



December 11, 2023

Members of the Michigan Senate,

Tomorrow, Governor Gretchen Whitmer is expected to sign a package of bills into law based on the consensus recommendations of the Michigan Task Force on Juvenile Justice Reform (“Task Force”). Taken together, these bills are a historic leap forward for juvenile justice in Michigan. They will better align our state with research-based best practices that have been proven to improve public safety, reduce disparities, and produce better youth outcomes. We thank the Michigan Legislature for the considerable, diligent work done over the last seven months on these bills and for its ultimate support of this important legislation.

While we celebrate this achievement, it must not overshadow the fact that the State Senate’s work remains unfinished. Nineteen of the twenty bills in this package were sent to the Governor for her signature. But, one was left behind. After being approved in the State House by a bipartisan vote of 85-25, House Bill 4630 was advanced to a third reading in the Senate but was not voted on before the adjournment last month. We are writing to urgently call upon the State Senate to complete its work and vote to approve HB 4630 without delay when the Legislature reconvenes in January.

For nearly sixty years, the U.S. Supreme Court has recognized that children have a constitutional right to counsel in delinquency proceedings. Unfortunately, today, that right remains an unfulfilled promise in Michigan to the great detriment of far too many children. In its [final report and recommendations](#), the Task Force found that: “Michigan has no centralized structure and minimal standards, supports, or resources for juvenile public defense statewide” and that the lack of statewide funding for juvenile justice has resulted “in significant variation in local systems in terms of accessibility to trained, qualified defenders; the types of services that are available; and when in the court process counsel is appointed.” The Task Force therefore unanimously recommended that the Michigan Indigent Defense Commission’s (“MIDC”) statutory mandate be expanded “to include development, oversight, and compliance with youth defense standards in local county defense systems.” House Bill 4630 would implement this recommendation and make the constitutional promise of a right to counsel for children a reality in Michigan. It’s long overdue and an indispensable component of the Task Force recommendations.

The Task Force report clearly documents both the barriers Michigan children face when attempting to access their right to counsel—if they are even aware this right exists—and the pressing need for legislative action. Its recommendations set forth the solution. House Bill 4630 has been vetted. It has broad stakeholder support. It has been overwhelmingly approved by a vote of the State House. All that remains is for the Michigan Senate to act and send this legislation to Governor Whitmer for her signature. Michigan’s children deserve, and our Constitution demands, nothing less.

Sincerely,

State Bar of Michigan

ACLU of Michigan

State Appellate Defender Office

The Gault Center

Michigan Center for Youth Justice

Safe and Just Michigan

Criminal Defense Attorneys of Michigan

Michigan Catholic Conference

Michigan League for Public Policy

Detroit Justice Center

Michigan Liberation

Michigan Collaborative to End Mass Incarceration

MOSES

Michigan Voices

MDRC

Michigan Association of Treatment Court Professionals