

SCAO Updates Juvenile and Probate

MPJRA Conference
10/16/2024



J E F F J O H N S O N

C O U R T A N A L Y S T ,
S C A O J U V E N I L E J U S T I C E S E R V I C E S

T A N Y A M O R R O W

M A N A G E R ,
S C A O J U V E N I L E J U S T I C E S E R V I C E S



Agenda

CWJJS Division of SCAO

Juvenile

- Michigan Justice for Kids and Communities Legislation
- Court Rule Updates
- Legislative Updates
- Cases
- Forms

Probate

- Court Rule Updates
- Legislative Updates
- Cases
- Forms



SCAO Child Welfare and Juvenile Justice Services Division (CWJJS)

Kelly Wagner: Child Welfare and Juvenile Justice Services Director (CWJJS)

Casey Anbender: Child Welfare Services (CWS) Manager

Tanya Morrow: Juvenile Justice Services (JJS) Manager

Kellie Fischer: JJS Quality Assurance Manager

JJS

Vacant – Analyst – Region 1
Jeff Johnson – Analyst – Region 2
Kristi Jeffrey – Analyst – Region 3
Mike Miszak – Analyst – Region 4
Marcela Morris – Analyst – Region 5
Vacant – Analyst – Region 6
Jennifer Schwandt – Admin Assistant
Jamillah Witt – Admin Assistant

CWS

Lucy Viramontes – Analyst
Katy Todd – Analyst – Training
Lynette Durnell – Management Assistant
Darla Brandon – Admin Assistant
Lindsay Barnett – Admin Assistant

CWS – Foster Care Review Board

Stormie Alwood – Program Rep
Ron Foster – Program Rep
Kelly Loveless – Program Rep
Alexandra Sommer – Program Rep
Emily Novello – Admin Assistant
Rebecca Martin – Program Assistant
Dayna Miller – Program Assistant



Juvenile

Michigan Justice for Kids
and Communities
Legislation

Michigan Justice for Kids and Communities Legislation

effective 10/01/2024

PUBLIC ACT 287

MCL 722.822, 722.823,
722.826, 722.829

- Requires the use of a risk screening and mental health screening tool prior to diversion decision
- Restitution is not to be considered when deciding if a juvenile is diverted

PUBLIC ACT 288

MCL 722.825, 722.826

- Limits Diversion to 3 months unless a longer period is needed to complete treatment
- If diversion is used, results of risk screening and mental health screening tool must be filed with the court

PUBLIC ACT 289

MCL 712A.2F

- Requires use of a risk screening and mental health screening tool before Consent Calendar decision

PUBLIC ACT 290

MCL 712A.15, 712A.16

- Requires use of a detention screening prior to placement in secure detention

PUBLIC ACT 291

MCL 712A.2D, 712A.2F,
712A.4

- Modifies factors a court has to consider before electing to try a juvenile in the same manner as an adult
- Limits time per for Consent Calendar unless longer period is need to complete treatment

PUBLIC ACT 292

MCL 600.4803

- Eliminates court's ability to assess late penalty for failing to pay fee or cost associated with juvenile proceedings

PUBLIC ACT 293

MCL 769.1

- Eliminates the assessment of fines, fees and costs associated with juvenile court proceedings, with the exception of restitution and Crime Victims Fund fees.

Michigan Justice for Kids and Communities Legislation

effective 02/13/2024

- Public Acts 294, 295, 296, 303, 304 and 305 of 2023
 - Renamed the Office of the Children's Ombudsman to the Office of the Child Advocate
 - Renamed the Children's Ombudsman to the Child Advocate
 - Expanded the authority of the office to investigate the administrative actions of residential facilities that provide JJ services
 - Provides the office to investigate complaints about treatment of children by state and local agencies and residential facilities
 - Mediates some issues within these facilities

Michigan Justice for Kids and Communities Legislation

effective 10/01/2024

PUBLIC ACT 297

MCL 400.117A

- Increased the CCF reimbursement from 50% to 75% for community-based programming and per diem rates for respite care and shelter (less than 30 days)
 - CCF reimbursement for out-of-home placements remains at 50%
- Requires courts to use the following:
 - Validated risk screening tool to guide diversion and consent calendar decisions
 - Validated risk and needs assessment prior to disposition
 - Detention screening tool to inform the use of detention
 - Research-based juvenile specific probation standards
- Must employ a local quality assurance specialist (except Basic Grant eligible counties and tribes)
- May utilize CMS software to allow for statewide juvenile justice aggregation, analysis, and reporting

PUBLIC ACT 298

MCL 712A.18

- Requires the use of a risk and needs assessment prior to disposition
- Requires updates to be completed at the following stages:
 - 6 months since last assessment
 - Juvenile experiences a major life event
 - Major change in the juvenile's proceedings

PUBLIC ACT 299

MCL 780.711A, 780.712, 780.714, 780.16, 780.717, 780.718A

- Expands the State Appellate Defender Office (SADO) to include indigent youth representation

Michigan Justice for Kids and Communities Legislation

effective 10/01/2024

PUBLIC ACT 300

MCL 400.117K

- Allows MDHHS to adjust the juvenile justice residential per diem rate as needed

PUBLIC ACT 301

MCL 712A.2F, 712A.1B,
712A.2B, 712A.2B

- Requires the use of a risk screening and mental health screening tool prior to Consent Calendar decisions
- Eliminates assessments of court ordered fines, costs, and fees except Crime Victim Rights and Restitution
- Eliminates prior balances of above monies owed and ability to collect

PUBLIC ACT 302

MCL 28.176

- Prohibits ordering of DNA assessment fees



Juvenile

Court Rule Updates

Court Rule Updates

M C R 3 . 9 6 7

- Adopted, effective 09/01/2024
- Aligns the rule with MCL 712B.15 to clarify the applicability of qualified expert witness testimony in a removal hearing involving an Indian Child

M C R 3 . 9 3 7 , 3 . 9 5 0 , 3 . 9 5 5 , 3 . 9 9 3 , 6 . 9 3 1

- Adopted, effective 10/01/2024
- Implements 2023 PA 299 and incorporates additional changes from the SADO/MAACS Youth Defense Project regarding requests for and appointment of appellate counsel in cases involving juveniles

Court Rule Updates

MCR 3.901, 3.915, 3.916, 3.922, 3.932, 3.933, 3.935, 3.943, 3.944, 3.950, 3.952, 3.955, 3.977, 6.931, 6.933 AND 3.907 (NEW)

- Adopted, effective 10/01/2024
- Implements the Justice for Kids and Communities legislation derived from the recommendations made by the Michigan Task Force on Juvenile Justice Reform
- New Rule: 3.907 – incorporates use of risk screening tools, mental health screening tools, detention screening tools and risk and needs assessments at various decision-making points

Court Rule Updates

MCR 3.904 AND 6.425

- Adopted, effective 01/01/2025
- Permanently incorporates the amendments previously adopted on 07/26/2021 that expanded the use of videoconferencing technology in certain juvenile proceedings and modified the time for filing request for appointment of appellate counsel.



Juvenile

Legislative Updates

Legislative Updates - Enacted

PUBLIC ACT 124 OF 2024 (HB 5429 '24)

Court-Appointed Special Advocate Program

- Effective 10/03/2024
- A new act to create the court-appointed special advocate program and to prescribe the duties and responsibilities of the court-appointed special advocate program and its volunteers.

Legislative Updates - Enacted

PUBLIC ACT 123 OF 2024 (HB 5393 '24)

Extend Length of Consent Calendar

- Effective 10/03/2024
- Amends the Probate Code of 1939 to align with the recommendations of the Juvenile Justice Reform Task Force and extends the maximum length of time for a juvenile to complete the consent calendar to 6 months, unless additional time is needed to complete a specific treatment program.
- MCL 712A.2f

Legislative Updates - Enacted

PUBLIC ACT 50 OF 2024 (SB 0227'23)

Emergency Safety Intervention

- Effective 06/06/2024
- Amends the Child Care Licensing Act (1973 PA 116) to allow emergency intervention in the form of physical management in certain child-care organizations and requires that those interventions comply with the Mental Health Code and associated administrative rules.
- MCL 722.111 et seq.

Legislative Updates - Introduced

HB 5390

Comprehensive Education and Training Programs for JJ Reform

- Would create an act which outlines a new Juvenile in Incarceration Education Board within the Department of Education and a fund, with board membership qualifications, duties and responsibilities, and provide distribution of funds and grants

Legislative Updates - Introduced

HB 5838

Human Trafficking Victim – Set Aside

- Would expand the list of offenses associated with crimes resulting from being a victim of human trafficking and allows an individual to apply to have set aside an adjudication of felony, misdemeanor, or violation of local ordinance committed as a direct result of being human trafficked, if all other requirements are met

HB 5842

References to Prostitution and Prostitute

- Would amend the DNA Identification Act to modify references to Prostitution and Prostitute
- Would eliminate assessment of DNA fee for juvenile, parent, guardian, or legal custodian of a juvenile

HB 5843

References to Prostitution and Prostitute

- Would amend the Child Care Organizations Act to modify references to Prostitution and Prostitute

HB 5844

References to Prostitution and Prostitute

- Would amend the Juvenile Facilities Act to modify references to Prostitution and Prostitute

HB 5850

References to Prostitution and Prostitute

- Would amend the Child Protection Law to modify references to Prostitution and Prostitute

HB 5851

References to Prostitution and Prostitute

- Would amend the Child Care Organizations Act to modify references to Prostitution and Prostitute

Legislative Updates - Introduced

S B 0 6 8 8

Diversion Information Sharing

- Would amend the Juvenile Diversion Act to allow requests from researchers to access diversion records for research purposes

S B 0 8 7 2

Foster Care and Adoption

- Would require MDHHS to seek out and apply for all federal benefits available to a child in foster care. MDHHS to manage funds until transferred to juvenile or a parent/ guardian, and not able to use funds to reimburse for cost of care

S B 0 9 1 0

Child Abuse or Child Neglect Registry

- Would amend the Child Protection Law to provide for modifications to the central registry

S B 0 9 3 5

Elimination of RTA Fund

- Would eliminate the Raise the Age Fund following the expansion of the Child Care Fund from 50% to 75 % reimbursement for services



Juvenile

Cases

Court Cases

Safe Delivery of Newborn – COA #366773

Adoption – Section 45 Hearing and Discovery – COA #367472

Child Protective Proceedings – Termination of Parental Rights and Juvenile Guardianships – COA #367714

Child Protective Proceedings – Jury Trial for jurisdiction – COA #368266

Juvenile Lifers – Restitution – MSC #165185

Child Protective Proceedings – 2 year compliance with support/contact – COA #369225

Child Protective Proceedings – Termination of Parental Rights – Desertion of Paternity Determination



Juvenile

Forms

Court Forms Updates re: Justice for Kids and Communities Legislation

- CC 236 – Order Committing Juvenile to MDHHS
- JC 06 – Waiver of Attorney or Request for Appointment of Attorney
- JC 10 – Order After Preliminary Hearing/Inquiry (DL)
- JC 14a – Order of Disposition, In-Home (DL)
- JC 14b – Order of Disposition, Out-of-Home (DL)
- JC 31 – Authorization for Return of Bond
- JC 38 – Order for Reimbursement
- JC 44 – Advice of Rights After Order Terminating Parental Rights and Request for CAA (Juvenile Code)
- JC 45 – Notice of Hearing
- JC 50 – Order After Arraignment (Designated)
- JC 55 – Diversion Record
- JC 56 – Notice of Diversion Conference
- JC 57 – Supplemental Order of Disposition/Permanency Planning (DL)
- JC 59 – Order of Adjudication (DL)
- JC 56 – Notice of Diversion Conference
- JC 57 – Supplemental Order of Disposition/Permanency Planning (DL)
- JC 59 – Order of Adjudication (DL)
- JC 71 – Judgment of Sentence (Designated)

Court Forms Updates re: Justice for Kids and Communities Legislation

- JC 72 – Judgment of Sentence (Designated)
- JC 73 – Order Delaying Sentence (Designated)
- JC 74 – Order of Probation (Designated)
- JC 81 – Request for Appointment of Appellate Counsel (NA)
- JC 84 – Claim of Appeal and Order Appointing Counsel (NA)
- JC 85 – Order Denying Appointment of Appellate Counsel (NA)
- JC 102 – Request and Order Regarding Appointment of Attorney
- JC 111 – Advices of Rights Regarding Appeal (NA)

NEW FORMS

- JC 112 – Advice of Appellate Rights and Request for Appointment of Appellate Counsel (DL/PJ)
- JC 113 – Claim of Appeal and Order Appointing Appellate Counsel (DL/PJ)
- JC 115 – Order Regarding Appointment of Appellate Counsel or Transcript (DL/PJ)

DELETED FORMS

- JC 60 – Notice of Intent to Intercept State Income Tax
- JC 61 – Order to Intercept State Income Tax

Court Forms Updates – Safe Delivery COA Case

CCFD 04A – Order Determining Maternity / Paternity of Surrendered Newborn

- Language added regarding findings that petitioner moved for summary disposition on finding of parentage, and accompanying order that parentage is established.

CCFD 06 – Order Determining Custody of Surrendered Newborn

- Language amended to instruct order that the child placing agency must petition for jurisdiction under MCL 712A.2(b) – child protection proceedings.
- See COA #366773

Court Forms Updates – ICWA/MIFPA Alignment

- JC 11a – Order After Preliminary Hearing (NA)
- JC 11b – Order After Pretrial Hearing (NA)
- JC 17 – Order of Disposition (NA)
- JC 49 – Order of Adjudication (NA)
- JC 75 – Order After Removal Hearing (NA)

Aligned with amendment of MCR 3.967(D) to clarify the applicability of qualified expert witness testimony in a removal hearing involving an Indian child.

Court Forms Updates – Minor Housekeeping

- CCFD 20 – Ex Parte Petition Regarding Voluntary Foster Care Agreement
- CCFD 21 – Order Regarding Voluntary Foster Care Agreement
- PCA 306 – Release of Child by Child Placing Agency
- PCA 326 – Order Authorizing Foster Care Funding After Release
- PCA 336 – Order to Determine Custody of Child Temporarily Placed for Adoption
- PCA 341 – Final Order Allowing Fees and Costs
- PCA 345 – Statement of Services Performed by Agency/DHHS



Questions





The way to get started is to quit talking and begin doing.

Walt Disney





Probate

Court Rule Updates

Court Rule Updates

M C R 5 . 1 2 5

- Adopted 04/11/2024, effective immediately
- Provides for housekeeping amendments, updating cross-references and other nonsubstantive revisions to clarify the rules.

M C R 5 . 5 0 1

- Adopted 04/11/2024, effective immediately
- Provides for housekeeping amendments, updating cross-references and other nonsubstantive revisions to clarify the rules.



Probate

Legislative Updates

Legislative Updates - Enacted

PUBLIC ACT 1 OF 2024 (HB 4416'23)

EPIC Modifications

- Effective 02/21/2024
- Amends Estates and Protected Individuals Code (EPIC) to increase certain threshold amounts for different assets of a decedent and require those amounts to be adjusted for inflation for the calendar year in which the decedent dies; provide for standby guardians; add provisions regarding patient advocates; regulate trusts regarding care of animals, noncharitable trusts, and nondisclosure periods.
- MCL 700.1103 et seq.

Legislative Updates - Enacted

PUBLIC ACT 2 OF 2024 (HB 4417'23)

Transfer of Property

- Effective 02/21/2024
- Amends Michigan Vehicle Code by increasing the total value of vehicle(s) that could be transferred from a decedent to a surviving spouse or heir upon application to the SOS from \$60,000 to \$100,000. For 2026 and each following year, the maximum total value would be a dollar amount equal to the product of the dollar amount applicable for the immediately preceding calendar year multiplied by the cost-of-living adjustment factor, rounded to the nearest \$1,000 and requires the Dept. of Treasury to annually certify the cost-of-living adjustment factor.
- MCL 257.236

Legislative Updates - Enacted

PUBLIC ACT 3 OF 2024 (HB 4418 '23)

Transfer of Property

- Effective 02/21/2024
- Amends Michigan Uniform Transfers to Minors Act to increase the value threshold at which a court must authorize a transfer from a trustee, conservator, or specific adult for the benefit of a minor from \$10,000 to \$50,000. Also establishes the right of a person to nominate a custodian or custodians to receive property for a minor beneficiary upon the occurrence of a future event (e.g. upon reaching a certain age) and provides that the nomination may be made in a will, trust, deed, or other document.
- MCL 554.430 and 554.531

Legislative Updates - Enacted

PUBLIC ACT 4 OF 2024 (HB 4419 '23)

Transfer of Property

- Effective 02/21/2024
- Amends Part 803 (Watercraft Transfer and Certificate of Title) of the Natural Resources and Environmental Protection Act (NREPA) to increase the total value of a deceased owner's interest in one or more registered watercrafts that could be transferred from the decedent to a person upon petition to the SOS from \$100,000 to \$300,000. For 2026 and each following year, the maximum total value would be a dollar amount equal to the product of the dollar amount applicable for the immediately preceding calendar year multiplied by the cost-of-living adjustment factor, rounded to the nearest \$1,000 and requires the Dept. of Treasury to annually certify the cost-of-living adjustment factor.
- MCL 324.80312

Legislative Updates - Enacted

PUBLIC ACT 27 OF 2024 (HB 5210'23)

Surrogacy Parentage

- Effective 02/21/2024
- Amends EPIC to revise procedures governing intestate succession (inheritance without a will) by adding that a child conceived by assisted reproduction with the consent of an individual consistent with the Assisted Reproduction and Surrogacy Parentage Act is considered the child of the intended parent or parents for the purposes of intestate succession.
- MCL 700.2114

Legislative Updates - Introduced

HB 5814

Probate

- Create Unitrust Act to allow certain fiduciaries to convert income trusts to unitrusts, convert express unitrusts to income trusts, and change the percentage or method used to calculate unitrust amounts

HB 5793

Probate

- Revise to reflect limitation of the personal property trust perpetuities act to certain property

HB 5814

Probate

- Modify to reflect repeal of the real estate transfer act

HB 5833

Probate

- Designation of a patient surrogate for health care decisions

Legislative Updates - Introduced

HB 5883

Probate

- Would amend the Estates and Protected Individuals Code by allowing electronic signing and witnessing of certain documents under certain conditions; eliminate sunset

SB 656

Probate

- Would amend EPIC to require a conservator that invested or reinvested estate property to invest with a brokerage firm that was insured by the United States Securities Protection Corporation and to prohibit a conservator from investing estate property in cryptocurrency

SB 822

Probate

- Would amend EPIC to allow a patient advocate designation to include a statement on which live-sustaining treatment the patient would desire or not desire if the patient were pregnant at the time the designation became effective

Legislative Updates - Introduced

SB 915

Mental Health

- Revises who qualifies as a person requiring treatment and modifies certain procedures for treatment.

SB 917

Mental Health

- Expand hospital evaluations for assisted outpatient treatment.

SB 918

Mental Health

- Expands the petition for access to assisted outpatient treatment.

Legislative Updates - Introduced

S B 9 3 9

Mental Health

- Licensure for adult residential psychiatric programs

S B 8 3 2

Health

- Create new act to authorize making of medical treatment decisions for another individual under certain circumstances, prohibit authorization of certain types of medical treatment, provide for certain liability



Probate

Cases

Court Cases

Guardianship – Developmentally Disable Individual’s Role in Proceedings
(COA #368915 In re Guardianship of AMMB)



Probate

Court Forms Updates

Court Forms Updates

PCA 556 – Petition and Order for Assignment

- Note to clarify of when small estate procedure may be used was removed

PCA 571 – Acceptance of Appointment

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus)

PCA 625 – Petition for Appointment of Guardian for Incapacitated Individual

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus). Language also added to facilitate requests for a limited guardian to supervise access with an incapacitated individual. Finally, the term 'adult' was replaced with 'individual', as needed, to match statutory language

Court Forms Updates

PCA 626 – Notice of Rights to Alleged Incapacitated Individual

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus)

PCA 627 – Acceptance of Appointment and Report of Guardian Ad Litem of Alleged Incapacitated Individual

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus)

PCA 631 – Order Regarding Appointment of Guardian of Incapacitated Individual

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus). Language also added to facilitate requests for a limited guardian to supervise access with an incapacitated individual. Finally, the term 'adult' was replaced with 'individual', as needed, to match statutory language

Court Forms Updates

PCA 634 – Annual Report of Guardian on Condition of Legally Incapacitated Individual

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus). The term 'adult' was also replaced with 'individual', to match statutory language.

PCA 638A – Order Regarding Termination / Modification of Guardian for Minor or Guardian for LII/Conservator

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus). Language also added to facilitate requests for a limited guardian to supervise access with an incapacitated individual.

PCA 675 – Petition to Terminate / Modify Guardianship

- Language added to facilitate the designation of a standby guardian pursuant to 2024 PA 1 (EPIC Omnibus). Language also added to facilitate requests for a limited guardian to supervise access with an incapacitated individual.

Court Forms Updates – Minor Housekeeping

- PC 656 – Order Following Hearing on Status of Minor Guardianship
- PC 657 – Order Following Hearing to Terminate Minor Guardianship



Questions



Thank you

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<https://www.courts.michigan.gov/administration/offices/child-welfare-services/>

2024

SCAD UPDATES - MFJJA CONFERENCE

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