



SCAO MONTHLY JUVENILE AND PROBATE UPDATE

MARCH 2024

Memorandums and Resources

[Courts Make an Impact through Judicial Outreach](#) (March 2024)

[Use New FAQ Document for ERPOs](#) (March 8, 2024)

One Court of Justice Website

- [Video Tutorial: Navigating Popular Resources for Judges and Court Staff](#)
- [MJJ Benchbooks](#)
- [Quick Reference Resources](#)
- [Child Welfare and Juvenile Justice Services](#)
 - Juvenile Justice Reform and County Implementation Teams Information
 - Training and Development
 - Juvenile Justice Training in a Minute
 - MJJ Training Webinars

Michigan Judicial Institute (MJJ)

- MJJ Impact summarizes recent court communications, court rules, legislation, and upcoming training events.
- Subscribe to MJJ Impact below:
<https://www.courts.michigan.gov/administration/offices/michigan-judicial-institute/subscribe-to-impact/>

Stay informed with the [Court Subscription Services](#)

- Receive information on Michigan appellate court opinions, administrative rules, news about-and of interest to-Michigan Courts.

Enacted Legislation

Juvenile:

[PA 15 of 2024 - Family Treatment Court](#)

Statute Cite: MCL 600.1082 and adds MCL 600.1099aa

Effective Date: March 12, 2024

What it does: Authorizes circuit courts to adopt or institute family treatment courts and provides the requirements for admission to, and participation in, family treatment court programs.

Probate:

[PA 27 of 2024 - Assisted Reproduction and Surrogacy Parentage Act](#)

Statute Cite: MCL 700.2114

Effective Date: March 21, 2024

What it does: Enact the “Assisted Reproduction and Surrogacy Parentage Act” to prescribe standards and processes for assisted reproduction and surrogacy agreements in the State.

Introduced Legislation

Juvenile:

None.

Probate:

None



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Proposed Court Rules/Administrative Orders

Visit Page for Proposed Court Rules [here](#).

Proposed Amendment of MCR 3.967

ADM File: 2023-34

Issued: 01/24/2024

Comment Period Expires: 05/01/2024

- Would align the rule with MCL 712B.15 to clarify the applicability of qualified expert witness testimony in a removal hearing involving an Indian child.

Proposed Amendments of MCR 3.937, 3.950, 3.955, 3.993, and 6.931

ADM File: 2023-36

Issued: 01/24/2024

Comment Period Expires: 05/01/2024

- Would implement 2023 PA 299 and incorporate additional changes from the SADO/MAACS Youth Defense Project regarding requests for and appointment of appellate counsel in cases involving juveniles.

Proposed Amendments of MCR 3.901, 3.915, 3.916, 3.922, 3.932, 3.933, 3.935, 3.943, 3.944, 3.950, 3.952, 3.977, and 6.931 and Proposed Addition of MCR 3.907

ADM File: 2023-36

Issued: 01/24/2024

Comment Period Expires: 05/01/2024

- Would implement the Justice for Kids and Communities legislation and incorporate recommendations of the Michigan Task Force on Juvenile Justice Reform.

Adopted Court Rules/Administrative Orders

None.

Forms

[Revised Court Form - Immediate Emergency Ex Parte Extreme Risk Protection Order](#) (March 1, 2024)

Upcoming Trainings

MJI Training Opportunities

Pretrial Release, Part 2: Strategies, Considerations, and Procedural Fairness Webinar

Wednesday, April 10, 2024

12:00 p.m. – 1:00 p.m.

This webinar will offer a framework for making pretrial release determinations, explore various non-financial and financial conditions for release, and considerations for how pretrial release determinations intersect with procedural fairness.

This program is eligible for continuing judicial education credit.



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[Court Support Staff Certification Training](#)

Wednesday, April 10, 2024 and Thursday, April 11, 2024

9:30 a.m. – 3:15 p.m.

[Juvenile Court Diversion and Consent Calendar Processes and Programs](#)

Friday, April 26, 2024

12:00 p.m. – 1:00 p.m. (with 30 minutes of Q&A

immediately following webinar)

Effective October 1, 2024, the Child Care Fund eligibility will be expanded to include programs and practices starting at the point which a petition, complaint or referral is received for all youth at risk of juvenile justice system involvement: Thus, providing the opportunity for courts to use Child Care funding to support programming and services for youth who are eligible for diversion and/or consent calendar options.

This webinar will provide attendees with the following:

- Attendees will have the opportunity to hear from local courts on the processes and programming structures used for diversion and consent calendar.
- How to foster new ideas in the areas of diversion and consent calendar usage.
- Attendees will hear information regarding how these programs were developed plus collaboration that occurred between the courts and other juvenile justice stakeholders to make these programs successful and how the programs and practices has evolved into what they are today.

Juvenile:

[Child Welfare Services Training and Development Opportunities](#)

This link provides access to current training and development opportunities offered by CWS.

[From Absence to Presence: Strategies for Involving Fathers in the Child Welfare System](#) (Webinar)

Tuesday, April 9, 2024

11:30 a.m. – 1:00 p.m.

This training session tackles the complex but critical issue of engaging fathers and male caregivers in the child welfare system. The focus is on overcoming barriers, understanding the nuances of personal trauma, and implementing effective conflict management strategies. Attendees will be equipped with advanced techniques to engage men who may be resistant or high-risk, using evidence-based approaches grounded in years of specialized experience.

[Child and Parent Legal Representation Grant: Changes for Fiscal Year 2025](#) (Webinar)

Thursday, May 16, 2024

11:30 a.m. – 12:30 p.m.

This training will provide an overview of the changes to the Fiscal Year 2025 Child and Parent Legal Representation (CPLR) Grant, including a reduction in reporting requirements to reduce the administrative burden on courts. Target Audience:

This training is intended for all courts interested in the FY 2025 CPLR grant.

[Child Welfare Services Recorded Webinars](#)

This link provides access to previously recorded webinars.

- [Family Defense 101 Training Series](#)



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Target audience: Attorneys who represent parents in child protective proceedings.

This online training series is comprised of 13 pre-recorded training sessions, between 30-60 minutes on various topics.

➤ [Lawyer-Guardian Ad Litem Resources and Online Training](#)

This link provides a list of resources, trainings, and recorded webinars with correlating training materials.

[National Center for State Courts \(NCSC\) Webinars](#)

The link above provides access to current and recorded webinars offered by NCSC.

Michigan Department of Health and Human Services Training Opportunities

Michigan Juvenile Justice Assessment System (MJJAS) FY24 Training Schedule

Michigan Department of Health and Human Services (MDHHS) Division of Juvenile Justice (JJ) is pleased to announce Michigan Juvenile Justice Assessment System (MJJAS) risk assessment certification training. The MJJAS is provided to MDHHS through a contractual agreement with the University of Cincinnati Research Institute and is also known as the Ohio Youth Assessment System[®] (OYAS) with funding provided through the Mental Health Diversion Council Juvenile Justice Subcommittee. The MJJAS (a.k.a: OYAS) is a structured risk assessment tool that identifies the likelihood of a youth engaging in future criminal behavior and informs appropriate risk classification. The MJJAS assessments can be re-administered over time to determine changes in risk level based upon changes in behavioral profile or life situation. The MJJAS can be used at five different decision points for a youth: diversion, detention, disposition, juvenile justice residential placement, and reentry to the community from residential placement. In addition to risk assessment, results from the disposition, residential and reentry tools are assistive for case planning, and for identification of residential and re-entry service needs.

Juvenile Justice Case Management

The MJJAS is the designated risk assessment system for juvenile justice youth under the care and supervision of MDHHS. Service plans and residential treatment plans entered in the Michigan Statewide Child Welfare Information System (MiSACWIS) require administration of the MJJAS for juvenile justice youth. Also, the MJJAS risk assessment training is available to Michigan juvenile court personnel who are interested in becoming certified to administer the MJJAS in their jurisdiction.

Each training session will consist of four half days from 8:30 a.m. – 12:30 p.m. per UCCI guidelines. Maximum enrollment is generally limited to 15 participants per session. Participants are required to attend four consecutive half days of training to be eligible for certification testing.

Training dates are as follows:

- April 22-25, 2024 - Virtual
- May 13-16, 2024 - Virtual
- June 10-13, 2024 - Virtual
- August 12-15, 2024 - Virtual
- September 23-26, 2024 - Virtual



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- October 14-17, 2024 - Virtual
- December 16-19, 2024 – Virtual

There is no registration fee for this training. JJ specialists and supervisors, and public and private residential treatment staff and supervisors working with juvenile justice youth under the care and supervision of MDHHS will be given priority to register for this training. Registration for others is on a first-come, first-served basis. Participants that fail to attend, arrive late, depart early, or attend only portions of the training will not be eligible to receive certification to administer the MJJAS. Virtual classes will close approximately two weeks prior to registration or sooner if class size is reached.

Michigan juvenile court staff may schedule by contacting MDHHS at MDHHS-MJJAS@michigan.gov. Michigan juvenile court staff who need to cancel or have additional questions, please contact MDHHS-MJJAS@michigan.gov.

Interstate Commission for Juveniles

ICJ On-Demand Training Site

ICJ's On-Demand training modules provide 24/7 access to a variety of information related to the compact rules and processes.

- If you are seeking training or have any ICJ related questions or concerns, please contact the Michigan ICJ office at MDHHS-MI-ICJ@michigan.gov for assistance.

Probate:

National Center for State Courts (NCSC) Webinars

The link above provides access to current webinars and recorded webinars offered by NCSC.

Cases

Juvenile

None.

Probate

Minor Guardianship Appointment – Subject-Matter Jurisdiction and Constitutional Challenges

Subject-Matter Jurisdiction. To invoke the authority of “the probate court, a person interested in the welfare of a minor may petition for the appointment of a guardian for the minor under MCL 700.5204(1).” *In re ADW*, ___ Mich App ___, ___ (2024) (cleaned up). In this case, petitioner (the minor child’s maternal sibling) filed a petition when respondent (the minor child’s father) was in jail and the minor child was residing with respondent’s son. Id. at ___. The probate court appointed a temporary guardian for the minor child under MCL 700.5204(2)(b), which allows appointment of “a guardian for a minor if the parent or parents permit the minor to reside with another person and do not provide the other person with legal authority for the minor’s care and maintenance, and the minor is not residing with his or her parent or parents when the petition is filed.” ADW, ___ Mich App at ___ (cleaned up). “Consequently, [petitioner] properly filed a petition as a person interested in the welfare of [the minor child] while [respondent] permitted [the minor child] to reside with [respondent’s son], so the only potential jurisdictional defect concerns whether [respondent] provided [his son] with legal authority for [the minor child’s] care and maintenance.” Id. at ___ (quotation marks omitted). “According to MCL 700.5103(1), by a properly executed power of attorney, a parent or guardian of a minor may delegate to another person, for a



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period not exceeding 180 days, any of the parent's or guardian's powers regarding care, custody, or property of the minor child." ADW, ___ Mich App at ___ (cleaned up). Respondent "signed a power of attorney that gave [his son] broad powers to provide for the care and maintenance of [the minor child]," and "[t]hat comprehensive grant of authority satisfied the standard for 'delegation of powers by a parent' prescribed by MCL 700.5103(1)." ADW, ___ Mich App at ___. But the power of attorney was signed too late—"by then, the probate court had been invested with jurisdiction over [the minor child] by dint of [petitioner's] petition filed" five days earlier, so the power of attorney "did not divest the probate court of jurisdiction to conduct the guardianship proceedings." *Id.* at ___. "Thus, the trial court was entitled to continue proceedings concerning [the minor child] under MCL 700.5204(2)(b) once jurisdiction existed, so [respondent's] jurisdictional challenge is unavailing." ADW, ___ Mich App at ___ (citation omitted).

Constitutional Challenges. "A core principle of due process holds that parents have a constitutionally protected right to make decisions concerning the care, custody, and control of their children"—"a parent's constitutional right to raise his or her child is also applicable in the guardianship context." *In re ADW*, ___ Mich App ___, ___ (2024) (cleaned up). "In this case, [respondent, the minor child's father] asserts that his due-process rights, applicable in the guardianship context, entitle him to block visits between [the minor child] and her maternal siblings"—"[b]ut the appointment of [respondent's son] as [the minor child's] guardian changes the analysis in a significant manner." *Id.* at ___. As the minor child's guardian, respondent's son has the powers and responsibilities of a parent, including "the authority to prohibit visits between [the minor child] and nearly all of her relatives." *Id.* at ___ (reversing the order directing the minor child to have visits with her maternal siblings, but noting that the probate court could address the issue at a review hearing under MCL 700.5207).