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JUVENILE JUSTICE SERVICES IN MICHIGAN



Report of

THE MICHIGAN JUVENILE JUSTICE SYSTEM STUDY COMMITTEE of the MICHIGAN LEGISLATIVE COUNCIL

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Senator Basil W. Brown

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Director, Legislative Service Bureau

May 1974

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MICHIGAN JUVENILE JUSTICE SYSTEM STUDY

The study of the Michigan juvenile justice system was proposed initially to the Michigan Legislative Council by various individuals, agencies, and associations throughout the State, including the Executive Office, the Michigan Probate Judges' Association, and the Youth Advisory Commission to the Department of Social Services. The need was expressed for the study to determine what programs and statutory changes should be implemented to overcome the problems of the system. Included among the problems cited were the lack of comprehensive juvenile justice programs at the disposal of the juvenile judges in Michigan (the Probate Court has jurisdiction over juveniles in this State), the loss of Federal money to the State due to the fragmented structure of the juvenile justice system, and the import and ramifications of the Michigan Age of Majority legislation on the jurisdiction of the juvenile courts. In response to these concerns, the Legislative Council authorized and appointed a study committee, including legislators and representatives of different groups working with and affected by the State's juvenile justice system, to assist in examining juvenile justice in Michigan and to submit to the Legislative Council recommendations for improvements in the system.

The members of the Michigan Juvenile Justice System Study Committee who served either for the entire period or a portion of the time the study was in progress include the following:

The Honorable Raymond C. Kehres, Chairman, State Representative, Monroe.
The Honorable Basil W. Brown, State Senator, Detroit.
The Honorable Alvin J. DeGrow, State Senator, Pigeon.
The Honorable David S. Holmes, Jr., State Senator, Detroit.
The Honorable Robert Richardson, State Senator, Saginaw.
The Honorable Perry Bullard, State Representative, Ann Arbor.
The Honorable Dennis O. Cawthorne, State Representative, Manistee.
The Honorable Mary S. Coleman, Associate Justice, Michigan Supreme Court, Marshall.
The Honorable Eugene A. Moore, Probate Judge of Oakland County, Pontiac.
The Honorable John P. Steketee, Probate Judge of Kent County, Grand Rapids.
Ms. Betty Davey, Legislative Vice-President, League of Women Voters, Pleasant Lake.
Mr. Lawrence Doss, President, New Detroit, Inc., Detroit.
Mr. Robert Little*, Chief Administrator of Social Services, Department of Social Services, Lansing.
Mr. Harold Johnson, Professor of Social Work, University of Michigan, Ann Arbor.
Mr. Edward Piekma, Juvenile Delinquency Specialist, Office of Criminal Justice Programs, Lansing.
Mr. Robert E. Smith, Legislative Counsel, Michigan Farm Bureau, Lansing.
Mr. Thomas Turner, President, Detroit Metropolitan AFL-CIO Council, Detroit.
Mr. Peter Forsythe*, Chief Administrator of Social Services, Department of Social Services, Lansing.
Mr. Gary Ellison, Document Room Assistant, Michigan House of Representatives, Lansing.

The Michigan Juvenile Justice System Study Committee held its first meeting on February 20, 1973. The Study Committee recommended to the Legislative Council that the John Howard Association of Chicago, Illinois, a nonprofit organization engaged in survey and consultation services in the field of

*Mr. Robert Little was appointed to replace Mr. Peter Forsythe who resigned as Chief Administrator of Social Services, Department of Social Services, in October 1973 to accept the position of Program Officer for Children with the Edna McConnell Clark Foundation in New York.

criminal justice and juvenile delinquency, be employed to conduct a study of the Michigan juvenile justice system and submit its findings and recommendations to the Study Committee.

In accordance with the Study Committee's recommendation, the Legislative Council entered into an agreement on March 1, 1973, with the John Howard Association. As specified in the contract, the John Howard Association agreed to:

- (1) Conduct a study of the administrative structure of each county's juvenile services and the current procedures relative to their coordination within the county and with the State.
- (2) Examine the policies, practices, and methods being used by each county's juvenile service system in regard to intake, diversion-referrals, detention, social histories, and supervision practices.
- (3) Examine and determine the adequacy and location of the local and State detention services.
- (4) Study and evaluate the personnel currently working in the county and State juvenile systems from the standpoint of quantity, training, and experience.
- (5) Study and evaluate the work loads and case loads of county and State juvenile officers and caseworkers.
- (6) Study and evaluate the adequacy and utilization of existing State and county resources being devoted to juvenile services.
- (7) Conduct a review of the services being provided by the State Office of Youth Services of the Department of Social Services and a review of the personnel of the Office of Youth Services with reference to the number of personnel, training, experience, and salaries.
- (8) Conduct a review of Chapter XIIIA of the "Probate Code," Act No. 288 of the Public Acts of 1939, as amended, being sections 712A.1 to 712A.28 of the *Michigan Compiled Laws*, for the development of structural recommendations and improvements.

The John Howard Association began actual work on the study in late March 1973. The initial stage of the study consisted of obtaining readily available documents with which to design the survey forms. Arrangements were also made by the John Howard Association to assemble a consultant and survey staff for field work during the months of April and May of that year.

By the first week in June 1973, having completed on-site visits in each of the State's 83 counties, the survey team concluded the survey aspect of the project. Approximately 75 percent of the "key officials" of the juvenile justice system (police, judges, directors of court services, intake workers, and probation personnel) were interviewed. Survey team members also visited all 19 of the State's secure detention facilities and 14 of the 18 non-secure facilities. One hundred forty children found in the facilities were interviewed. In addition, representatives of numerous educational programs, community agencies, and rehabilitative agencies, as well as prosecuting attorneys, public defenders, and private attorneys, were contacted concerning their respective roles in the juvenile justice system. Furthermore, the State Office of Youth Services of the Department of Social Services provided information concerning its role in the Michigan juvenile justice system.

On June 23, 1973, a series of general recommendations prepared by the survey team, along with a small booklet of statistical findings concerning juvenile justice in Michigan, was presented to the Study Committee by the John Howard Association and discussed at some length. Between the months of June 1973 and March 1974, the Study Committee met on numerous occasions to review and discuss recommendations originally proposed by the John Howard Association relating to juvenile justice. During this period the Study Committee undertook a thorough evaluation of the recommendations with special emphasis being placed upon the development of proposals which would effectively operate within Michigan's unique social, economic, and political milieu. As a consequence of this review procedure, a number of the original John Howard Association recommendations were eventually amended and in certain instances alternative proposals were developed by the Study Committee.

During the review procedure, the Study Committee authorized the John Howard Association to meet with interested individuals and representatives of the Michigan League for Human Services, the Michigan Association of County Juvenile Officers, the Wayne County Juvenile Facilities Network, the Juvenile Affairs Committee of the Michigan Probate Judges' Association, the Office of Youth Services, and juvenile court administrators. The purpose of these meetings was to explain the findings and discuss the practicality of the Study Committee's recommendations.

The Study Committee also appointed two ad hoc subcommittees to expedite the consideration of certain issues and proposals. The ad hoc subcommittees considered the financing of juvenile justice services and the structure and responsibilities of the juvenile justice commission proposed by the Study Committee. The Study Committee also relied upon the participation of interested individuals and groups in developing its final recommendations. In this regard, non-committee members were invited to Study Committee meetings to discuss and advise the Study Committee and the ad hoc subcommittees on current thinking in the juvenile justice field.

On March 25, 1974, the Study Committee finalized its recommendations which are divided into eleven major subject areas. These recommendations appear on pages 5 to 14 of this Report.

Probate Judge Eugene A. Moore submitted a minority report which appears on pages 15 to 21 of this Report. With one exception, Associate Justice Mary S. Coleman has concurred with Judge Moore's minority report. Probate Judge John P. Steketee has also submitted his comments on the minority report which appear on pages 22 to 25 of this Report.

The John Howard Association submitted an independent assessment and series of recommendations regarding the Michigan juvenile justice system to the Michigan Legislative Council in February 1974. A brief summary statement concerning the major findings of the John Howard Association appears on page 26 of this Report. Copies of the John Howard Association document, *Michigan Juvenile Justice Services 1973 (An Appraisal of Local Services and Recommendations for Change)*, are available at the Legislative Service Bureau, Post Office Box 240, Lansing, Michigan 48902.

The Juvenile Justice System Study Committee and the Michigan Legislative Council are deeply appreciative of the efforts of the consultant and survey staff and the hundreds of individuals who participated in the project.

Special recognition is due the John Howard Association which assigned four persons to the project. Mr. Joseph Rowan, Executive Director of the John Howard Association during the major portion of the study, assumed overall management of the project and also participated in on-site visitations to four counties. Mr. Jack Chapman, Survey Director of the John Howard Association, initially served as Project Director on a full-time basis and also served as editor of a preliminary John Howard Association report submitted to the Study Committee. Mr. Edgar W. Brewer of the Corrections Consultation Service, Eugene, Oregon, and Mrs. Jeanne Sides, Superintendent of the Central Juvenile Hall, Los Angeles, California, were retained by the John Howard Association as consultants to study the more sophisticated juvenile justice programs in the larger metropolitan counties of the State. Mr. Brewer also served as editor of the final John Howard Association report, *Michigan Juvenile Justice Services 1973*.

In addition to the John Howard Association staff, Mr. Raymond Contesti and Ms. Shelly Roberts, staff members from the Children's Charter of the Courts of Michigan, and Mr. Christopher Dobyns and Mr. William Fuller, Research Analysts from the Legislative Service Bureau, were utilized for on-site interviews in conducting the survey of the various counties of the State.

Ms. Judy Martin, Administrative Assistant to Representative Kehres, served as chief staff assistant to the Study Committee and to the ad hoc subcommittees of the Study Committee. In addition, Ms. Martin, Mr. Victor Weipert of the Michigan House Fiscal Agency staff, and the aforementioned Legislative Service Bureau staff members participated in discussions with various interest groups and assisted the Study Committee in the research resulting in the Committee's findings and recommendations.

RECOMMENDATIONS

The Michigan Juvenile Justice System Study Committee have proposed a series of recommendations for the improvement of the Michigan juvenile justice system. These recommendations are organized into eleven major subject areas pertaining to the creation, composition, and powers of a proposed Michigan Juvenile Justice Commission; administration and financing of juvenile justice services; Probate Court juvenile jurisdiction; judicial services; juvenile court service staff; detention; community treatment services; and data collection and management information.

I. CREATION AND RESPONSIBILITIES OF THE MICHIGAN JUVENILE JUSTICE COMMISSION

- A. In order to develop and implement an effective and equitable system of juvenile justice services throughout the State, a Michigan Juvenile Justice Commission should be created which, pursuant to Article 5, Section 4 of the *Constitution of the State of Michigan of 1963*, would be an independent commission with a maximum life of two years.
- B. The Commission should have the following responsibilities:
 1. Develop, in cooperation with State and local units of government, private agencies, and the juvenile courts of this State, a comprehensive State plan and budget for the long-range development of an effective system of services, detention, physical facilities, and procedures to prevent delinquency and neglect and to provide for the uniform administration of juvenile justice services.
 2. Develop, in cooperation with the Office of the Supreme Court Administrator, and promulgate rules establishing uniform standards for all services and related personnel funded under an expanded Child Care Fund, including both the personnel of the juvenile court and the children and youth personnel of the Michigan Department of Social Services.
 3. Approve all services, plans, and budgets financed by the Child Care Fund to ensure that the services, plans, and budgets meet the minimum standards set by the Commission and to ensure an equitable distribution of State and Federal funds.
 4. Evaluate the effectiveness and efficiency of State statutes, court rules, and funding arrangements related to problems of juveniles and recommend appropriate changes to the Legislature and Supreme Court. Special emphasis should be placed on ensuring the protection and expansion of the rights of juveniles in the evaluation process and in making the recommendations.
 5. Conduct, or cause to be conducted, such research, program evaluation, and training as are necessary to provide effective and adequate juvenile justice services throughout the State.
 6. Provide juvenile justice program planning and technical assistance to State, county, and private agencies.

II. COMPOSITION OF THE MICHIGAN JUVENILE JUSTICE COMMISSION

- A. The Michigan Juvenile Justice Commission should be composed of 11 members appointed by the Governor for terms of 2 years. The membership of the Commission should be as follows:
- 3 members who are private citizens of this State.
 - 2 members nominated by and representing the Michigan Supreme Court of whom at least one shall be an active Probate Judge with juvenile court responsibilities.
 - 2 members from and representing the Michigan Department of Social Services.
 - 2 members from and representing private agencies.
 - 1 member from and representing the Michigan Department of Mental Health.
 - 1 member from and representing the Michigan Department of Education.
- B. All members of the Commission should be reimbursed for necessary and actual expenses in the performance of their duties as Commission members.

III. POWERS OF THE MICHIGAN JUVENILE JUSTICE COMMISSION

- A. The Michigan Juvenile Justice Commission should be given the power to set standards for the following aspects of those juvenile justice services financed in whole or in part by State funds:
1. Qualifications of staff, excluding judicial personnel.
 2. Personnel work loads.
 3. Minimum and maximum unit costs of programs or services eligible for State support.
 4. Minimum program standards; e.g., detention rates and rates of institutional placement.
 5. Construction and operation of physical facilities.
 6. Record keeping and statistical reporting.
- B. The Commission should be empowered to visit and inspect juvenile court services and facilities to determine whether the services and facilities should be county or State administered in a given county and whether a county plan qualifies for State and county funds.
1. The Commission should use existing services and resources to the fullest extent possible in making the determinations.
 2. Visitations and inspections by the Commission should not replace the Michigan Department of Social Services' responsibilities for establishing and maintaining standards for and inspection of child care programs and facilities.
- C. The Commission should be empowered to enter into agreements with the Federal Government, with State, county, or municipal agencies, with private foundations, or with trusts for the receipt of funds for purposes consistent with the duties of the Commission.
- D. The Commission should be empowered to request the Attorney General to bring action in the appropriate court to enforce the terms of any agreement entered into by the Commission.

- E. The Commission should be empowered to employ staff to carry out the duties and powers vested in the Commission.
- F. The Commission should be represented on the Michigan Commission on Criminal Justice and should have the right to review and comment on any juvenile justice proposal prior to funding by the Michigan Office of Criminal Justice Planning of the Department of Management and Budget.

IV. ADMINISTRATION OF JUVENILE JUSTICE SERVICES

- A. In view of the wide variance of social, economic, and demographic conditions in the 83 counties of Michigan, a "mixed" juvenile justice services administration system should be implemented which would allow counties to choose among single-county, multi-county, or State-administered services. Currently, about three-fourths of the 83 counties (about 20% of the population) do not have a sufficient volume of service need to warrant the local administration of juvenile justice services.
- B. Determination of planning and administrative responsibilities for local juvenile justice services in each county should be as follows:
1. The Probate Court should determine, in concert with the County Commissioners, whether local juvenile justice services are to be administered by the county (either by the Probate Court or some unit of county government) or whether these services should be provided by the Michigan Department of Social Services.
 - a. The determination should include the right of the county to administer juvenile justice services subject to meeting minimum statewide standards set by the Michigan Juvenile Justice Commission.
 - b. A county shall be served by State-administered juvenile justice services under any of the following conditions:
 - (1) If the Probate Court, in concert with the County Board of Commissioners, elects not to administer juvenile justice services.
 - (2) If the county fails to present a plan which meets minimum standards as set by the Commission.
 - (3) If the county-administered juvenile justice services are found to be in violation of the minimum standards set by the Commission.
 - c. If State-administered juvenile justice services are recommended, the Michigan Department of Social Services should provide the services, and the State and local funds otherwise available to the county for the services should be transferred to the Department to defray the costs of the services provided for the county.
 - d. When the Commission has certified that a county is in need of State-administered services, the county should be given one year to present an adequate plan to meet minimum standards or to bring its current program up to minimum standards to permit the county to reassert its right to administer juvenile justice services.
 2. Counties should have the option to present a multi-county plan and budget to the Commission for services. Small counties should be encouraged to exercise this option.

V. FINANCING JUVENILE JUSTICE SERVICES

- A. The Child Care Fund should be expanded from its present coverage of out-of-home care¹ to include other court related services, such as intake, detention alternatives, probation, diagnostic evaluation, and treatment. These services should be eligible for a State match whether administered by the Probate Court or the Michigan Department of Social Services.
- B. The State should assume financial responsibility for locally initiated juvenile justice services in accordance with a formula whereby the Michigan Juvenile Justice Commission would:
1. Allocate an annual grant of \$15,000.00 to counties with a population under 20,000 and \$10,000.00 to counties with a population between 20,001 and 75,000. This annual grant would not be included in a state-county match otherwise provided in the formula. Counties with a population of 75,001 or more would not receive an annual grant.
 2. Establish for each county a base year consisting of the total state-county expenditures for locally initiated juvenile justice services and the state-county ratio for the base year.
 3. Permit an annual 5% shift of the ratio of base year expenditures from the county to the State until a state-county match of 75%/25% is reached.
 4. Match expenditures for rising costs, meeting minimum standards, or initiating new programs on a state-county match of 75%/25%. These additional expenditures would be beyond base year expenditures.
 5. Approve county juvenile justice plans and budgets before releasing State funds.
- C. On the county level, both juvenile courts and the county Department of Social Services would participate jointly in preparing their annual program plans and budget requests for services to be presented to the county board and subsequently to the Commission.
- D. Funds for the State's share of locally initiated juvenile justice services should be appropriated to the Michigan Juvenile Justice Commission on the basis of an annual program plan and budget submitted to the Executive Office and the Legislature by the Commission.
- E. Funds appropriated to the Commission for locally initiated juvenile justice services should be allocated to a county, or to the Michigan Department of Social Services in those instances where the Department will administer services for the counties, subject to and after certification by the Commission that the county plan meets minimum standards set by the Commission.

¹ At present, out-of-home care is limited to detention and court dispositional placement in the home of a relative or friend, foster care, a shelter home, group home, halfway house, or an institution.

VI. PROBATE COURT JUVENILE JURISDICTION

- A. Probate Court jurisdiction over "status" cases¹ should be limited to children under 16 years of age under the following conditions:
1. Before a Probate Court can assume jurisdiction over a status case, the Court should be required to make a finding that the utilization of non-coercive, community-based child care agencies has been thoroughly explored.
 2. A petition filed in any Probate Court on a status case should be based on the allegation that the *family is in need of service or intervention*.
 3. A petition concerning a status case may be filed by any person, including the child.
 4. Adjudication of a status petition should not be construed as a delinquency and should not permit a commitment to, or a placement in, a county or State physically secure detention facility or institution.
- B. The age of original exclusive juvenile court jurisdiction should be changed from 17 to 18. Once jurisdiction is established, the retention of jurisdiction should be permitted to age 20, with an extension to 21 years upon a finding of cause by the Probate Court or releasing authority.²

VII. JUDICIAL SERVICES

- A. The Legislature should adopt a uniform system for juvenile courts throughout the State at the level of general trial jurisdiction.
1. Probate Judges serving juvenile courts should be full-time judges, even though they may also perform their concurrent duties as Probate Judges.
 2. Judicial work loads of juvenile judges should be equalized either by the allocation of judges on the basis of case volume through a formula established by the Legislature or by inter-county assignment of juvenile judges by the Supreme Court.
 - a. Judicial work loads and assignments should take into account the use of juvenile court referees.
 - b. The Supreme Court should determine qualifications of juvenile court referees.
- B. Probate Judges' salaries should be established on a Statewide basis and should be paid from State funds. Present disparities in Probate Judges' salaries among the various counties and in relation to other parts of the Judiciary should be eliminated. In addition, the current practice of county supplementation of Probate Judges' salaries should be eliminated.

¹ "Status" cases involve behavior not considered a crime if the youth were an adult, i.e., truancy, runaway, "incorrigibility", or "beyond parental control".

² Juvenile Justice System Study Committee members were of the opinion that the question of "cause" upon which jurisdiction may be retained from 20 to 21 years would have to be defined precisely by the Legislature to pass the test of constitutionality. Cause could be defined in terms of the delinquent acts for which the court assumed jurisdiction initially and should be limited to offenses against persons or other dangerous law violations, such as arson. Cause should be established by a finding by the court based on a showing by the agency having legal custody of the youth that the safety of the youth or the community requires that jurisdiction be retained and legal custody continued.

VIII. JUVENILE COURT SERVICE STAFF

- A. Juvenile court service staff in Michigan should be increased greatly and distributed more evenly throughout the State. At present, juvenile court workers in Michigan have an average case load of 70 units which is double the nationally recommended standard. In 30 Michigan counties there is an average case load of 35 units or less per court worker, but in 29 counties there is an average case load of 81 or more. This high juvenile court worker case load average is coupled with the fact that the 33 least populated counties currently have staff with considerably less training (2.6 years of college) than the average of the 20 largest counties (4.2 years of college).
- B. Legislative appropriations should be increased substantially to provide sufficient juvenile court service staff throughout the State to permit staffing based on a maximum work load of 35 units per worker.
- C. The Michigan Juvenile Justice Commission, in cooperation with the counties and the Michigan Department of Social Services, should develop a plan which will provide for adequate Statewide coverage of juvenile court services and for adequate juvenile court service staff. The plan should include the Michigan Department of Social Services administering court services for those counties electing not to administer "local juvenile justice services".
1. The plan should provide for an equitable Statewide salary classification plan for juvenile court service staff.
 2. The plan should provide for a director of court services for each county or group of counties.
 3. The function of professional supervision should be provided by the director of court services or by supervisors who are appointed by and under the direction of the director of court services when the number of court staff responsible to the director exceeds five.
- D. Although additional legislative appropriations will be required to bring about the necessary increase in juvenile court staff, the Commission should take the following steps toward developing a more equitable distribution of staff:
1. Use staff qualifications and work-load standards as a basis for certification of county programs for State financial support, thereby ensuring that staff qualifications and work-load standards are met in all parts of the State.
 2. Make special financial allocations to those counties where the financing formula for local juvenile justice services does not provide sufficient funds to reduce case loads to desired standards.
 3. Develop a career service for juvenile court workers throughout the State through such measures as:
 - a. Inter-county and county-state agreements which permit centralized or joint recruitment and selection of personnel by and for the various counties. Recruitment and certification could be administered centrally with actual selection of individuals performed in the counties by judges or directors of court services so authorized.
 - b. Legislation and negotiation to reduce the current impediments to inter-county and county-state transfers of juvenile court service staff. These impediments include salary differentials and non-transferable or non-comparable fringe benefits and retirement.

- E. County juvenile officer positions should be integrated into regular juvenile court staff units and budgets with the existing county juvenile officer positions being abolished.
1. County juvenile officers performing juvenile justice functions should be "grandfathered in" the juvenile court staff units at salaries appropriate for the level of work each officer is assigned.
 2. Provisions should be made for performance of the other Probate Court functions carried by some juvenile officers, e.g., adoption work, either through continuation of the officers under some other classification or by assignment of these functions to workers within the Department of Social Services.
- F. A comprehensive juvenile justice system staff training program should be developed and operated by a Juvenile Justice Training Council under the general direction and with the financial support of the Commission.
1. The training program should make maximum use of existing training programs such as those programs offered by the Michigan Supreme Court, Michigan Department of Social Services, Michigan Department of Mental Health, the Probate Judges' Association, the Federal Government, universities, and colleges.
 2. The program should provide basic training for all juvenile justice personnel as well as specialized training in the various specialty areas such as judicial services, intake, probation, detention, administration, and prosecution.
 3. Funds should be made available to the proposed Juvenile Justice Training Council for both operational training (instructors and materials) and to pay for juvenile court service staff salaries incurred while staff are attending training sessions and to pay for travel expenses to training sites.
 4. The training focus should include not only immediate job skills but also should provide content necessary to achieve long-range and Statewide goals and standards set by the Commission.

IX. DETENTION

- A. The Michigan Juvenile Justice Commission, in cooperation with the various counties of the State and the Michigan Department of Social Services, should develop a comprehensive master plan for the proper development and use of detention facilities and alternative programs to detention. Upon adoption of the master plan, the plan should be binding upon all counties of the State.
- B. The comprehensive master plan for detention should be based on Statewide rather than individual county need and should include the use of detention and alternative programs to detention on a multi-county basis where indicated.
1. A regional plan for detention and alternative programs to detention should be developed using a combination of county and State-administered facilities and programs. In each regional plan, alternatives to detention should include shelter care, home detention, and programs for transporting individuals to areas where detention facilities or alternative programs to detention exist.

2. In sparsely populated areas the plan should include properly located, small, modified detention facilities of a "hold-over" nature, staffed by part-time, on-call staff. The "hold-over" facilities should be used only for very temporary detention with any child requiring more than a few days detention being transferred to the closest regional detention facility.
 3. The Michigan Department of Social Services should construct and operate detention facilities and alternative programs in areas of the State that cannot afford county-operated programs.
 4. The Commission should establish minimum standards for detention facilities, staff, and programs.
 5. Inspection and annual certification of child care facilities, including detention, should continue to be the responsibility of the Michigan Department of Social Services.
 6. Detention facilities and programs should be separated from post-dispositional residential treatment programs.
- C. Michigan should reduce its use of detention from the current rate of approximately 20% of juvenile arrests to a maximum rate of 5%. The reduction can be accomplished through a combination of the following:
1. Limit detention to those juveniles requiring secure custody pending court disposition.
 - a. Detention should not be permitted for "observation", "evaluation", or "commitment".
 - b. Detention should not be permitted for "status" cases or for children under 12 years of age.
 - c. Changing detention practice will require judicial directives and staff training.
 2. The use of shelter care for delinquent youth in lieu of secure detention should be increased greatly over present usage. Shelter care facilities for delinquent youth should be expanded until the facilities approximate the number of beds available in detention facilities.
 3. Detention intake should be performed in all instances as a result of face-to-face interviews with the child by court staff.
 4. Detention hearings should be held within 24 hours of the juvenile being admitted to detention by a judge or juvenile court referee. This procedure should be required by statute or by Supreme Court rule.
 5. Home detention should be developed in all counties as an alternative to secure custody. By utilizing a home detention plan, juveniles who would otherwise be detained would be placed in their own homes, or homes designated by the court, under the supervision of a juvenile court worker from the local community.
 6. Michigan statutes should be amended to prohibit jailing juveniles. In those regions where detention alternatives to jail are nonexistent, this prohibition should take effect only after the State has provided detention facilities or alternatives to detention in accordance with Recommendation IX, B, 1, 2, and 3.

X. COMMUNITY TREATMENT SERVICES

- A. The rate of admissions to county and State institutions should be reduced significantly and replaced by use of community-based, nonresidential treatment programs, i.e., out-patient, day treatment, close supervision, or other non-institutional measures. In 1972, admissions to county and State institutions in Michigan appeared to be about 50% higher than the 2.5% of juvenile arrests traditionally (nationally) placed in institutional care by juvenile courts. Although the average rate of admissions to State training schools in Michigan was 42 per 1,000 formal juvenile court cases, the actual averages for the 19 largest counties ranged from 5 per 1,000 formal cases to 87 per 1,000.
 1. The recent trend in the reduction of admissions to State operated residential facilities should be continued.
 2. Residential treatment programs should be used only for those youth who cannot be treated by out-patient, day treatment, close supervision, or other non-institutional measures.
 3. When residential treatment is indicated, maximum use should be made of locally based institutional programs.
- B. The Michigan Juvenile Justice Commission, in cooperation with the various counties of the State and the Michigan Department of Social Services, should develop and implement a Statewide plan for needed residential treatment programs for delinquent youth.
 1. The plan should give careful consideration to the use of existing local residential treatment programs, including use on a regional basis through purchase of care by counties without residential treatment programs. The Commission should determine which local facilities are best suited for use as detention and which local facilities are best suited for residential treatment.
 2. The Department of Social Services should be delegated responsibility by the Commission and given funds to provide residential treatment programs on a purchase of care basis for those areas that do not provide their own or which cannot obtain programs. Financing of these residential treatment programs should be on the same basis as "locally initiated juvenile justice services" and when used by an individual county should be a charge against that county's funding allocation from the Michigan Juvenile Justice Commission.
 3. Local residential treatment programs should be separated from detention programs and should be operated in distinctly separate physical facilities to prevent the mixing of children in detention status with children adjudicated in need of and placed in residential treatment.

XI. DATA COLLECTION AND MANAGEMENT INFORMATION SYSTEM

- A. A comprehensive, mandatory Statewide data collection and management information system for the juvenile justice system should be developed based on data collected from the point of initial arrest to final case disposition.
 1. The system should be designed by the Michigan Juvenile Justice Commission making maximum utilization of data input from existing local and State data collection systems operated by law enforcement units, the Supreme Court, the Child Care Placement Information System (CCPIS), and the Michigan Youth Services Information System (MYSIS).

- 2 In accordance with approved principles of information security and individual privacy, the system should be designed and operated in such a way as to provide case characteristics and system flow information, as well as personnel information, fiscal data, and related information needed for quality control and management purposes.
 - 3 The Commission should have the power to require data reporting from law enforcement agencies, the courts, public agencies providing services for delinquent youth, and private agencies which receive full or partial State payment for providing services to delinquent youth on a purchase of care or reimbursement basis.
 - 4 Referral agencies, such as law enforcement agencies and schools, should be entitled to receive case disposition data on cases the agencies have referred to the juvenile court.
- B The cost of the data collection and management information system should be shared by the user agencies in relationship to the use of the system.

MINORITY REPORT

Juvenile Justice Services in Michigan
The Michigan Juvenile Justice System Study Committee
of the
Michigan Legislative Council
by
Eugene Arthur Moore
Mary S. Coleman

While I feel obligated to draft a minority report and take exception to some of the recommendations of the majority report, I want to first of all praise the work of this Committee and particularly of its Chairman, Representative Kehres. We, as members of this Committee, are from all walks of life and I believe each member of the Committee has worked diligently toward trying to improve services to youngsters.

Initially, I strongly disagree with some of the overall findings of the John Howard Association. These individuals were presented to us at our first Committee meeting as the firm selected to be hired by the Legislative Council. In this manner the Committee had very little voice in offering suggestions as to whether the John Howard Association or a local organization should be hired to survey Michigan's needs. The John Howard people remained in the room and were there during our discussions as to whether they should be hired.

Unfortunately, I am afraid from previous experiences the John Howard Association had in other states, that they had some pre-conceived ideas as to what structure we should have in Michigan. I do not dispute their dedication or desire to help youngsters. However, I disagree strongly with many of their statements concerning the role of the Juvenile Court and juvenile justice system. Contrary to the John Howard Association's conclusions, I firmly believe that *preventative* juvenile services as well as rehabilitative juvenile services must be in some part the responsibility of the Juvenile Court Judge *in order to ensure accountability*.

In other states, the John Howard Association has recommended that all juvenile services be run by a state office. This in reality is merely copying many states' adult criminal structure which I am convinced has not led to satisfactory results in its own area. Such *state control* eliminates the accountability of the local Juvenile Court Judge and the accountability of the *local community* wherein delinquency breeds and must be corrected. Again, contrary to the John Howard Association's recommendation, I believe the local Juvenile Judge must do more than merely decide guilt or innocence if the promise of the Juvenile Code is to be realized. They must help mobilize community resources to prevent delinquency and rehabilitate youngsters in trouble. If the judge and local staff do not have responsibility for prevention and correction, they will not be accountable for failure. Placing the responsibility for supervision, staff hiring, and accountability in Lansing will not encourage proper community support and resources. The children are the losers.

RECOMMENDATION I

In accordance with the recommendations of Governor Romney's Special Commission on Juvenile Delinquency appointed in April 22, 1968, and numerous resolutions in support thereof by the *Michigan Probate Judges' Association and the Juvenile Affairs Committee of the State Bar of Michigan*, I recommend that a *Department of Children's Services* be created on the State level as our *20th State department*. This Department should have the responsibilities for both delinquency and neglect. The Special Commission's recommendations were not enacted by the Legislature in 1969. Instead an Office of Youth Services was created within the Department of Social Services. It was expected that

Children's services would no longer be at the bottom of the Department of Social Services' priority list. Unfortunately, since the creation of the Office of Youth Services, further legislation has decreased its effectiveness. The Director of the Office of Youth Services is no longer appointed by the Governor and not responsible to the Governor. In reality, on a State level, children's services are back at the pre-1968 level. Children's services do not receive top priority by the Department of Social Services. Therefore, rather than recommend a Juvenile Justice Commission for a two-year interim period as the majority has done, I would recommend the immediate creation of a Department of Children's Services as recommended by the Romney Commission on April 22, 1968.

This Department would be responsible for the operation of all Statewide services for youngsters as well as the operation of local services within those local Juvenile Courts where the local Juvenile Judge elects to have the services to youngsters run by the new Department of Children's Services. Then we should not have a Commission, as the majority recommends, but a new State Department of Children's Services, as I recommend, with this responsibility for the supervision and operation of not only local court programs where the local Juvenile Judge asks the State to operate said programs. It should also be responsible for the operation of all programs for youngsters currently operated by the Department of Social Services. Greater efforts must be also made to insure proper Federal funding for a Department of Children's Services.

A prime error of the majority and the John Howard Association is that they only addressed themselves to the needs of local Juvenile Courts *without any study of what is currently being done by the State for youth*. As recently as one month ago, there were 40 youngsters waiting to get into State-operated training schools. In addition, many other youngsters are currently waiting to get into State-administered halfway houses, group homes, and like facilities. Some youngsters committed to the State Department of Social Services wait for over nine weeks to be placed in their State programs. Merely to say, as the majority has done, that the Juvenile Justice Commission should be created and that the Department of Social Services will operate local services when the county wants them to do so does not solve the above problem. If the Department of Social Services cannot adequately serve youngsters now, how can we add to their burden? This Committee failed even to find out whether under our present State programs children were receiving adequate services. *This should be determined before additional responsibilities are given the State Department of Social Services.*

In addition, I take issue with the fact that the Commission members are not full-time personnel. With the vast responsibility of planning, development, and operation given to a Commission as the majority recommends, said personnel must be *full time* with pay equal to the top salary for Probate Judges within our State.

RECOMMENDATION IV

I strongly disagree with Recommendation IV, B, 1. If there is any decision going to be made as to whether or not local Juvenile Court services should be run by a State agency or by local Juvenile Courts, *this decision should rest with the local Juvenile Court Judge* and no one else. He is an elected official responsible to the electorate. If we are to have accountability to ensure adequate services, he must be the person making the decision. Only when the judge so elects should the local Juvenile Court services be run by State agencies. If he does not so elect, they should continue to be run by the local Juvenile Court. In the latter event, all of the Juvenile Court employees should continue to be *judicial* employees. The John Howard Association claims that 3/4th's of the 83 counties do not have sufficient volume of service need to warrant the local administration of juvenile justice services. I am not persuaded that this conclusion is supported by the facts. Unless the State is willing to pay more money by having State-operated services than the local Juvenile Court-operated services, I would venture to say that only a third of the present Juvenile Courts would make the decision to have State administration of their services.

RECOMMENDATION V

It would be impossible to require Juvenile Courts and the Department of Social Services to jointly prepare annual budgets. These are separate branches of government. While there should be good liason between them, each should be responsible for the preparing and presenting of their own local budgets.

In the area of financing, I concur with the majority recommendation that *greater State dollars should be put into services for youngsters*. This should be on a 75-25 matching basis, that *must include home as well as out-of-home services*. To say, as our law currently does, that a child must be removed from his parent's home in order to get any State funding is preposterous. The majority report will make a shift to 75-25 over a period of ten years. This then puts a burden on counties which currently pay more than 25%. This may be unfair to these counties and should be closely scrutinized by them. *Under no circumstances, in order to attempt through the back door to have State control, should the State-administered services receive more State funds than locally administered services.*

RECOMMENDATION VI

Recommendation VI, A, 4 should be amended to provide that:

"Adjudication of a status petition should not be construed as delinquency and will not permit commitment to or placement in a county or State secure detention facility or institution unless the Court is satisfied that a reasonable effort has been made to use non-secure facilities and therefore the Court places said status offender in a separate detention facility separate from delinquent youngsters."

I argued this particular issue with the majority at almost every meeting. I do not concur at all with their mis-impression that a magic wand can be waved to ensure that all runaway children can or should be placed through use of voluntary services. While this may be true of 90% of runaways who are agreeable to placement in a foster home or some other non-secure program, there is a small percentage that can only be prevented from further truancy by *secure detention*. The majority, by eliminating the right ever to require secure detention for status offenders (runaways), is saying that if a 10-year old youngster wants to run away from home, he should be allowed to do so. *This is totally repugnant to the family as we currently know it.*

RECOMMENDATION VII

While the majority does not speak to this issue, I strongly urge that there be created in the State of Michigan a *Family Court*. One division of the Family Court shall be the juvenile division and it shall have the responsibility for delinquency and neglect cases. Judges who shall serve in this position *should not be rotated* (See Family Law Committee Recommendation of the State Bar of Michigan).

RECOMMENDATION IX - Detention

Rather than reduce the rate of secure detention to a specific rate, it should be the goal in Michigan to reduce the rate to as little as appropriate for the *protection of youngsters* and society as well. No fixed percentage can give a single answer as to where that should be.

The Recommendation IX, C, 1, b (as stated above) should be amended to provide that status cases *can* be placed in secure detention if the Judge is satisfied that a reasonable effort has been made to use non-secure facilities and thereupon there can be no mixture of status and delinquent offenders.

Recommendation IX, C, 5 should be amended to provide that home detention should be developed in all counties as an alternative to secure custody *whenever possible*. Obviously, this will not eliminate the need for secure detention in *some cases*.

SUMMARY

In summary, there should be created immediately a 20th State department called the *Department of Children's Services*. This Department, as indicated, should be responsible for the running of all *State programs* for children in the area of delinquency and neglect. The Department should also set *minimum standards* for all local Court personnel as well as all State Department of Children's Services personnel. The Department director should be *appointed by the Governor* and should have an advisory committee also appointed by the Governor.

In addition thereto, the basic structure of Juvenile Court prevention and rehabilitation (in home as well as institution) should continue to be administered by the local Juvenile Court unless (1) the local Juvenile Judge wants the new Department of Children's Services to so administer these services, or (2) the local Juvenile Court fails to meet the minimum standards set by the Department of Children's Services.

Adult corrections have shown us that criminal court judges have no responsibility for rehabilitation. When they can only decide guilt or innocence and set a minimum sentence, they will not exercise an aggressive role in the community in the area of *prevention* and *rehabilitation*. The general public should insist upon accountability for the rehabilitation of youngsters within their community. This accountability can only exist if that responsibility, as well as accountability, ultimately lies with local *Juvenile Court Judges*. If said responsibility is given to a State bureaucracy in Lansing, services to youngsters will diminish. To say, as most social scientists now advocate, that we must have more local-community-based preventative and treatment services for youngsters and then say such services should be *run from far away* is ridiculous.

In addition, I believe the State should immediately help fund *Youth Assistance Programs* in every county in Michigan to *prevent delinquency and neglect*. They should be mandatory and involve local input and control by local citizens working hand in hand with the Juvenile Court, schools, and municipal government. They should be patterned after the Oakland, Calhoun, Washtenaw, and Genesee Counties which are operating successful delinquency and neglect prevention programs (See Appendix 1).

ASSOCIATE JUSTICE MARY S. COLEMAN concurs with this minority report except in reference to Recommendation VII and in lieu thereof she states as follows:

I do not take a position as to Recommendation VII either agreeing or disagreeing because of the present work of the Supreme Court toward total State financing of courts and the need to remain in a position to consider the total scope of the one court of justice concept.

Judge Eugene Arthur Moore
Associate Justice Mary S. Coleman

Appendix to the MINORITY REPORT

LOCAL COMMUNITY ACTION MUST PREVENT DELINQUENCY

By
Eugene Arthur Moore

Our whole nation seeks crime prevention. Yet much of the concern is only directed toward post criminal matters of arrest, trial sentence, and prisons. Much of this is too late. Prevention has to deal with children, youth, families, and communities. Only if crime is attacked here and prevented before occurring may national crime be reduced.

The President's Crime Commission report, *The Challenge of Crime in a Free Society*, recommends Youth Service Bureaus, similar to Oakland County's Youth Assistance Program. The report cites the failure at this time of interested persons to coordinate individual efforts and social agencies' actions to provide the necessary foundations within the community to provide proper youth services and thus prevent crime and delinquency.

Ten years ago in Oakland County many concerned persons saw the need to coordinate and develop within local communities programs directed toward creating the proper family, school, church, recreation, and community environment for youth.

Oakland County communities cross every social, economic, and racial line. Municipal populations range from a few thousand to over 100,000 persons. The ranges in average income are from \$3,500 to \$29,000 per year. There are 26 new Protective Services Committees within Oakland County serving 26 very different municipalities. Over the past ten years 20,000 pre-delinquent and pre-neglected cases have been handled on an individual basis, and more than 18,000 have been saved from court involvement and have made an adequate adjustment to society. *This represents over 85 per cent success.*

This program began in Hazel Park, a middle to low income suburb of Detroit, under the leadership of Dr. Wilfred Webb, the Superintendent of Schools, and then Juvenile Court Judge Arthur E. Moore. They and other concerned citizens felt that crime and delinquency were primarily the responsibility of local communities. They maintained that youth behavior is the result of home, school, and community training, and thus the home, school, and community must be directed toward creating the necessary educational, economic, moral, and social standards to enable youth to become useful adults.

From this developed the Oakland County Youth Assistance Program which is sponsored by the Oakland County Juvenile Court, local municipalities, and local boards of education. The Program is developed on a local school board or municipality geographic level with each community served by a social worker furnished and paid by the Juvenile Court, but responsible to the local community and its core of local volunteers. Citizens who are interested and concerned are willing to give of their time and skills in the development of a community plan to develop youth's highest potential. Delinquency and neglect are the products of society and especially of the local community where incidents of anti-social behavior occur. Prevention of these incidents can be effective if citizens are motivated by a sense of community responsibility.

The first step in organizing the first Youth Assistance Committee was to determine the needs and causative factors of crime and juvenile delinquency. This was done by collecting and compiling the existing community facts and their relationship to the community's social pattern and resources.

Inadequate families (little love, discipline, and attention); retarded school achievement; no community involvement in such programs as Scouts, YMCA, Little League, etc.; no religious involvement; and constant failure form the background of many delinquents. These facts pointed to the need to coordinate existing community programs and interested persons.

From the initial fact finding effort arose the second step of organization—the General Citizens' Committee to be the central planning and coordinating group. The General Citizens' Committee is representative of all interests, ages, and professions within the community, and it is selected by the local municipality, the local Board of Education and appointed by the Probate Judges. This Committee has the responsibility of operating the Program and of providing for such needs as office space, secretarial services, and other expenses involved in operating the Program. The Committee includes representatives from community agencies, the PTA, school board, YMCA, churches, Scouts, local government, service clubs, recreational programs, and persons in general interested in helping youth.

Members on the Committee serve on a voluntary basis, and the Committee is nonprofit and nonpolitical. The Committee is responsible for the guidelines for operation of the Program, for appointing all subcommittees to help carry out its programs, and for implementing the Protective Services Program in the local community.

The Committee sponsors such programs as family life education, youth codes, school dropout and truancy prevention seminars, religious involvement programs, shoplifting prevention programs, recreational programs, drug treatment programs, as well as other programs directed toward providing the proper environment for youth.

In addition, the Youth Assistance Committee has a second responsibility of dealing with individual pre-delinquent and pre-neglected cases referred by the community on an individual basis. A subcommittee, the Case Study Committee, works with the paid staff social worker in providing casework services to clients who have been referred by schools, police, or private citizens because of some deviant behavior or some proneness to such behavior. The Case Study Committee consists of persons who again volunteer their time and skills in the hope of preventing further break-down and disorganization to the client referred. Members of this committee include a psychiatrist, psychologist, psychiatric social worker, attorney, minister, school counselor, representatives from child guidance clinics, family service, and other agencies in the community dealing with youngsters.

The staff caseworker is a skilled social worker who has the responsibility of dealing with the client (youngster and family) referred. He takes the social history from the family and school, etc., and attempts to determine what the basic facts are concerning the client's problems. Most of the clients referred are youngsters who have been involved in shoplifting, drinking, absenteeism, school dropouts, home incorrigibility, etc. He discusses the family and social history with the Case Study Committee and together they develop a plan to help solve the youngsters' and/or families' problems. The caseworker then coordinates the efforts to implement the corrective plan.

In most instances this staff caseworker is paid by the Juvenile Court. In some instances the local General Citizens' Committee is able to pay their own worker. The acceptance of a referral by a family is a voluntary matter; they do not have to accept the service if they do not desire. In addition, the youngster may not be referred to the Juvenile Court for the same offense if he refuses to cooperate. There can be no chance of the parents stating to the Court that they were coerced into accepting the Protective Services service. However, over 97 per cent of all referrals are eagerly accepted by the family and youngsters referred. All records are nonofficial and confidential and cannot be released to the police, schools, court, or any other person or agency without the written consent of the family.

Thus, the Youth Assistance Committee has a two-fold function. First it deals with youth problems on a general level throughout the community, i.e., adult education, youth codes, recreation, family

improvement seminars, etc., to assist youth in general. Second and equally important, it deals with individual cases on an individual basis.

In Oakland County over 4,000 volunteers work hand in hand with the Court, municipalities, schools, and community to develop a proper environment for youth. The Juvenile Court works with these 26 Protective Services Committees, often advises the caseworkers and local Protective Services Committees, and works through a county-wide committee to help coordinate the ideas and suggestions of the individual Youth Assistance Committees. The Court through its continuing firsthand knowledge of juvenile problems is one of the partners in this Youth Assistance Program. The local community through its municipal government and school board form another part of the partnership. Lastly volunteers within the county interested in helping youth round out this partnership responsibility.

The above record shows that delinquent and neglected behavior have been drastically cut in Oakland County. The greatest success and the cheapest route (compared to \$15,000 per year per inmate in state prisons) are with our youth to prevent delinquency and neglect. Taxpayers pay only \$60 per year per Protective Services case. Community volunteers make up the difference.

Although the Oakland County Youth Assistance Program is somewhat more of a community program than the proposed Youth Services Bureaus, the basic concept of local community action is the significant factor in both. It is a realistic, working program for the prevention of crime and delinquency. This program is rapidly being adopted elsewhere. It may be modified as the local community needs but it can succeed anywhere in our Nation.

Crime and delinquency cannot be reduced through Federal and State agencies alone. The real solution to the problem of crime and delinquency rests in the local community. To be successful, a delinquency prevention program must work at a local level, and with local cooperative agencies and volunteers seeking to create the proper environment within the family, home, and church to prevent crime and delinquency. The Court, schools, police, municipalities, private agencies, and individual persons must all work together and play an active role in fighting crime and delinquency. We need to insist on prevention through Youth Service Bureaus type programs or crime and delinquency will soon become a national disaster.

COMMENTS ON THE MINORITY REPORT

Juvenile Justice Services in Michigan
The Michigan Juvenile Justice System Study Committee
of the
Michigan Legislative Council
by
John P. Steketee

In these difficult days it seems that no one completely agrees with anyone else. So it is with the minority report of Associate Justice Mary S. Coleman and Judge Eugene Arthur Moore. Though I can agree with some of the minority report and most of the Study Committee's recommendations, I just can't agree or disagree without further comments (Could this be called a minority report regarding a minority report?) I have nothing but the utmost respect and admiration for my two esteemed judicial colleagues (The Dissenters), and I trust my comments will be received in the same manner as they are given—sincerely.

First of all, I second the comments of the Minority in their first paragraph, especially regarding the dedicated work of the Committee and its Chairman, Representative Kehres. It has been a privilege to have been included in this effort. I trust that something constructive can come from our labors.

ISSUE No. 1: PROPOSED MODIFICATION IN STRUCTURE

The Minority take strong exception to the recommendation that a temporary Michigan Juvenile Justice Commission be created. They express a strong preference for advocating the creation of a Department of Children Services, a 20th State department. They support this position on the basis of historical reference and considerable apprehension about a presumptive role which the State Department of Social Services might play relative to the establishment of a commission.

The Minority, however, omit two important considerations:

1. The 1968 recommendation for the creation of a Department of Children Services went nowhere because of a great resistance in both the legislative and executive arms of State Government to the creation of such a special department for youth at the State level. There is no reason to assume that opposition to the creation of a separate Department of Children Services has diminished. The creation of the Office of Youth Services was a compromise which was badly flawed. However, the same fundamental objections against the creation of a separate Department of Children Services relative to receipt of Federal funds (which must be channeled to a single major State agency and through a single organizational unit) would continue.
2. Neither the final Report nor the minority report acknowledges the issue of court reorganization. Powerful forces which are gathering momentum point toward the ultimate assumption by the State, presumably under control of the Supreme Court and the Office of the Court Administrator, of funding and policy control over all courts. It is recognized that the social services responsibilities for the Juvenile Division of the Probate Court constitute a vexing problem for those working on court reorganization. Precedent may be established, however, under the bill presently in the Legislature which provides that probation personnel employed in the District Courts of Michigan will transfer to State employee status. It has been acknowledged that the fate of the social services attached to Probate Court has been deferred for further consideration because of their size, complexity, and the need to resolve the issue as to whether these should continue to be under judicial control or should be transferred to the executive arm of government.

Although the final Report does not so identify and so state, a major purpose for the creation of a two-year Commission is to provide a continuing instrument for the examination of this major issue.

Based upon the presumption that a Department of Children Services would be highly unlikely to be created, a two-year Commission could provide perhaps the only means through which this important problem could be addressed, with full involvement of the major governmental and non-governmental sectors who have a huge stake in what happens to social services for juveniles. It is understood that the bill being drafted explicitly identifies this function for a two-year Commission. If opposition to the bill on the part of Probate Judges and others is sufficient to defeat the creation of this Commission, it would seem unlikely that any other established medium for analysis and possible resolution of the issue will be developed. Therefore, the creation of the two-year Commission, perhaps with more adequate staffing, if for this purpose alone, is urged.

ISSUE NO. 2: CHILD CARE FUND

The recommendation in the Report is that what is now known as the Child Care Fund be replaced by a funding system which includes State cost sharing for services provided for youngsters living at home as well as youngsters placed out of their homes. The Minority concurred with this recommendation. However, they question the matter of establishment of a rather complex formula in relation to which the State proportion of the cost sharing would be progressively increased over several years until ultimately the State is paying 75% of the cost, local counties 25%. The Minority advocate an immediate 75-25% state-county ratio. The ad hoc special committee which attacked this issue supported the proposal for a gradual shift to heavier State funding responsibility as perhaps the best to be hoped for. It should be noted that bills which would establish a 75% state-25% county ratio have been introduced year after year, with no chance of passing.

ISSUE NO. 3: JOINT ANNUAL BUDGET REQUESTS

The Report recommends that Juvenile Courts and County Departments of Social Services jointly prepare annual budget requests relative to Child Care Fund budget requests. The Minority contend that to jointly prepare annual budgets when two separate branches of government are involved is impossible. It should be pointed out that in Type B counties, in which the services for neglected children are managed through the Department of Social Services, the Department subaccount is submitted to the County Board of Commissioners independent of the subaccount which may relate to delinquent children. As a consequence, County Boards of Commissioners tend not to define the two programs in their thinking as part of the general responsibility of the Juvenile Court. This separation may be poor business. It is *not* proposed that budget relating to other than Child Care Fund matters be jointly presented.

ISSUE NO. 4: DECISION, OPERATION OF JUVENILE COURT SERVICES BY STATE AGENCY OR BY LOCAL COURT

The Minority take exception to the recommendation that such a decision be made jointly by the local Probate Judge and the County Board of Commissioners. The argument is that the decision should rest with the local Juvenile Court Judge alone. This "separation of powers" position may be the one which Probate Judges would prefer, but inclusion of such a provision in any statute to be proposed would almost surely bring heavy opposition from County Boards of Commissioners throughout the State.

ISSUE NO. 5: LOCAL VS. STATE CONTROL

This emotionally laden issue tends to solicit quick response without much consideration of both the advantages and deficiencies of the exercise of so-called "local control."

As some are fond of saying, "75% (substitute your own percentage) of zero is zero." Much of the thrust of the Committee's deliberations has focused upon the finding (as we all knew already) that resources are very unevenly distributed across the State. Some few counties have been quite successful in obtaining from their County Boards of Commissioners sufficient funds and sufficient freedom to operate good

programs which they wish to protect from any sort of leveling process. However, for the many counties which have been equipped with insufficient resources, "local control" is a joke. The organizational base and property tax base in many counties is simply too small to provide good services. Thus, the primary argument for development of wider organizational scope through movement toward a State-based system is based upon the inadequacies of local funding and too small organizational size.

The Minority are quite correct in suggesting that large, State-controlled bureaucracies may operate poorly because of top heavy, pyramidal organizational structure, concentration of decisions at the apex, red tape which both delays decisions and tends to stultify initiative, and a history of partial failure to obtain from state legislatures the wherewithal to operate good programs. A so-called *Department of Children Services could fall into the same trap.*

Whatever the case, recent history, e.g., the establishment of rate setting requirements relative to Child Care Fund reimbursement, indicates that the State Legislature in Michigan is no longer inclined to write blank checks. Whatever new formula for state-county cost sharing might develop, strings will be attached. Therefore, "local control" will be inevitably reduced to some degree. Certainly, if wholesale court reorganization occurs, local control as we know it will be a curiosity of the past. The two-year Commission concept could provide a potential means to influence developments relating to future structure.

ISSUE NO. 6: DETENTION OF STATUS OFFENDERS

Objection of the Minority to the recommendation in the Committee Report hinges upon the prescription of the use of *secure* detention for status offenders. This is an arguable point since no one has a firm base in experience to establish whether or not either the Minority's point that some youngsters who are runaways cannot be constrained from further runaways unless in secure custody, or conversely, that practically all youngsters can be suitably detained in nonsecure facilities. *Based upon the experience of Niagara County, as observed by Kent County officials in December 1968, it would appear that their experience suggests that secure custody may not be needed for either status offenders or youngsters involved in commission of crimes.* However, I could temporarily live with the position of the Minority, as an interim phase and opportunity for further evaluation.

I don't recall that the Study Committee's Report deals with the creation of a Family Court, although the Minority Report so recommends. Given the present insufficiencies of the services programs of the Juvenile Court, viewed statewide, and the insufficiencies of the services provided through the various Friend of Court Offices attached to the Circuit Court throughout Michigan, the combination of two insufficiencies does not suggest sufficiency. The creation of a Family Court, with no consideration given to correcting the deficiencies in either of these presently separate units, is to invite chaos. (This is akin to the superficially plausible but simplistic recommendation that the age of juvenile jurisdiction be raised from 17 to 18, with no consideration being given to the question of Social Services resources.)

SUMMARY

Opposition by the Minority to the proposed creation of a temporary Commission and the proposed progressive shift in financing to a more heavily State-borne formula, coupled with the recommendation that a Department of Children Services, a 20th State department, be advocated, is tantamount to a recommendation that the status quo be preserved. Given substantial enlistment of opposition to the creation of a temporary Commission, and the funding formula, no change whatsoever would be likely to occur, it being even more unlikely that a Department of Children Services would be created. The effect is to continue as is, permitting court reorganization to proceed without other than sporadic after-

the-fact response as plans are made either to transfer the social services provided by the Juvenile Court on a wholesale basis to total Supreme Court-controlled operation or, on the other hand, to dump them into the State Department of Social Services, the State Corrections Department, or to abandon them totally to county control. The proposed composition of the temporary Commission would at least provide a forum for resolution of differences among vested interests as to who should be doing what relative to delinquent and neglected children in the next few decades. Optimally, it could provide positive proposals designed to make sure that children services do not receive short shrift relative to court reorganization.

Judge John P. Steketee

APPENDIX

Summary Statement Concerning the Major Findings of the John Howard Association

Evidence presented to the Michigan Juvenile Justice System Study Committee by the John Howard Association indicates that juvenile justice services in Michigan may be characterized as: uneven in their distribution throughout the State; varied in quality; generally under-financed; overly complex administratively and fiscally; and not developed within the framework of Statewide priorities.¹

The Michigan Juvenile Justice System Study Committee was unable to agree with all six of the major findings of the John Howard Association. These major findings are presented below.

FINDING #1: The county is not a practical base for services.

FINDING #2: Variations in juvenile justice practices among the counties in Michigan have resulted in unequal treatment under the law. Whether children suffer or benefit from such inequality depends upon their county of residence.

FINDING #3: Rather than unified, the components of the Michigan juvenile justice system are separated administratively, fiscally, and often philosophically.

FINDING #4: The judiciary is extensively and inappropriately involved in administration of juvenile court services and child care programs.

FINDING #5: Juvenile justice service financing in Michigan is complex. It is characterized by inequities in the State sharing of costs from county to county. Under current statute State support is utilized primarily for out-of-home care and thus tends to encourage removal of children from the home in order to receive service. In general, the level of support throughout the State is below that needed for effective programs, despite adequate financing of some services by some local communities.

FINDING #6: Reliable data upon which to properly plan, finance, and administer juvenile justice programs in Michigan are inadequate, unreliable, or non-existent.

END

¹Michigan Juvenile Justice Services 1973 (An Appraisal of Local Services and Recommendations for Change), prepared for the Michigan Juvenile Justice System Study Committee of the Michigan Legislative Council by the John Howard Association, February 1974