

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 1235 (as introduced 4-17-02)  
Sponsor: Senator Bill Bullard, Jr.  
Committee: Judiciary

Date Completed: 4-17-02

### **CONTENT**

The bill would amend the Juvenile Diversion Act to specify that, if a juvenile were diverted from the family division of circuit court (family court) under certain circumstances, the court intake worker and the law enforcement officer would have to hold a conference to review the minor's diversion 180 days after the diversion agreement was entered into. At that conference, the intake worker and law enforcement officer would have to determine whether the minor had complied with the terms of the diversion agreement and referral plan.

The Act provides that, if a minor fails to comply with the terms of a diversion agreement and referral plan, the law enforcement official or the court intake worker may revoke the agreement. If the diversion agreement is revoked, a petition may be filed with the family court and authorized by that court. Under the bill, a diversion agreement could not be revoked later than 30 days after the date of the diversion review conference required by the bill.

MCL 722.825

### **BACKGROUND**

The Juvenile Diversion Act provides criteria and procedures under which certain minors can be diverted from the family court system. The Act applies to minors who are under 17 years old and who are not accused of or charged with an assaultive offense, and for whom a family court petition has not been filed or, if filed, has not been authorized by the court. A juvenile may be diverted when he or she has been apprehended either for an act that would be a crime if committed by an adult or for a status offense (an act that would not be an offense if committed by an adult, such as truancy).

If a petition has not been filed or authorized, a law enforcement official or court intake worker may either release the juvenile into the custody of his or her parent, guardian, or custodian and discontinue the investigation, or divert the matter by making an agreement with the juvenile and his or her parent, guardian, or custodian to refer the juvenile to a person or organization that will assist the minor and his or her family to resolve the problem that led to the minor's apprehension. (Alternatively, the law enforcement official or court worker may file a petition with the court or authorize a petition that has been filed.)

A diversion agreement results from a conference between the law enforcement official or court intake worker and the juvenile and his or her parent, guardian, or custodian, in which the juvenile agrees to comply with the diversion agreement and referral plan, and the law enforcement agency or court worker agrees not to seek a family court petition.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

It appears that the bill would have no fiscal impact on the Family Independence Agency. At this time it is uncertain whether the Department has any involvement in handling the diversion program. The bill would have an indeterminate impact on local units of government, depending on the number of cases, the current review procedures for diversion review conferences, and the availability of law enforcement officers to be available for conferences.

Fiscal Analyst: Connie Cole  
Bill Bowerman