

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

***** 712A.2f.added THIS ADDED SECTION IS EFFECTIVE SEPTEMBER 19, 2016 *****

712A.2f.added Jurisdiction over juvenile; placement of case on consent calendar; maintenance in nonpublic manner; conduct of consent calendar conference; issuance of written consent calendar case plan; order of disposition in case while on consent calendar; completion of consent calendar case plan; closure of case; consent calendar not in best interest of juvenile or public; use of statements; report of successful completion; record.

Sec. 2f. (1) If the court determines that formal jurisdiction should not be acquired over a juvenile, the court may proceed in an informal manner referred to as a consent calendar.

(2) A case shall not be placed on the consent calendar unless the juvenile and the parent, guardian, or legal custodian and the prosecutor agree to have the case placed on the consent calendar.

(3) The court may transfer a case from the formal calendar to the consent calendar at any time before disposition. A case involving the alleged commission of an offense as that term is defined in section 31 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.781, shall only be placed on the consent calendar upon compliance with the procedures set forth in section 36b of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.786b.

(4) After a case is placed on the consent calendar, the prosecutor shall provide the victim with notice as required by article 2 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.781 to 780.802.

(5) Consent calendar cases must be maintained in the following nonpublic manner:

(a) Access to consent calendar case records shall be provided to the juvenile, the juvenile's parents, guardian, or legal custodian, the guardian ad litem, counsel for the juvenile, the department of health and human services if related to an investigation of neglect and abuse, law enforcement personnel, prosecutor, and other courts. However, consent calendar case records shall not be disclosed to federal agencies or military recruiters. For purposes of this subsection, "case records" includes the pleadings, motions, authorized petitions, notices, memoranda, briefs, exhibits, available transcripts, findings of the court, register of actions, consent calendar case plan, and court orders related to the case placed on the consent calendar.

(b) The contents of the confidential file, as defined in MCR 3.903, shall continue to be maintained confidentially.

(6) The court shall conduct a consent calendar conference with the juvenile, the juvenile's attorney, if any, and the juvenile's parent, guardian, or legal custodian to discuss the allegations. The prosecuting attorney and victim may be, but are not required to be, present.

(7) If it appears to the court that the juvenile has engaged in conduct that would subject the juvenile to the jurisdiction of the court, the court shall issue a written consent calendar case plan. All of the following apply to a consent calendar case plan:

(a) The plan may include a provision requiring the juvenile, parent, guardian, or legal custodian to reimburse the court for the cost of the consent calendar services for the juvenile. The reimbursement amount shall be reasonable, taking into account the juvenile's income and resources. The plan shall also include a requirement that the juvenile pay restitution under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

(b) A consent calendar case plan shall not contain a provision removing the juvenile from the custody of the juvenile's parent, guardian, or legal custodian.

(c) The consent calendar case plan is not an order of the court, but shall be included as a part of the case record.

(d) Violation of the terms of the consent calendar case plan may result in the court's returning the case to the formal calendar for further proceedings consistent with subsection (10).

(8) The court shall not enter an order of disposition in a case while it is on the consent calendar.

(9) Upon successful completion by the juvenile of the consent calendar case plan, the court shall close the case and shall destroy all records of the proceeding in accordance with the records management policies and procedures of the state court administrative office, established in accordance with supreme court rules.

(10) If it appears to the court at any time that proceeding on the consent calendar is not in the best interest of either the juvenile or the public, the court shall proceed as follows:

(a) If the court did not authorize the original petition, the court may, without hearing, transfer the case from the consent calendar to the formal calendar on the charges contained in the original petition to determine

whether the petition should be authorized.

(b) If the court authorized the original petition, the court may transfer the case from the consent calendar to the formal calendar on the charges contained in the original petition only after a hearing. After transfer to the formal calendar, the court shall proceed with the case from where it left off before being placed on the consent calendar.

(11) Statements made by the juvenile during the proceeding on the consent calendar shall not be used against the juvenile at a trial on the formal calendar on the same charge.

(12) Upon a judicial determination that the juvenile has completed the terms of the consent calendar case plan, the court shall report the successful completion of the consent calendar to the juvenile and the department of state police. The department of state police shall maintain a nonpublic record of the case. This record shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors only for use in the performance of their duties or to determine whether an employee of the court, department, law enforcement agency, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor's office.

History: Add. 2016, Act 185, Eff. Sept. 19, 2016.

Popular name: Probate Code

Popular name: Juvenile Code