

# Order

Michigan Supreme Court  
Lansing, Michigan

September 20, 2023

Elizabeth T. Clement,  
Chief Justice

ADM File No. 2022-24

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

Proposed Amendments of Rules  
6.907, 6.909, and 6.933 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering amendments of Rules 6.907, 6.909, and 6.933 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and  
deleted text is shown by strikeover.]

## Rule 6.907 Arraignment on Complaint and Warrant

- (A) [Unchanged.]
- (B) Temporary Detention Pending Arraignment. If the prosecuting attorney has authorized the filing of a complaint and warrant charging a specified juvenile violation instead of approving the filing of a petition in the family division of the circuit court, a juvenile may, following apprehension, be detained pending arraignment:

(1)-(3) [Unchanged.]

If no juvenile facility is reasonably available and if it is apparent that the juvenile may not otherwise be safely detained, the magistrate may, without a hearing, authorize that the juvenile be lodged pending arraignment in a facility used to incarcerate adults. The juvenile must be kept separate from adult prisoners as required by law. Best efforts must be made to avoid placing youthful inmates in isolation to comply with this provision.

- (C) [Unchanged.]

### Rule 6.909 Releasing or Detaining Juveniles Before Trial or Sentencing

(A) [Unchanged.]

(B) Place of Confinement.

(1)-(3) [Unchanged.]

(4) Separate Custody of Juvenile. The juvenile in custody or detention must be maintained separately from the adult prisoners or adult accused as required by MCL 764.27a. Best efforts must be made to avoid placing youthful inmates in isolation to comply with this provision.

(C) [Unchanged.]

### Rule 6.933 Juvenile Probation Revocation

(A)-(F) [Unchanged.]

(G) Disposition in General.

(1) [Unchanged.]

(2) Other Violations. If the court finds that the juvenile has violated juvenile probation, other than as provided in subrule (G)(1), the court may order the juvenile committed to the Department of Corrections as provided in subrule (G)(1), or may order the juvenile continued on juvenile probation and under state wardship, and may order any of the following:

(a)-(h) [Unchanged.]

If the court determines to place the juvenile in jail for up to 30 days, and the juvenile is under 18 years of age, the juvenile must be placed separately from adult prisoners as required by law. Best efforts must be made to avoid placing youthful inmates in isolation to comply with this provision.

(3) [Unchanged.]

(H)-(J) [Unchanged.]

*Staff Comment (ADM File No. 2022-24):* As a condition for the State’s receipt of federal funds under the Prison Rape Elimination Act, 34 USC 30301 *et seq.*, the conditions of confinement for juveniles must comply with federal regulations promulgated under that act, including the requirement that best efforts be made to avoid placing incarcerated youthful inmates in isolation. See 28 CFR 115.14. The proposed amendments clarify that youthful inmates should not be placed in isolation in order to keep them separate from adults.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by January 1, 2024 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When submitting a comment, please refer to ADM File No. 2022-24. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ZAHRA, J. and VIVIANO, J., would have declined to publish the proposal for comment.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 20, 2023

Clerk