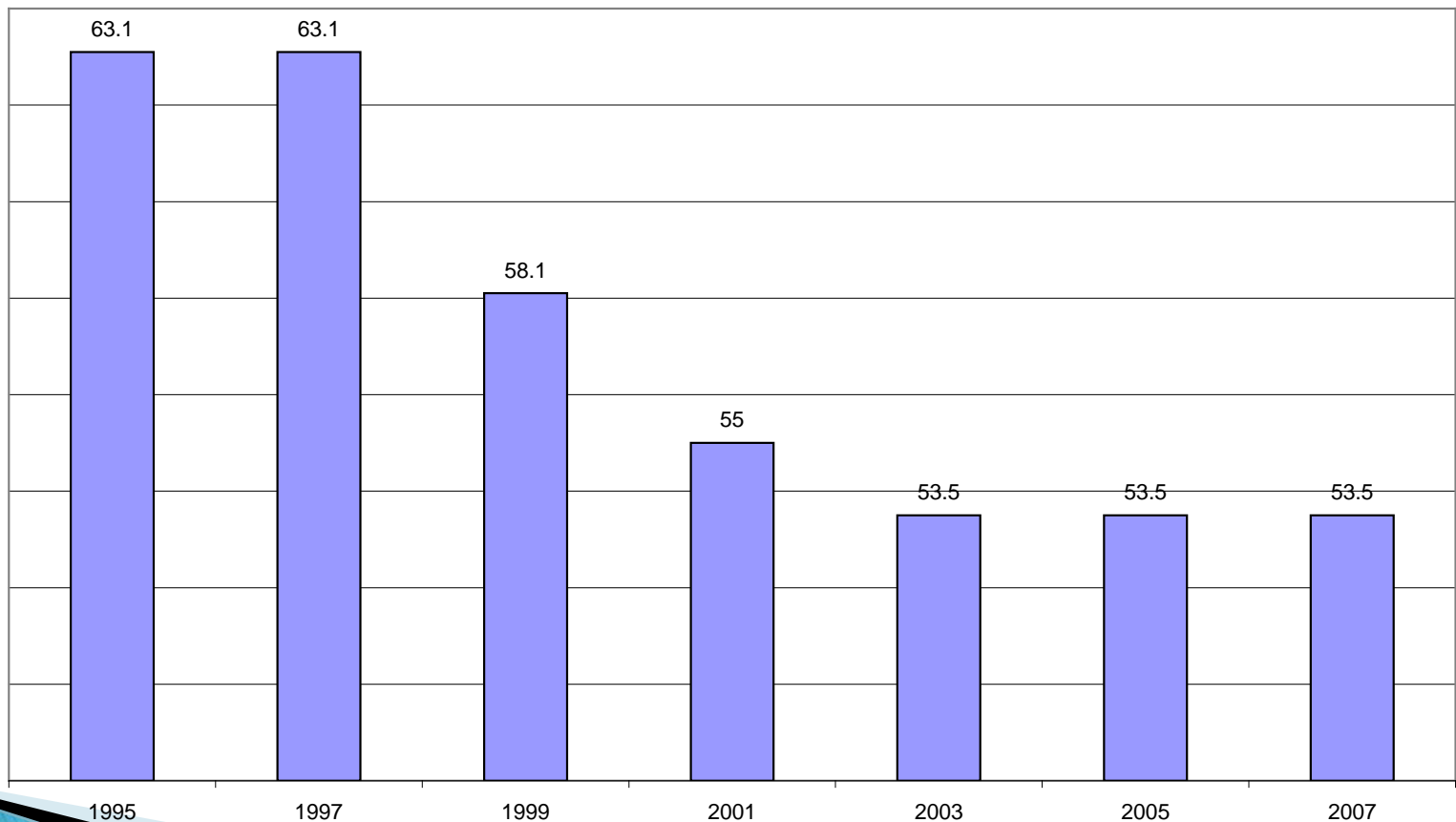
# Issues: III Data Collection/Analysis

- ▶ State (Aggregated)
  - Number of filings
  - Charge
  - Age
  - Gender
  - Race
  
- ▶ Local (Individual)
  - State Information plus individual data
  - Caseflow
  - Number of offenses
  - Participation in services
  - Length of time under jurisdiction
  - Placements (number and location)

# Issues: IV Incidence A(1)

## ▶ National Data

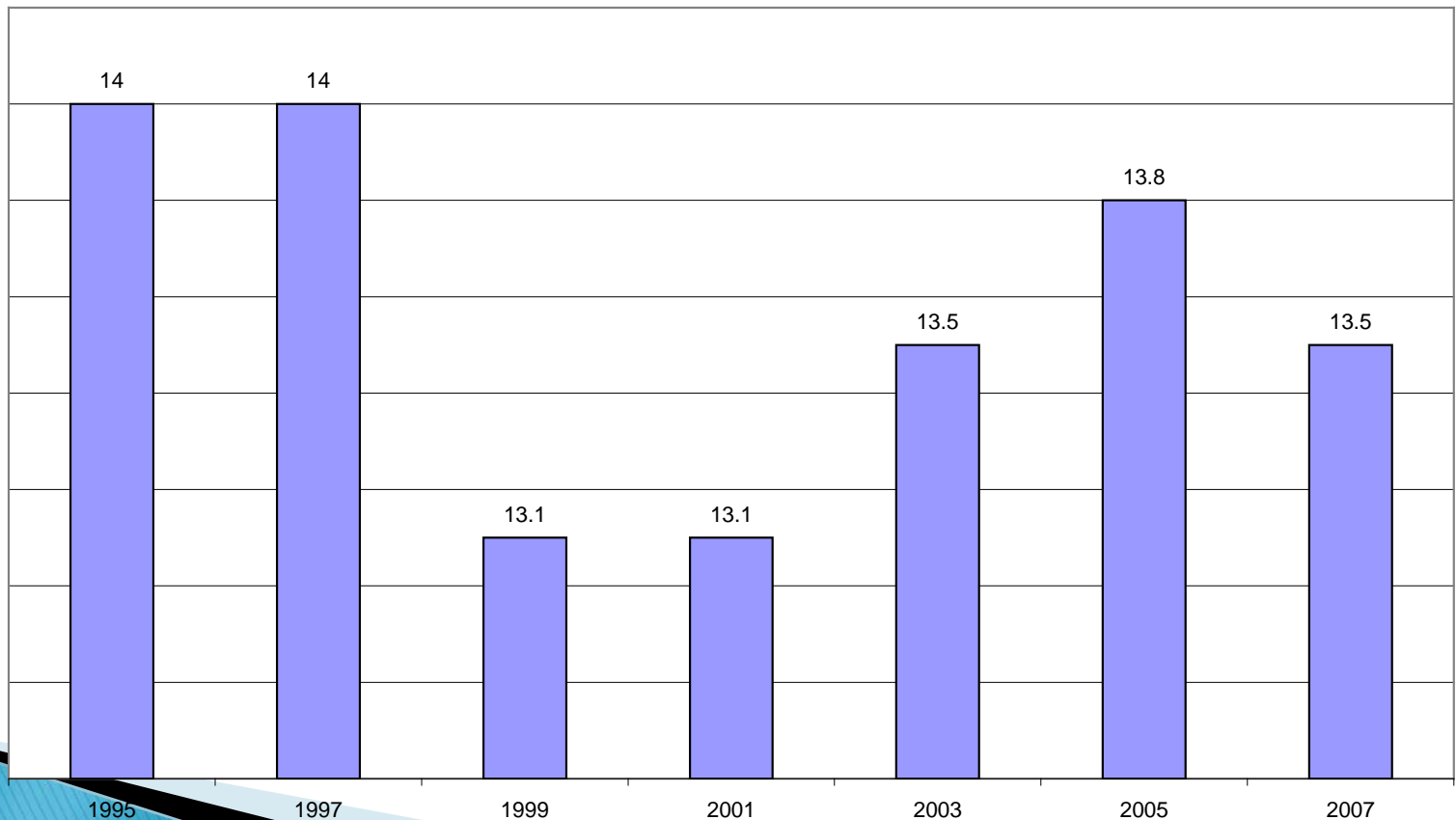
DELINQUENCY CASE RATES  
(per 1000 Juveniles)



# Incidence A(2)

- ▶ National Data– Rates for Offenses Against Other Persons (Per 1,000 Juvenile)

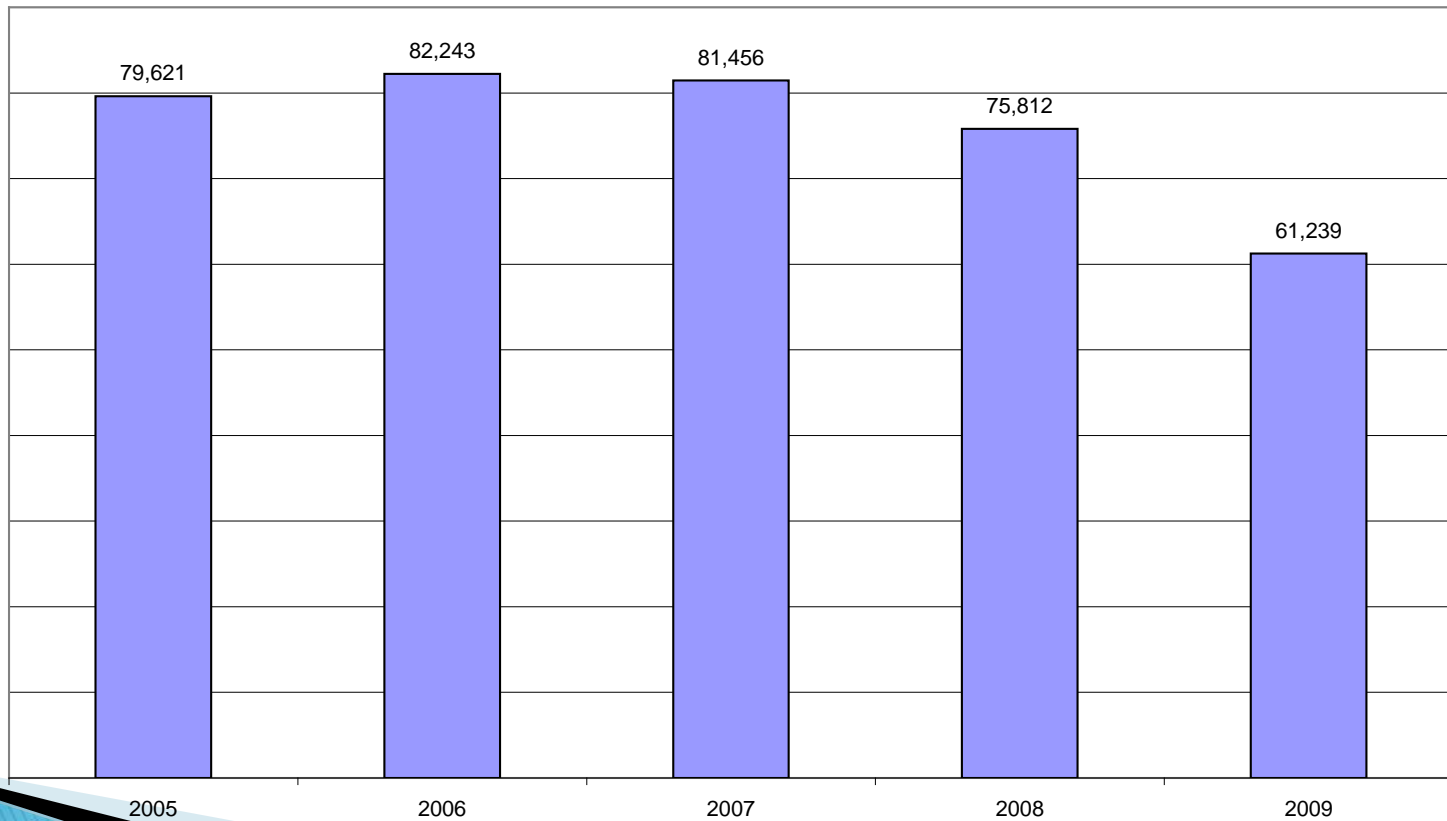
Rates For Offenses Against  
Other Persons  
7.0 to 13.1 per 1,000 Juveniles



# Incidence B

- ▶ State Data– Filings for Juvenile Offenses (2005–2009)

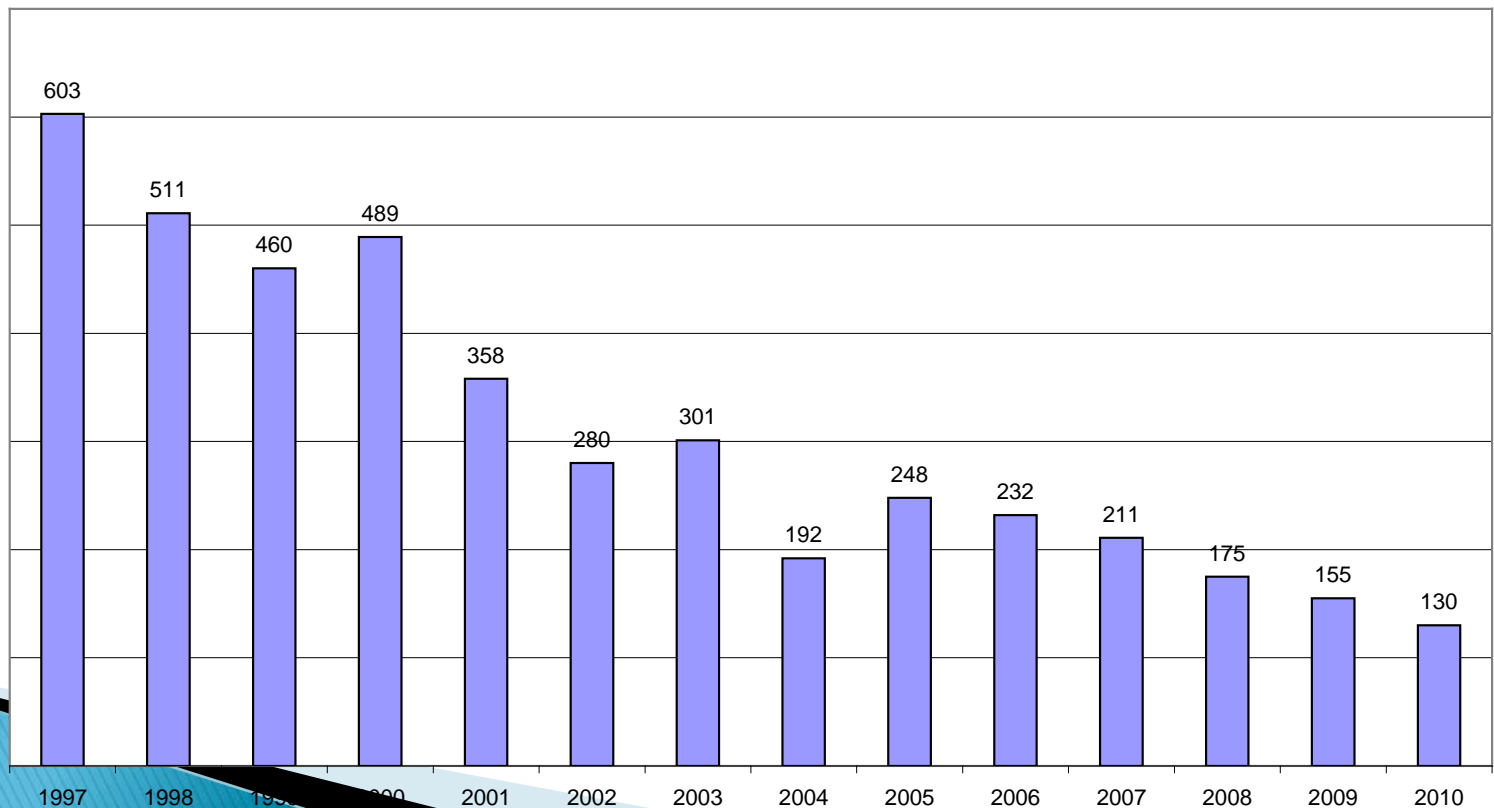
Statewide Filings  
For Juvenile Offenses  
2005 - 2009



# Incidence C(1)

- ▶ Marquette County–Delinquency Offense Referrals (1997–2010)

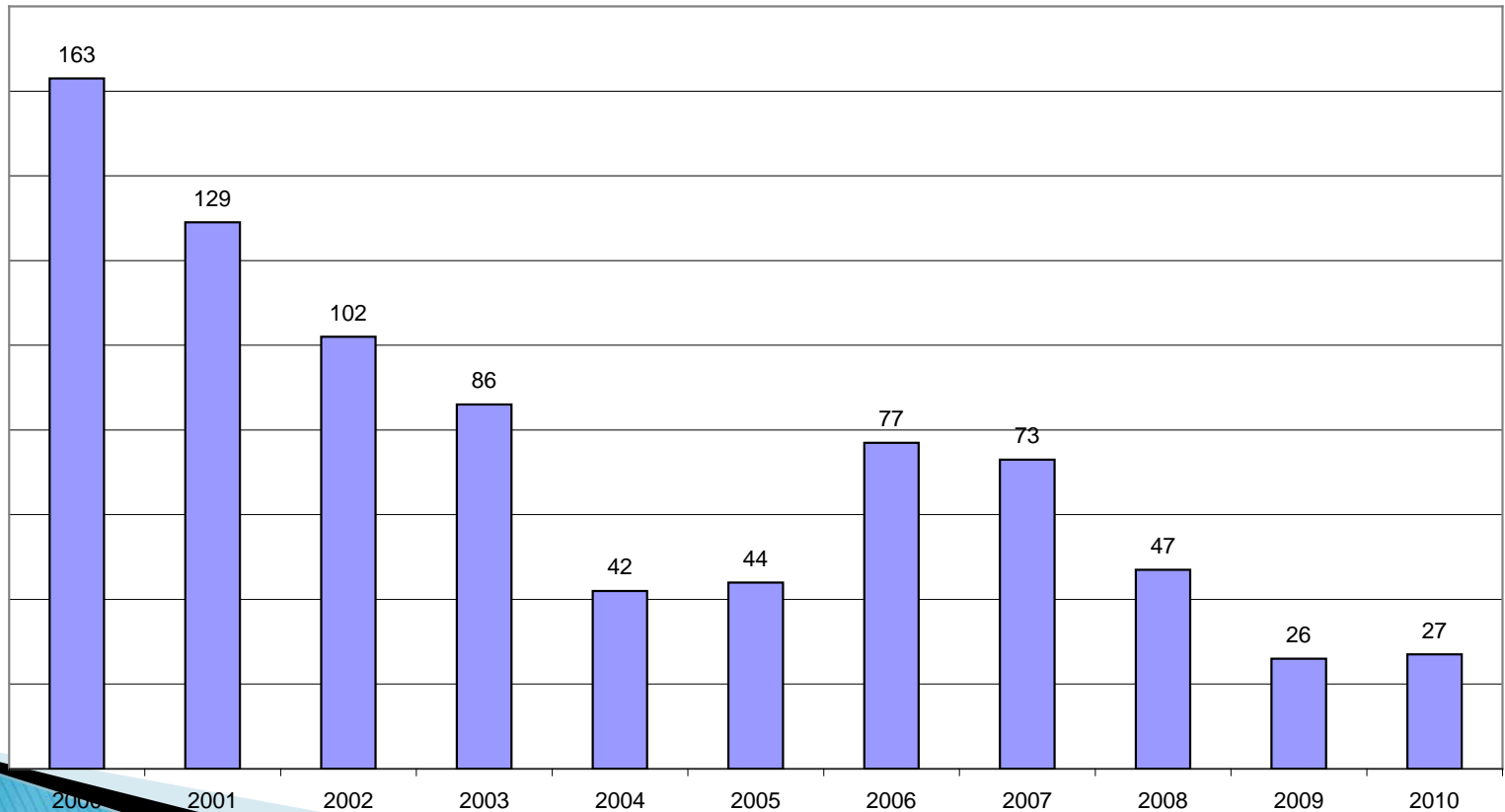
Marquette County  
Delinquency Offense Referrals  
1997 - 2010



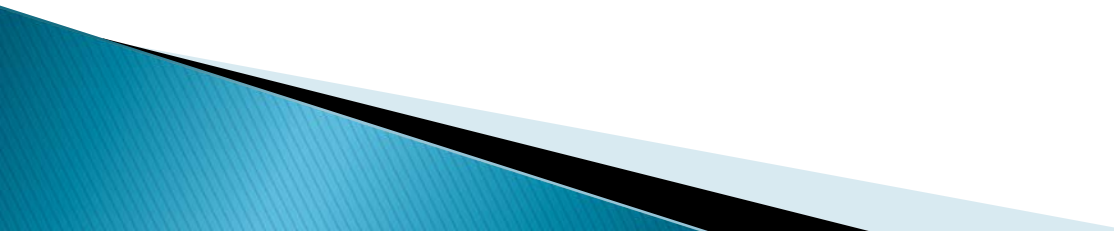
# Incidence C(2)

## ▶ Marquette County–Felony Level Offenses

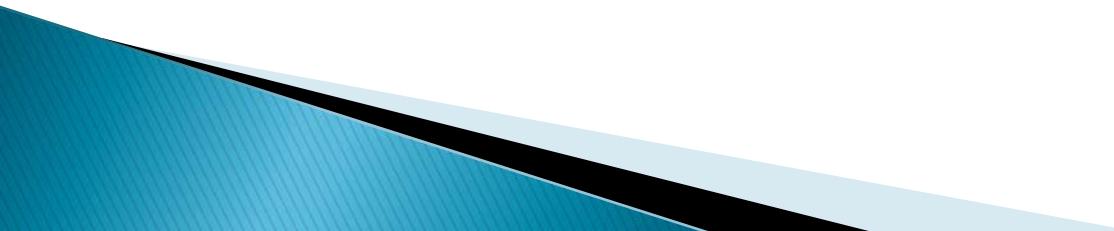
Marquette County  
11-Year History  
of Felony Level Offenses



# Incidence Calculations (Resource Materials)

- ▶ Count by
  - ▶ Victim Report?
  - ▶ Arrests?
  - ▶ Referrals?
  - ▶ Children?
- 

# Issues: V Mental Health

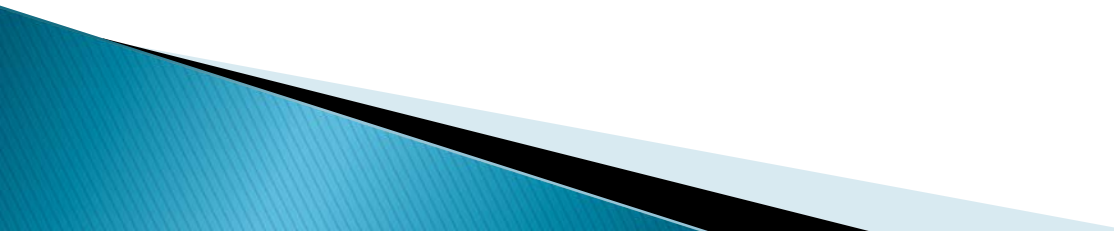
- ▶ “Amputating the Base”
  - ▶ Shift to Medicaid Funding
  - ▶ Restrictions on Medicaid if detained/institutionalized
  - ▶ Criteria for hospital admission/treatment
  - ▶ Whose client?
- 



# Issues: VI Competency

- ▶ Can't try if incompetent to assist counsel/understand proceedings
- ▶ Restoration to competency
- ▶ If can't restore & dangerous
  - Dismiss?
  - Incarcerate without trial?

# Issues: VII Substance Abuse

- ▶ May cause or contribute to decision to commit offense
  - ▶ May contribute to inadequate supervision
  - ▶ Access to prescription medications
  - ▶ Legal & “designer drugs”
  - ▶ Lack of funding for/availability of inpatient treatment beds
    - (total 40 beds in state)
- 

# Issues: VIII Status Offenders

- ▶ Younger
- ▶ Finding: clear & convincing evidence court accessed services are necessary (MCL 712A.2 (a))
- ▶ Can't securely confine (MCL 712A.15)
- ▶ Family support services
- ▶ Predictor of delinquency?
- ▶ Marquette county
  - 41% of 2010 Filings Genesee County –0–

# Resources

- ▶ Juvenile Delinquency Guidelines  
NCFCJ (2005)
- ▶ Juvenile Justice Benchbook  
Michigan Judicial Institute (2009)
- ▶ Reconnecting: The Role of Juvenile Court in Re-Entry NCJFCJ  
(2004)
- ▶ Blueprints for Violence Prevention  
University of Colorado at Boulder OJJDP(2001)
- ▶ Performance Measures  
American Prosecutors Research Institute (2006)
- ▶ Juvenile Court Statistics (2006-2007)  
National Center for Juvenile Justice (2010)
- ▶ Michigan Juvenile Crime Analysis  
Public Policy Associates, Inc. (2009)

# Contact information:

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