MICHIGAN PROBATE JUDGES ASSOCIATION

TESTIMONY BEFORE THE HOUSE LAW AND JUSTICE COMMITTEE
ON BEHALF OF THE MICHIGAN PROBATE JUDGES ASSOCIATION
Honorable, William Doherty, Barry County Probate Judge
Sept. 25, 2018

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to testify before you to share the position of Michigan Probate Judges Association (MPJA) on this package of bills, which is designed to move 17-year-olds from the adult to the juvenile justice system. I, also, have with me, Michelle Horn, an attorney who is the Director of the Midland Juvenile Care Center, and who is well versed in these matters.

MPJA is generally supportive of the concept of this "Raise the Age" package; however, because this package would fundamentally change Michigan's juvenile justice system, MPJA opposes the legislation as written until some challenges are addressed.

These challenges include the following:

1.   Funding – The redistribution of criminal cases from the adult to the juvenile justice system will create significant immediate costs for both the state and counties. Juveniles are under the Child Care Fund, with a 50/50 split of cost between the state and counties. Within the 17 bills, there is no certain funding mechanism that would allow the delivery of funds to counties for this new population. The Criminal Justice Policy Commission published report by Hornby Zeller Association (HZA) mentioned that the costs to counties could range between $16.9 million and $34.1 million annually. Additional reports estimated added costs could reach $89 million. (See attached exhibits).

2.   Resources — The current system is already pressed for available detention and treatment beds, contrary to the HZA study (which suggests there are secure and non-secure beds available to accommodate the projected need). Even if this assumption were true, the treatment of youths locally has been proven to produce more effective outcomes and has created a conversion of open detention beds to short-term treatment beds. The strategy to simply send youth to detention and out-county facilities presents concerns for courts, counties, and more importantly, the youths and families involved in these situations.

3.   Specialized Treatment Option — Juvenile courts have seen significant increases in the need for intensive mental health treatment, substance abuse treatment, psychotropic medication management, and educational programming. Older youths are typically prone to more complex mental health issues and educational challenges. Programming to transition

them into adult lives is critical to their success and lack of recidivism. However, these types of initiatives are costly. Without ensuring resources for these treatment programs and staff, we cannot promise our youths the services they deserve.

4)   Pending Cases – Currently the legislation does not include a provision specifying the process for pending cases involving a 17-year-old in either district or circuit courts. The legislation does amend MCL 712A.3 (immediate transfer to family division), but this amendment only changes 17 to 18. Based on our interpretation, every pending case before these courts would be transferred to the family division immediately upon the law going into effect. In some communities, the shift in cases could pose a hardship on the presiding court. We believe consideration should be made to a grandfathering provision addressing this concern.

Further there are two other statutes that may have been overlooked for the committee to consider including in this package as they will be impacted by expanding the juvenile justice system to include 17-year-olds:

- MCL 722.151 – Aiding or Abetting Violations of Juvenile Court Orders
- MCL 28.258 (amended) – Uniform Crime Reporting System

MPJA believes that, if these concerns are addressed, the incorporation of 17-year-olds into the juvenile justice system can be effective and successful, and the organization is willing to continue to work with the Legislature to achieve that goal.

Again, thank you for your time. Ms. Horn and I would be happy to answer any questions you may have.