

**SUBSTITUTE FOR  
SENATE BILL NO. 1235**

A bill to amend 1988 PA 13, entitled  
"Juvenile diversion act,"  
by amending section 5 (MCL 722.825), as amended by 1996 PA 137.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5. (1) ANY DIVERSION OF A MINOR UNDER THIS ACT MUST BE  
2   IN COMPLIANCE WITH THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87,  
3   MCL 780.751 TO 780.834.

4       (2) ~~-(1)-~~ If a decision is made to divert a minor with a  
5   referral under section 3(1)(b), a conference with the minor and  
6   the minor's parent, guardian, or custodian shall be held to con-  
7   sider alternatives to the filing of a petition with the court or  
8   to the authorization of a petition. The law enforcement official  
9   or intake worker shall notify the minor and the minor's parent,  
10  guardian, or custodian of the proposed conference and shall

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1 inform the minor, and the minor's parent, guardian, or custodian  
2 of all of the following:

3 (a) That participation in the conference or resulting refer-  
4 ral plan is voluntary.

5 (b) That an attorney may accompany the minor and the minor's  
6 parent, guardian, or custodian at the conference.

7 (c) The alternative referral programs available and the cri-  
8 teria utilized to determine whether to file a petition with the  
9 court or to dispose of the petition with a referral.

10 (d) That if diversion is agreed to and the minor complies  
11 with the terms of the diversion agreement and the referral plan,  
12 a petition cannot be filed with the court, or if a petition has  
13 been filed, the petition cannot be authorized.

14 (3) ~~—(2)—~~ The conference to consider alternatives to the  
15 filing of a petition with the court or to consider alternatives  
16 to the authorization of a petition shall not be held until after  
17 the questioning, if any, of the minor has been completed or after  
18 an investigation has been made concerning the alleged offense.  
19 Mention of, or promises concerning, diversion shall not be made  
20 by a law enforcement official or court intake worker in the pres-  
21 ence of the minor or the minor's parent, guardian, or custodian  
22 during any questioning of the minor. Information divulged by the  
23 minor during the conference or after the diversion is agreed to,  
24 but before a petition is filed with the court or has been autho-  
25 rized, shall not be used against the minor.

26 (4) ~~—(3)—~~ If a conference held under this section results in  
27 diversion that imposes conditions on the minor and that will

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1 prevent the filing of a petition with the court or the  
2 authorization of a petition, the terms of the diversion agreement  
3 shall be set forth in writing, dated, and signed by the law  
4 enforcement official or court intake worker, the minor, and the  
5 minor's parent, guardian, or custodian.

6 (5) ~~-(4)-~~ If a conference is held under this section and an  
7 agreement under subsection ~~-(3)-~~ (4) is not reached, a petition  
8 may be filed with the court as provided by law and a petition may  
9 be authorized as provided by law. If an agreement under subsec-  
10 tion ~~-(3)-~~ (4) is not reached and a petition is to be filed, the  
11 petition shall be filed with the court not later than 30 days  
12 after the conference.

13 (6) ~~-(5)-~~ THE INTAKE WORKER AND THE LAW ENFORCEMENT OFFICER  
14 SHALL HOLD A CONFERENCE TO REVIEW THE MINOR'S DIVERSION 180 DAYS  
15 AFTER THE DIVERSION AGREEMENT IS ENTERED INTO AND SHALL DETERMINE  
16 AT THE DIVERSION REVIEW CONFERENCE WHETHER OR NOT THE MINOR HAS  
17 COMPLIED WITH THE TERMS OF THE DIVERSION AGREEMENT AND THE REFER-  
18 RAL PLAN. If IT IS DETERMINED THAT the minor ~~-fails-~~ HAS FAILED  
19 to comply with the terms of the diversion agreement and the  
20 referral plan, the law enforcement official or the court intake  
21 worker may revoke the diversion agreement. If the diversion  
22 agreement is revoked, a petition may be filed with the court as  
23 provided by law and a petition may be authorized as provided by  
24 law. A REVOCATION OF A DIVERSION AGREEMENT SHALL NOT OCCUR LATER  
25 THAN 30 DAYS AFTER THE DATE OF THE DIVERSION REVIEW CONFERENCE.