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BILL ANALYSIS



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House Bill 5393 (as passed by the House)
Sponsor: Representative Kara Hope
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 9-17-24

CONTENT

The bill would amend the juvenile code to extend, from three months to six months, the maximum period for a juvenile to complete the terms of a consent calendar plan.

The bill would take effect October 1, 2024.

Generally, a family division of a circuit court may proceed in an informal manner referred to as a consent calendar if that court determines that formal jurisdiction over a juvenile should not be acquired. Cases may not be placed on the consent calendar without the juvenile, the juvenile's parent, guardian, or legal custodian, and the prosecutor agreeing to the placement.

Effective October 1, 2024, Public Act 291 of 2023 requires a juvenile to complete the terms of a consent calendar case plan within *six months* unless the court determines that a longer period is needed for the juvenile to complete a specific treatment program and includes that determination as part of the consent calendar record. Public Act 301 of 2023 amends that language to require a juvenile to complete the terms of a consent calendar plan within a *three-month* time frame. Public Act 301 also will take effect October 1, 2024, but after Public Act 291.

The bill would change the three-month cap to a six-month cap to complete the terms of a consent calendar plan unless the court determined that a longer period was needed for the juvenile to complete a specific treatment program and the court included that determination as a part of the consent calendar plan.

MCL 712A.2f

BACKGROUND

Governor Gretchen Whitmer signed Executive Order 2021-6 on June 9, 2021, which, among other things, created the Task Force on Juvenile Justice Reform (Task Force) as a temporary advisory body within the Department of Health and Human Services. The Task Force was charged with acting in an advisory capacity with the goal of developing ambitious, innovative, and thorough analysis of Michigan's juvenile justice system, and including recommendations for changes to State law, policy, and appropriations aimed to improve youth outcomes.¹

The Task Force released its report and recommendations on July 22, 2022. Overall, the report found that the quality of services and case management received by youth, from defense to post-disposition placement, differs across the State. The State lacks uniform judicial justice policies and quality assurance standards, leading to disparities that the State cannot address

¹ Executive Order 2021-6.

and data it cannot rely upon. Additionally, the lack of State centralization has led to discrepancies in the implementation of research-based, developmentally appropriate practices across the State. Accordingly, children participating in the judicial justice system may not receive quality care or may receive care different from their peers.

Among other recommendations, the Task Force unanimously recommended that courts should limit the time a youth can be placed on a consent calendar for no longer than six months unless the court determines and documents a longer reason is needed.²

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local court systems.

Fiscal Analyst: Michael Siracuse

² Michigan Task Force on Juvenile Justice Reform Report and Recommendations, p. 15, July 22, 2022.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.