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House Bill 4522 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Kelly Breen  
House Committee: Judiciary  
Senate Committee: Civil Rights, Judiciary, and Public Safety

## **CONTENT**

House Bill 4522 (H-2) would amend the Revised Judicature Act to do the following:

- Allow a circuit court in any judicial circuit to adopt or institute a family treatment court upon entering a memorandum of understanding with the prosecuting attorney and other individuals.
- Require a family treatment court to participate in training required by the State Court Administrative Office (SCAO) and receive certification by the SCAO.
- Require the Supreme Court to spend State funds for the establishment and operation of family treatment courts and require the distribution of Federal funds provided to the State for the operation of such courts.
- Require eligible participants to complete a preadmission evaluation and prescribe family treatment court participation requirements, including compliance with all court orders and payment of a reasonable treatment court fee, unless the fee presented a substantial hardship for a participant.
- Prohibit a violent offender from participating in a family treatment court unless the family treatment court judge, the lawyer-guardian ad litem, and the prosecuting attorney, in consultation with any victim, consented to the violent offender being admitted to the family treatment court.
- Provide for the confidentiality of a statement or other admission obtained because of preadmission evaluation or participation in the court unless the statement concerned criminal activity other than drug use.
- Require a family treatment court to maintain and keep on record certain participant information.
- Prescribe the duties the court would owe to the participant during a treatment program, including substance abuse treatment services and a strategy for compliance with a treatment plan.
- Require certain data reporting to the DHHS, the SCAO, and the Legislature.
- Add a circuit court judge who had presided over a family treatment court to the State Drug Court Advisory Committee.
- Require the Committee to monitor the effectiveness of family treatment courts.

MCL 600.1082 et al.

## **BRIEF RATIONALE**

Generally, problem solving courts provide an alternative to imprisonment for nonviolent criminal offenders dealing with drug issues, mental health issues, or veterans issues. Currently, there are 11 family dependency treatment courts in the State operating through drug specialty court programs. These 11 courts handle cases concerning child abuse or neglect

in which drug abuse has been a factor.<sup>1</sup> Some people have concern that drug specialty courts do not appropriately address cases concerning child abuse or neglect. It has been suggested that such cases have their own problem solving court which could provide an alternative atmosphere and shift focus to the family unit in question.

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

The SCAO could have some minor initial costs to set up the certification process for the new specialty courts, but additional appropriations could be unnecessary until circuit courts began to adopt the new specialty courts. Nothing in the bill would require the new courts to be created; it would be at the election of the judges (chief judge) within each circuit court. This would be the same certification and funding process for other specialty courts, so a rough comparison is appropriate.

As of November 2023, there were 138 drug/sobriety courts in the State at a cost of just under \$93,000 General Fund (GF) per court; there were 43 mental health courts in the State at a cost of slightly more than \$120,000 per court. Because the family treatment courts could only operate in circuit courts, 57 family treatment courts are the maximum number of new treatment courts that could be formed, though it is likely the number of new treatment courts actually formed would be significantly less than that number. Based on this information, the most funding these new courts possibly could need would be around \$6.0 million in GF appropriations within the Judiciary budget in 2023 dollars; it's more likely that only a handful of new treatment courts are formed each year, in which case the cost would be a few hundred thousand dollars per year.

Although there are costs to the State to set up and maintain specialty courts, like the new treatment court proposed in the bill, reports have demonstrated that specialty courts drastically reduce recidivism rates. Estimates on statewide cost savings on incarceration expenses (jail and prison) range within the tens of millions of dollars since the inception of Michigan's first specialty court, started in 1993.

Long-term savings are difficult to quantify; however, based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a State correctional facility range from \$98 to \$192 per day, depending on the security level of the facility.

Date Completed: 2-20-24

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<sup>1</sup> "Drug Treatment Courts", <https://www.courts.michigan.gov/administration/court-programs/problem-solving-courts/drug-treatment-courts/>. Retrieved 2-20-24.