# SCAO UPDATES

## MPJRA CONFERENCE
## 05/30/2025


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# AGENDA

Announcements

Court Rule Updates

Legislative Updates

Forms

Cases

# ANNOUNCEMENTS

## JUVENILE SUPERVISION DATA SYSTEM FEDERAL GRANT

- ❑ YouthCenter chosen as the vendor
- ❑ Currently in Milestone 2, first round of 23 courts selected and being contacted for rollout details
- ❑ Courts and detention centers will be contacted for discussions on implementing YouthCenter

## STATUS OFFENSE DIVERSION PROJECT GRANT

- ❑ 5 counties selected for diversion projects
- ❑ Grant funding period expires September 2026

## JUVENILE COURT CONNECTION MONTHLY NEWSLETTER

02
February 2025

Juvenile Court Connection

SCAO–CWJJS Monthly Newsletter for Michigan's Juvenile Court Professionals

In this issue

Juvenile Updates P. 2
Resources P. 3
Training Opportunities P. 4

Reminder!

The SCAO Juvenile Justice Screening and Assessment Tools Guidelines which were published in August 2024, require the courts to establish clear policies and procedures for the administration of screenings and assessments on justice-involved youth and submit those plans to SCAO.

A Model LAO and sample written policies and procedures for the use of screening and assessment tools are included in the Guidelines.

Grant Opportunity!!!

*Status Offense Diversion Project*

Pursuant to Section 402 of the FY 2025 Judiciary Budget, the State Court Administrative Office (SCAO), in collaboration with the Michigan Department of Health and Human Services (MDHHS) and the Michigan Committee on Juvenile Justice (MCJJ), is pleased to present the **Status Offense Diversion Project** grant opportunity. Grant funding is available to juvenile courts for innovative, community-based diversion programs and services that work solely with youth for whom the court receives a complaint, referral, or petition for what is alleged to be a status offense.

SCAO seeks to award grant funding for up to five (5) courts in Michigan for the development of innovative pilot projects aimed at diverting status offenders towards community-based programs and services, and away from formal juvenile court involvement and secure placement.

Grant Application Period CLOSES:

**FEBRUARY 19, 2025, at 5:00 pm EDT**

For more information on this grant opportunity, please visit:
https://www.courts.michigan.gov/publications/grantsrfps/

Updated FAQ

FAQ: MJJAS/OYAS Detention Screening Tool (January 8, 2025)

Elimination of Juvenile Delinquency Fines, Fees, & Costs Training in a Minute

Presentation: Here
Recording: Here

Quick Links

One Court of Justice
- Video Tutorials
- MJI Benchbooks
- Family Quick Reference
- Child Welfare and Justice Services

Michigan Judicial Institute
- Subscribe here

SCAO-Child Welfare and Juvenile Justice Services

# *ANNOUNCEMENTS*

## MEMOS

- ❑ Family Court Plan Requirements and Guidelines and Model Family Court Plan (March 7, 2025)
- ❑ Public Act 229 of 2024 – Statutory Amendments for Name Change Proceeding (March 28, 2025)
- ❑ 2025 Federal Title IV-E Foster Care Funding Audit (May 1, 2025)

## UPCOMING TRAININGS

- ❑ Supporting Families, Sustaining Ourselves: A Compassionate Approach to Child Protection (July 1, 2025)
  - ❑ Flyer and Registration

# COURT RULE UPDATES

## 2022-34 - Proposed Amendment of MCR 3.991

- Issued: 01/15/2025
- Comment Period Expired: 05/01/2025
- Public Hearing Scheduled: TBD
- Would clarify the process for judicial reviews of referee recommendations in juvenile cases.

## 2022-34 - Proposed Amendments of MCR 3.993 and 6.428

- Issued: 12/19/2024
- Comment Period Expired: 04/01/2025
- Public Hearing Scheduled: 05/21/2025
- Republishes a revised proposal regarding the restoration of appellate rights in juvenile and criminal cases.

## 2024-38 - Proposed Amendment of Administrative Order No. 1985-5

- Issued: 12/19/2025
- Comment Period Expired: 04/01/2025
- Public Hearing Scheduled: 05/21/2025
- Would enhance juvenile probation and caseworker employment standards. The proposed amendment would shorten the timeframe for MJI certification from 2 years to 1 year and includes additional skills, abilities and knowledge required for employment.

# LEGISLATIVE UPDATES – PROPOSED HOUSE BILLS

## HB 4018 – Transportation with Adults

- Introduced: 01/22/2025
- Amends the Probate Code of 1939 (MCL 712A.16) to allow for a juvenile to be transported with an adult, in certain circumstances, when taken into custody at the same time.

## HB 4067 – Safe Delivery

- Introduced: 02/12/2025
- Amends the Probate Code of 1939 to expand the definition of "newborn" to up to 72 hours old and allows safe. Anonymous surrender of newborns using secure, monitored safety devices at certain staffed facilities.

## HB 4068 – Safe Delivery

- Introduced: 02/12/2025
- Amends the Public Health Code to require the reporting of a newborn's death after being surrendered to a newborn safety device.
- Tie Bar with: HB 4067

## HB 4069 – Safe Delivery

- Introduced: 02/12/2025
- Amends the Michigan Penal Code to provide legal protection for parents who safely surrender newborns. Parents who surrender and infant (defined as not more that 72 hours old) to an emergency service provider to a designated newborn safety device will not face criminal charges for abandonment, provided there are no allegations of child abuse or neglect.
- Tie Bar with: HB 4067

# *LEGISLATIVE UPDATES – PROPOSED HOUSE BILLS CONT.*

## HB 4070 – Michigan Indigent Defense Fund

- Introduced: 02/12/2025
- Amends the Michigan Indigent Defense Commission Act to include representation for juveniles within the jurisdiction of the court under Section 2(a), 2(d), or 2(h) of the Juvenile Code.

## HB 4174 – Self-incriminating Juvenile Statements

- Introduced: 03/06/2025
- Amends the Probate Code of 1939 that any self-incriminating statements made by juveniles during interactions involving deceptive police practices are involuntary and thus inadmissible in court.

## HB 4396 – Juvenile Diversion Case Information Sharing with Researchers

- Introduced: 04/29/2025
- Amends the Juvenile Diversion Act to allow a researcher to submit a research request for a juvenile diversion record to the State Court Administrative Office or an individual court and prescribes conditions for the use of such information, including negotiating data usage agreements that protects personally identifiable information from public disclosure.

# *LEGISLATIVE UPDATES – PROPOSED SENATE BILLS*

## SB 18 – Foster Care Youth – Screening for Benefits

- Introduced: 01/22/2025
- Amends the Foster Care and Adoption Services Act (MCL 722.951 to 722.960) to require the MDHHS to apply for and secure all benefits to which a child in foster care is entitled and prohibit the MDHHS from using these benefits as reimbursement for the child's cost of care. Additionally, it would ensure that all funds are appropriately preserved and distributed to the child once they are discharged from the foster care system.

## SB 24 – Juvenile Diversion Case Information Sharing with Researchers

- Introduced: 01/23/2025
- Amends the Juvenile Diversion Act to allow a researcher to submit a research request for a juvenile diversion record to the State Court Administrative Office or an individual court and prescribes conditions for the use of such information, including negotiating data usage agreements that protects personally identifiable information from public disclosure.

# *LEGISLATIVE UPDATES – PROPOSED SENATE BILLS CONT.*

## SB 78 – Expungement of Records

- Introduced: 02/12/2025
- Amends Public Act 213 of 1965, which provides for setting aside convictions in certain criminal cases.

## SB 81 – Michigan Indigent Defense Fund

- Introduced: 02/12/2025
- Amends the Michigan Indigent Defense Commission Act to include representation for juveniles within the jurisdiction of the court under Section 2(a), 2(d), or 2(h) of the Juvenile Code.

## SB 218 – Reinstatement of Parental Rights

- Introduced: 04/17/2025
- Amends the Juvenile Code to allow for the petition of and reinstatement of parental rights after 3 years for a youth over the age of 14 where adoption or guardianship are no longer the permanency goal.

# FORMS UPDATES

| STATE OF MICHIGAN<br>JUDICIAL CIRCUIT - FAMILY DIVISION<br>COUNTY | ADVICE OF RIGHTS AFTER ORDER TERMINATING PARENTAL RIGHTS AND REQUEST FOR COURT-APPOINTED ATTORNEY (Juvenile Code) | CASE NO.<br>PETITION NO.<br>JUDGE |
|---|---|---|

Court address | Court telephone no.

In the matter of _____
First and last name(s), alias(es)

1. On _____ an order was entered terminating your parental rights to the child(ren) named above.
   Date
2. You have a right to appeal the order terminating your parental rights to the Court of Appeals for the State of Michigan. An appeal of right must be filed within 21 days of an order terminating parental rights. MCR 7.204(A)(1). An application for leave to appeal must be filed within 63 days of an order terminating parental rights or within 63 days after entry of an order denying reconsideration or rehearing as provided by MCR 3.993(C)(3). MCR 7.205(A)(3).
3. You may file a motion for a new trial, rehearing, reconsideration, or other postjudgment relief within 14 days after the date of the order terminating your parental rights. **Note:** A motion will not be considered unless it presents a matter not previously presented to the court, or presented, but not previously considered by the court, which if true, would cause the court to reconsider the case.
4. You have a right to an attorney. If you want an attorney but cannot afford one, the court will appoint one for you. To request a court-appointed attorney, you must complete the second page of this form and return it to the court. **Note: Requests for appointment of appellate counsel** must be made within a time frame in item 2.
5. If the court appoints an attorney to perfect your appeal, the court will furnish the attorney with the complete transcript and record of all proceedings.
6. Your obligation to support the child(ren) continues until a court of competent jurisdiction modifies or terminates the obligation, an order of adoption is entered, or the child is emancipated by operation of law.
7. You have a right to control the release of identifying information about yourself under the adoption laws of this state as follows:

   a. You may file with the Central Adoption Registry of the Michigan Department of Health and Human Services, at any time, a form called "Parent's Consent/Denial to Release Information to Adult Adoptee." With this form (copies available at all circuit courts or Michigan Department of Health and Human Services offices) you can consent to or deny the release of the following identifying information:
      - your name at the time of termination of your parental rights.
      - your most recent name and address which is on file with the Central Adoption Registry.

      You can use this form any time you change your mind about consenting to or denying the release of identifying information.

[JC 44, ADVICE OF RIGHTS AFTER ORDER TERMINATING PARENTAL RIGHTS AND REQUEST FOR COURT-APPOINTED ATTORNEY, JUVENILE CODE]

(OLD FORMS MAY NOT BE USED AFTER 08/01/2025)

# *NOTEWORTHY CASES*

# PUBLISHED COA CASES

*In re C. Walters, Minor.*, COA #369318 (01/02/2025)

- RM appeals termination of parental rights ***(Reversed)***
- Minor born positive for illegal substances, CPS established an oral safety plan without filing a petition for jurisdiction. Case transferred counties, new CPS worker updated safety plan – RM and minor living with RM's mother and minor not to be left alone with RM.
- DHHS filed a petition 3 months later, seeking termination at initial dispo, after a home visit learning that RM was still abusing substances and minor was being left with RM, despite indicating the minor was doing well and needs were being met. Petition did not explain why the request for termination without making reasonable efforts toward reunification.
- Termination of Parental Rights – pursuant to MCL 712A.19b(3)(a)(*ii*) desertion and (j) reasonable likelihood of harm if returned to parents
- DHHS sought and obtained termination at initial dispo despite failing to even allege the existence of an exception to its duty to provide reasonable efforts toward reunification. Additionally, DHHS violated respondent's right to due process of law by basing termination of respondent's parental rights on her alleged failure to comply with an oral safety plan that implemented before the court took jurisdiction.
- DHHS argued aggravating factors are optional if they continue to offer services while awaiting initial disposition.
- Opinion: Because DHHS did not establish the requisite aggravating factors, court erred by terminating RM's rights at initial disposition. Court additionally erred by depriving RM her fundamental right to care and custody of minor without adequate notice of what was expected of her in violation of her constitutional right to due process. Both of these errors provide separate bases to reverse.

# PUBLISHED COA CASES

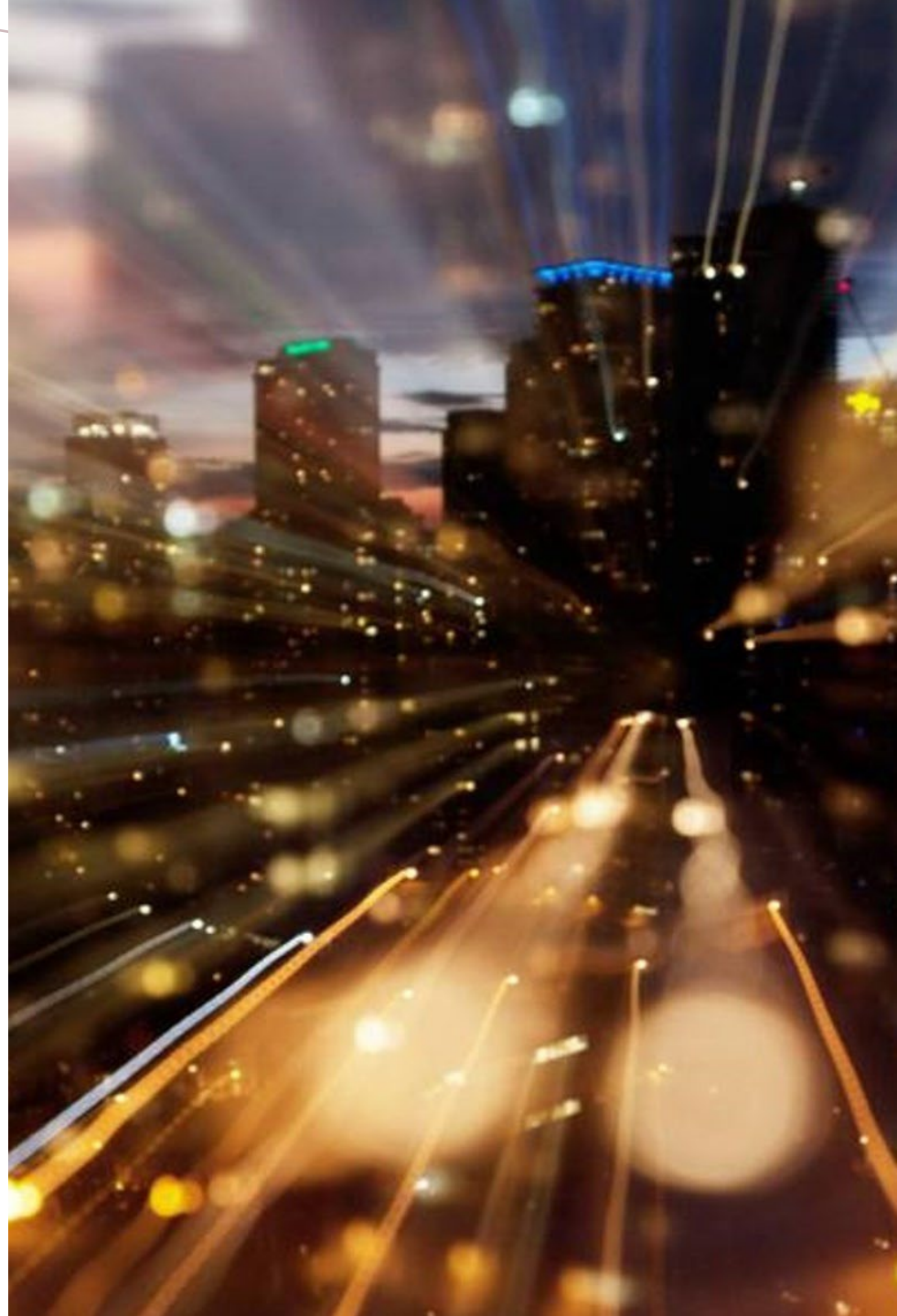
*In re D.P. Rozenboom, Minor.*, COA #371439 (02/11/2025)

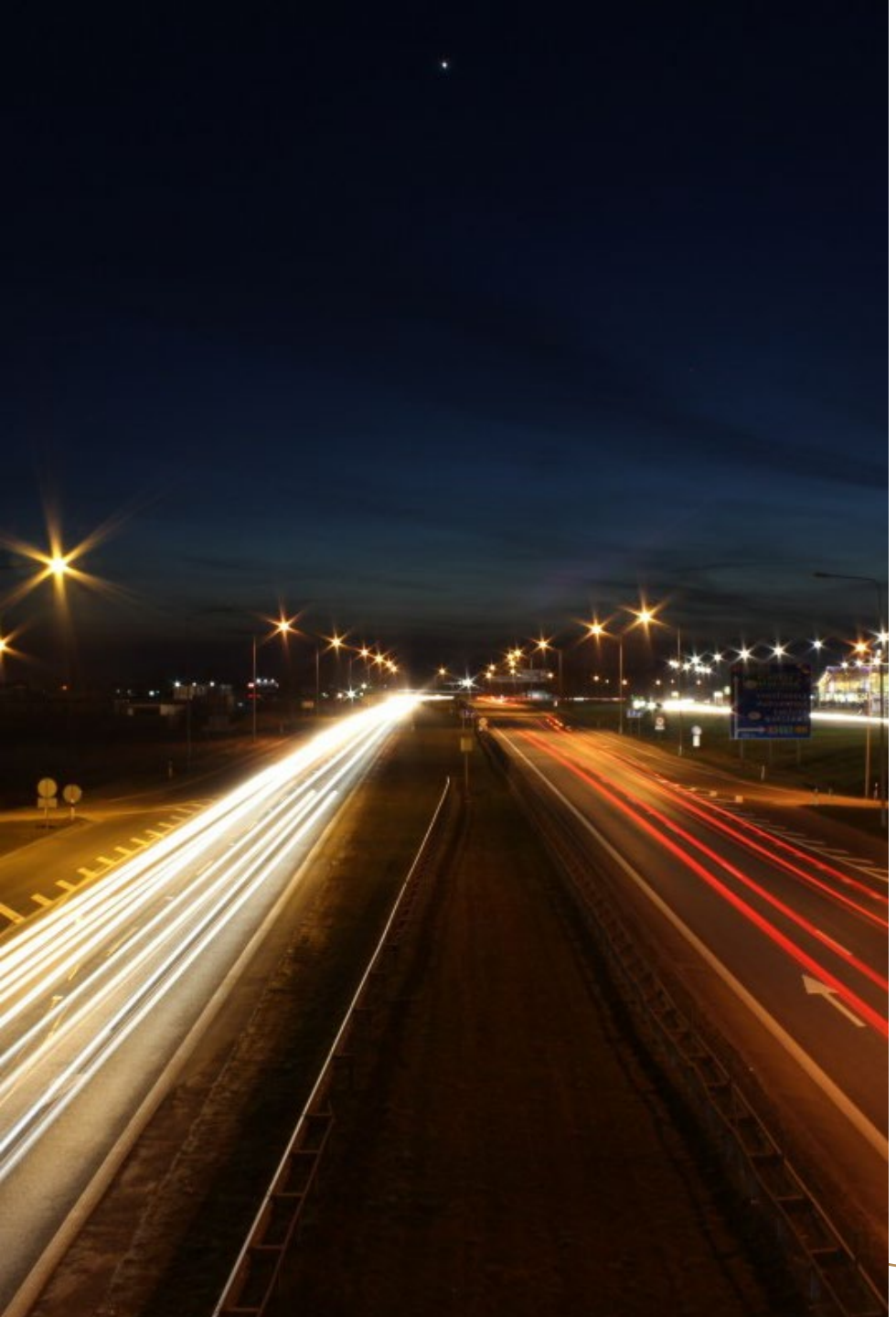
- Petitioner appeals court's order affirming referee's recommendation to dismiss petition to terminate RM's parental rights. ***(Affirmed)***
- Petitioner is second cousin of RF (he died during proceedings). Child born in October 2014, began living with petitioner in March 2015. RM also lived with child and petitioner from November 2015 to March 2016. Petitioner obtained POA over child in 2019 and permanent guardianship in August 2020. Court ordered supervised parenting time in January 2021, which ceased in May 2021.
- Petitioner sought authority from probate court to adopt child in June 2023. July 2023 RM moved for unsupervised parenting time but was denied. August 2023 RM sought to terminate guardianship, was also denied. Probate then granted petitioner's request to seek adoption. 4-day bench trial on the adoption petition commenced.
- Referee recommended denial of the adoption petition. Found that petitioner proved by clear and convincing evidence that RM had the ability to financially support the child but failed to do so for 2 years before the filing of the petition. Also found that petitioner failed to prove by clear and convincing evidence that RM had the ability to visit/contact/communicate with the child during that same 2 year period (as evidenced by messages between petitioner and RM showing that petitioner refused to facilitate contact.
- Petitioner sought review of referee recommendation but court entered an order finding that it would not have reached a different conclusion.
- COA finds this case "troubling" and decline to disturb the courts decision to prevent the guardianship from segueing into termination based on the petitioner's conduct.

# PUBLISHED COA CASES

***In re Brown.***, COA #368309 (02/25/2025)

- Designated Juvenile (DJ) – juvenile appealed court's order sentencing to prison (***Affirmed)***
- Delayed Sentence – Probation Violation and Consideration of Rehabilitation-and-Risk Factors
- Court originally imposed a delayed sentence for a juvenile who pleaded no contest to assault with intent to murder and assault with intent to rob while armed.
- Juvenile admitted to 2 probation violations and court sentenced juvenile to 17-45 years in prison.
- Argument: court sentenced to prison without considering rehabilitation-and-risk factors in MCL 712A.18i(3)
  - Extent and nature of juvenile's participation in education, counseling, or work programs
  - Juvenile's willingness to accept responsibility for prior behavior
  - Juvenile's behavior in current placement
  - Prior record and character of juvenile/physical and mental maturity
  - Juvenile's potential for violent conduct as demonstrated by prior behavior
  - Recommendations of any institution or agency charged with the juvenile's care for release or continued custody
  - Other information the prosecuting attorney or juvenile submit
- Opinion: When a juvenile violates probation by committing a serious crime, the court "shall" revoke probation and sentence the juvenile. While there is nothing ***precluding*** a court from considering the factors above, there is nothing ***requiring*** the court do so. The plain language of MCL 712A.18i(10) permits the court to revoke probation and impose sentence once it found the respondent committed a probation violation. Once a PV is established under subsection (9) or (10) the court need not consider the rehabilitation factors outlined in subsection (3) or the additional factors in subsection (7).





# PUBLISHED COA CASES

*In re D.M.A.N., Minor.*, COA #364518; 364520 (02/21/2025)

- RM and RF appealed order terminating their parental rights ***(Affirmed in part, Reversed and Remanded for further proceedings)***
- Minor (4 or 5 years old) disclosed to preschool teacher that RF sexually abused her and that RM knew of the abuse. Minor was exhibiting inappropriate behaviors at the time at school with other children. DHHS removed minor and placed with maternal grandmother under a temporary voluntary agreement. In a forensic interview, minor did not disclose any abuse, court ordered minor to be removed from MG' care due to coaching suspicions. Other relatives expressed interest in placement, but were not investigated and DHHS placed with a non-relative foster.
- Evidence – Tender-Years Hearsay Exception
  - Minor's statements through teacher were admitted as reliable and trustworthy through the teacher under the tender-years hearsay exception. Court took jurisdiction, and subsequently terminated both parents' rights at trial.
  - Court did not err by allowing tender-years hearsay exception – minor's statements found to be spontaneous, coupled with behavior before and after removal, and teacher asked open-ended questions and followed up on statements despite not being forensically trained.
- Relative Placements – Duty to Investigate
  - DHHS "completely disregarded its obligation" under MCL 722.954a(2) to investigate relative placements.
- Decision: Affirm court's decision to admit minor's statements through teacher's testimony. Termination of parental rights also affirmed due to finding of statutory grounds. Court's best-interests decision conditionally reversed and remanded for further proceedings to determine if a suitable relative placement is available. If no suitable relatives exist, termination stands. If suitable relatives exist, court is to reconsider if termination of parental rights is in minor's best interest.

# PUBLISHED COA CASES

*In re Pawlowski, Minors.*, COA #372145 (05/06/2025)

- RM appealed court's order terminating her parental rights after she executed a release ***(Affirmed)***
- RM submitted a release to her children at the adjudication trial, and court entered an order terminating her parental rights.
- Jurisdictional challenge: DHHS argued COA lacked jurisdiction because RM is not an aggrieved party as she voluntarily released her parental rights.
- RM argued her release was not knowing or voluntary, claims court did not advise her of her rights set forth in MCR 3.971(B). During release, RM agreed with statements and requested a final visit with the children.
- RM also argued court failed to make specific findings as to statutory grounds and best interests.
- COA found that RM's release of her parental rights was knowing and voluntary and therefore valid and binding, therefore she is no longer an aggrieved party under MCR 7.203(A) with respect to the court's failure to make further findings in support of termination in which she consented to. COA therefore lacked jurisdiction to entertain RM' remaining claims.

# *MSC CASES*

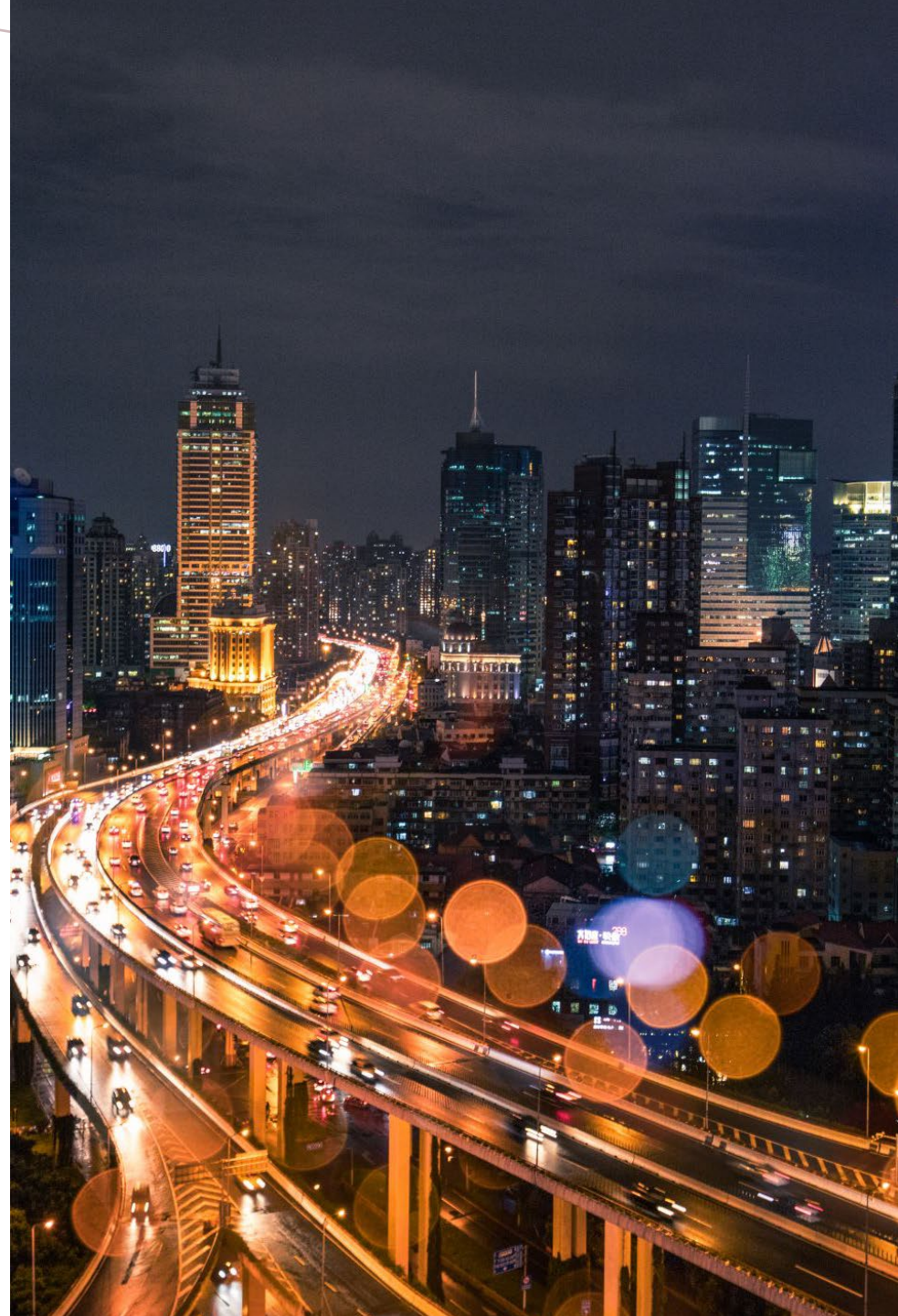
*In re B.W. Chritz, Minor*, MSC #168188 (05/09/2025)

- RM initially appealed court's order authorizing a petition seeking the termination of her parental rights. ***(COA dismissed due to lack of jurisdiction)***
  - Child was previously moved from RM to father under an agreed upon safety plan.
  - MCR 3.993(A)(1) provides that a respondent in child protective proceedings may take an appeal by right from "any order removing a child from a parent's care and custody."
  - "[A] child is removed from a parent's care and custody when he or she is taken from that parent's residence and placed in a different residence." *In re AJR*, 342 Mich App 1 (2022)
- Application for leave to appeal COA judgment filed with MSC.
- In lieu of granting appeal, MSC Affirmed COA judgment and Vacated as unnecessary the COA's reasoning that the trial court's order did not fall within the provisions of MCR 3.993(A)(1).
- Justice Welch concurred, adding that "It does not appear that this Court has opined on the proper interpretation of MCR 3.993(A)(1) under circumstances such as those presented in this case." and "I believe that this Court will eventually need to weigh in on whether orders like the one the trial court entered in this case are appealable by right under MCR 3.993(A)(1).
  - Such orders do not technically "remove" the child from a respondent's home when there is a previous voluntary placement, the practical effect is the same, considering that voluntary placement to a safety plan becomes legally mandated upon entry of an order requiring the placement.

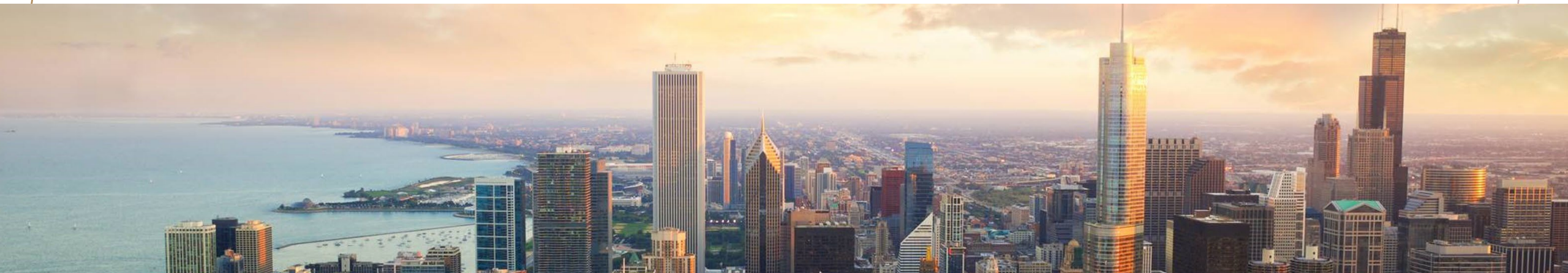
# *MSC CASES*

*People v. Taylor*, MSC #166428 and *People v. Czarnecki*, MSC #166654 (04/10/2025)

- Czarnecki was convicted after a jury trial of first-degree premeditated murder at the age of 19. Sentenced to mandatory life in prison without the possibility of parole (LWOP). He appealed to COA, COA affirmed conviction and sentence. Sought leave to appeal to MSC, motion granted to add whether LWOP was constitutional – MSC held appeal in abeyance pending the SCOTUS's decision in *People v Parks*.
- SCOTUS held that sentencing 18-year-old offenders to mandatory LWOP constitutes unconstitutionally cruel and unusual punishment.
- MSC denied application in part but remanded to COA for reconsideration in light of *Parks*. On remand, COA affirmed sentence saying Parks did not apply to anyone over the age of 18 and *Parks* did not overrule *People v. Hall*, 396 Mich 650 (1978) which held that mandatory LWOP for felony murder was not unconstitutional.
- Taylor was convicted after a jury trial of first-degree premeditated murder and felony-firearm at the age of 20. Sentenced to mandatory LWOP for the first-degree murder and a consecutive 2-year term for felony-firearm. Appealed to COA, including challenge to the constitutionality of the LWOP sentence. COA affirmed conviction and sentence, and specifically rejected the argument that the mandatory LWOP sentence at 20 years old violated his constitutional rights.
- After *Parks*, MSC vacated the portion of the COA decision regarding constitutionality of the LWOP sentence and remanded to COA for reconsideration in light of *Parks*. COA reaffirmed sentence for same reasons as in *Czarnecki*.
- MSC (5-2) ruled that Parks extended to 19- and 20-year-olds and mandatory LWOP sentences are unconstitutional. Ruled that 19- or 20-year-old defendants convicted of first-degree murder are entitled to the full protections that exist within the individualized sentencing procedures of MCL 769.25 or MCL 769.25a before that determination. Rule applies retroactively.



# QUESTIONS



# *THANK YOU*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https://www.courts.Michigan.gov/administration/offices/child-welfare-services/