



State Court Administrative Office

Juvenile Justice Probation Standards

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INDEPENDENCE · ACCESSIBILITY · ENGAGEMENT · EFFICIENCY



Contents

I.	Background	2
II.	Administrative Standards	3
	a. Administrative Order.....	3
	b. Ethics and Model Code of Conduct	3
III.	Case Processing Standards	5
	a. Intake	5
	b. Disposition.....	6
IV.	Case Planning Standards	6
	a. Individualized.....	6
	b. Addressing Needs and Promoting Strengths	6
	c. Family and Community Partner Engagement.....	7
V.	Supervision Standards.....	7
	a. Informal Probation.....	8
	b. Formal Probation.....	8
	c. Graduated Responses and Incentives	9
	d. Out-of-Home Placement	9
VI.	Data Review.....	11
	a. Reviewing Data	11
	b. Addressing Disparities	11
VII.	References.....	12

I. Background

On June 9, 2021, Governor Gretchen Whitmer signed *Executive Order 2021-6*¹ establishing the Michigan Task Force on Juvenile Justice Reform (Task Force). The Task Force was charged with “conducting a comprehensive and data-driven needs assessment of Michigan’s juvenile justice system, complete with recommendations for changes in state law, policy, and appropriations to improve youth outcomes.” The Task Force recommendations were guided by the following objectives:

- Safely reduce placement in detention and residential placement and associated costs.
- Increase the safety and wellbeing of youth impacted by the juvenile justice system.
- Reduce racial and ethnic disparities among youth impacted by the juvenile justice system.
- Improve the efficiency and effectiveness of the state and county juvenile justice systems.
- Increase accountability and transparency withing the juvenile justice systems.
- Better align practices with research and constitutional mandates.

The Task Force issued their final report and recommendations² on July 22, 2022. One of the ten key findings of the Task Force was that many elements of the juvenile court process and probation supervision are not aligned with research and developmentally appropriate practices across the state. The Task Force found that there were limited guidelines, standards, or tools which existed to guide dispositional decisions, lengths of time on supervision, and supervisory practices. As a result of this finding, the Task Force unanimously recommended that the State Court Administrative Office (SCAO) establish statewide, research-based, juvenile specific probation standards and guidelines. The Task Force further identified areas for juvenile probation standards which include the use of risk and needs screening and assessment, detention screening and decision-making, case planning, tailoring and individualizing probation conditions, improving youth and family engagement, using graduated responses and incentives, reviewing data, and addressing racial and ethnic disparities.

The Michigan Justice for Kids and Communities bill package was passed on December 12, 2023, as a result of the recommendations from the Task Force. The bill package required the SCAO to develop guidelines on the use of screening and assessment tools. The SCAO, with the help of the Juvenile Justice Partnership Committee and subgroups, developed the *Juvenile Justice Screening and Assessment Tools Guidelines*³ which were published in August 2024. See the guidelines for detailed information on the use of screening and assessment tools, including the approved and selected tools.

As part of this bill package, the Social Welfare Act was amended to require courts to utilize research-based juvenile-specific probation standards as developed and approved by SCAO from the Child Care Funds received. [[MCL 400.117a\(13\)\(d\)](#)]

¹ [Executive Order 2021-6: Task Force on Juvenile Justice Reform](#)

² [Michigan Task Force on Juvenile Justice Reform Report and Recommendations](#)

³ [SCAO Juvenile Justice Screening and Assessment Tools Guidelines](#)

II. Administrative Standards

a. Administrative Order

Michigan Supreme Court Administrative Order 1985-5(I(C)) – Juvenile Court Standards and Administrative Guidelines for the Care of Children (AO No. 1985-5)⁴ provides for the standards required for direct services staff including juvenile probation officers and casework staff.

i. Education, Knowledge, and Abilities

At the time of appointment, a juvenile probation officer or caseworker must possess the following qualifications:

1. Education and Experience

A juvenile probation officer or caseworker must have a bachelor's degree in social work, criminal justice, education, behavioral sciences, or a related field that qualifies the person to manage or supervise the delivery of juvenile services. Additionally, two years of casework experience in juvenile court or a related child welfare agency is desired.

2. Knowledge and Abilities

A juvenile probation officer should possess knowledge of delinquency matters, the juvenile justice system and children's services programs, as well as the effects of social conditions on family functioning. Additionally, a juvenile probation officer should have the ability to apply social casework methods to working with youth and families.

ii. Certification and Training

In addition to the qualifications listed above, Michigan Supreme Court Administrative Order 1985-5 – *Juvenile Court Standards and Administrative Guidelines for the Care of Children* requires completion of the Michigan Judicial Institute certification training for juvenile court staff within two years after date of employment.

b. Ethics and Model Code of Conduct

As professionals, probation officers and caseworkers exercise specialized knowledge and skills and have unique obligations to the court, youth, and families served. To assure the highest degree of conduct, the Michigan Supreme Court has developed the “*Model Code of Conduct for Michigan Court Employees*”⁵ which includes guidelines for juvenile probation officers. The Model Code of Conduct includes the following ten canons and guidelines:

⁴ [Michigan Supreme Court Administrative Order No. 1985-5](#)

⁵ [MJI Juvenile Probation Officer and Caseworker Self-Instruction Manual: Chapter 12](#)

1. Impropriety or the Appearance of Impropriety

Probation officers are highly visible and should conduct themselves in a way that instills public trust and confidence. Their actions reflect not only on themselves, but on the court as well. Improper behavior or the appearance of improper behavior may compromise the integrity of the court, including violating any laws or accepting outside employment that may conflict or appear to conflict with their job duties.

2. Abuse of Position

The use of the real or apparent power of a position as a probation officer to personally benefit the probation officer or someone else is prohibited. Probation officers shall not use their position to secure privileges, gifts, special favors, or exemptions, nor attempt to take advantage of their access to court records to further personal interest or engage in ex parte discussions with judges or referees to influence the court or outcome of proceedings.

3. Impartiality

The official actions of a probation officer should not be affected or appear to be affected by kinship, rank, position, or influence of any party or person involved in the court system. Probation officers should understand and be mindful of positive and negative bias, be aware of cultural and personal bias, and strive for bias-free behavior.

4. Proper Use of Public Resources

Probation officers shall use public resources, property, and funds judiciously and solely in accordance with prescribed procedures, while refraining from conducting personal business on work time, including the time spent traveling to or from home visits in a county vehicle, or when being reimbursed by the county for mileage.

5. Duty to Disclose

A probation officer shall report violations of this code or attempts to compel another to violate this code, including informing their employer if arrested in any jurisdiction or involved in any pending legal action at the court of employment.

6. Confidentiality & Discretion

Although most court records are public, juvenile court records are nonpublic and cannot be released, except as allowed in the *Nonpublic and Limited-Access Court Records*⁶ chart developed by the SCAO. Confidential information should never be disclosed to any unauthorized person for any purpose. Probation officers shall maintain the integrity of private information and use reasonable efforts to seek only that personal information that is necessary to perform their responsibilities.

⁶ [Nonpublic and Limited-Access Court Records](#)

7. Discrimination

A probation officer shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin.

8. Political Activity

A probation officer's ability to participate in the democratic process by working for a political cause, party, or candidate should not be hampered by his or her employment, if done outside of working hours. Political activity should not enter the workplace and government equipment, and resources should not be used for promoting political activity.

9. Duty to Serve

Probation officers must reflect a high level of professionalism as they faithfully carry out all assigned duties and enforce the rules and orders provided by the court. Probation officers should respect the importance of all entities involved with the juvenile justice system and cultivate professional cooperation with each.

10. Competency

Probation officers are encouraged to take advantage of educational opportunities that will enhance their skills, knowledge, and abilities, and allow for better service.

III. Case Processing Standards

Once a youth has been referred to the court as a result of delinquent behavior, decisions must be made regarding how to proceed. All youth referred to the court should proceed through an intake process to determine which route should be taken in order to hold the youth accountable for their behavior and provide rehabilitative services. Youth can proceed through the court system either informally through diversion programming or participating in a consent calendar case plan, or formally after being adjudicated for an offense.

a. Intake

i. Risk Screening and Mental Health Screening

A validated risk screening tool and a mental health screening tool must be administered on youth prior to making decisions to proceed informally with diversion or the consent calendar.

ii. Decision Making

After considering the results of the risk screening tool and mental health screening tool, as well as all collateral information collected, an intake worker must make a determination regarding the path a juvenile's case will follow. Options available to the court include warning the youth and dismissing the case, utilizing a diversion program, placement on a consent calendar, or adjudication and proceeding on the formal calendar.

b. Disposition

i. Risk and Needs Assessments

A validated risk and needs assessment must be administered prior to disposition to help inform the recommendations and decisions regarding disposition for a youth. The results of the risk and needs assessment must be shared with all parties 7 days before disposition. An updated risk and needs assessment must be completed at certain intervals throughout a youth's jurisdiction, including every 6 months after the initial assessment, if the youth experiences a major life event, or if there is a major change in the youth's proceedings. Depending on the tool used, an updated assessment may need to be completed at more frequent intervals to maintain the fidelity of the tool.

ii. Considerations

When determining appropriate recommendations for disposition, the following additional factors must be taken into consideration: least restrictive setting, public safety, victim interests, rehabilitation, and improved juvenile outcomes, including but not limited to educational advancement.

IV. Case Planning Standards

A case plan is a written document outlining goals and activities to be completed during a youth's probation supervision period. Case planning should be a balanced approach of supervision based on the results of a risk and needs assessment, in collaboration and with input from the youth, family, and service providers.⁷ The case plan should be both strength-based and trauma-informed. The case plan should also be clearly explained to the youth and family while allowing the family input and the ability to ask questions for clarification.

a. Individualized

A case plan provides information regarding expected outcomes, goals, and services for the youth. Case plans should be individualized to the youth and family based upon the results of a risk and needs assessment and any and all collateral information received during the court's investigative process. The results of the risk and needs assessment will outline areas of greatest need, while highlighting individual strengths of the youth. Building upon the youth's strengths, a case plan should be a roadmap to successful completion of juvenile court supervision.

b. Addressing Needs and Promoting Strengths

A case plan should focus on addressing criminogenic needs, promoting positive youth development, setting clear and achievable goals, aligning reporting requirements with the risk score, and tailoring conditions of probation to the individual youth.⁸ When creating a case plan, the probation officer or caseworker should:

⁷ [Office of Juvenile Justice and Delinquency Prevention \(OJJDP\): Bridging Research and Practice in Juvenile Probation](#)

⁸ [OJJDP](#)

1. Identify criminogenic risks/needs and dynamic factors.

Dynamic factors are areas that can be changed with effective interventions. Examples include substance use, poor problem-solving skills, lack of education/school attendance.

2. Identify a youth's strengths and protective factors.

Protective factors include positive family involvement, positive attitude towards seeking help, a commitment to education and positive peer relations.

3. Identify 2-3 clear and achievable goals.

Goals should be developed with input from the youth and family and should be strength-based while aligning with the youth's personal interests.

4. Select activities to help youth work towards their goals.

Activities should be clearly written in the case plan with a timeframe and expectation for completion.

c. Family and Community Partner Engagement

Engaging family and community partners in the juvenile court process can encourage collaboration and lead to successful outcomes for the youth and family. Involving families throughout the juvenile court process helps to foster a family-centered approach. It is equally important to ensure that family engagement activities align with their cultural norms and practices.

Juvenile probation officer engagement with a youth and their family allows the officer to learn about the youth's interests and the family's goals for supervision, as well as gain insight on potential barriers to the youth attaining personal growth, positive behavior change, and long-term success. When probation officers positively engage with parents or other supportive adults in a youth's life, they are more likely to succeed. Engagement requires probation personnel to seek advice and opinions from families, honor and respect their insight and perspective, and treat them as essential participants in the development of their youth's case plans and the oversight of their youth's experience on probation.⁹

Additionally, engaging community partner involvement in a youth's case by working together can help alleviate substantial burdens on families. Community collaboration also assists with ensuring that everyone involved in a youth's case are working together toward the same goals and successful outcomes.

V. Supervision Standards

Case contacts with youth and their families should be based on a court's individual policies and procedures. Consideration for, and the frequency of, contact should be based upon the results of the screening and assessment tools, as well as the goals developed in the youth's case plan.

⁹ [Annie E. Casey Foundation: Family-Engaged Case Planning](#)

a. Informal Probation

The court may proceed informally with a case through either utilizing a diversion agreement or a consent calendar case plan. For diversion cases, the court must consider the eligibility and procedural requirements as defined in the Juvenile Diversion Act ([MCL 722.821 et seq.](#)). The court must follow the requirements as outlined in [MCL 712A.2f](#) when utilizing the consent calendar case plan.

i. Individualized

Case plans for diversion agreements and consent calendar plans should be individualized to the youth and family based upon the results of a risk screening tool and mental health screening tool along with any and all collateral information received during the court's investigative process. Juvenile probation officers should collaborate with the youth, family and involved community partners to identify specific areas of need, develop goals, and then determine the appropriate services to assist the youth and family in achieving the identified goals.

ii. Length

The time frame in order for a youth to complete a diversion agreement must not exceed three months, unless the caseworker determines that a longer period is needed in order for the youth to complete a specific treatment program.

The timeframe in order for a youth to complete a consent calendar case plan must not exceed six months, unless the caseworker determines that a longer period is needed in order for the youth to complete a specific treatment program.

b. Formal Probation

Formal probation results from a youth having been adjudicated for an offense brought before the court where probation serves as disposition. Probation serves two primary purposes, including holding youth who have offended accountable in order to protect public safety and supporting youth rehabilitation through service delivery as an alternative to incarceration.¹⁰ Youth on formal probation must comply with the conditions of supervision as ordered by the court, which may include participation in treatment services, community service, random drug and alcohol testing, and payment of restitution, among other options.

i. Individualized

Probation supervision should align with a youth's case plan, individual risk score and the number of hours of intervention needed to reduce the risk of recidivism. The number of hours of intervention should correlate with the youth's individual risk score. For example, a youth with a high-risk level should receive more hours of intervention than a youth with a low or moderate risk level. Oversaturating a low-risk youth with intervention can have a negative impact and lead to further involvement in the justice system. Periodic review hearings should be held to determine progress or lack thereof and to reestablish goals and treatment.

¹⁰ Office of Juvenile Justice and Delinquency Prevention: [Formal, Post-Adjudication Juvenile Probation Services](#)

ii. Length

The time period for a youth to complete the conditions of probation as ordered by the court may vary based upon, but not limited to, the youth's risk level, the needs of the youth and family, the services offered and the required timeframe for completion, as well as the nature of the offense. The time period for completion should be achievable by the youth with an end date specified. The length of probation should not be open-ended or generically based upon the maximum age of jurisdiction.

c. Graduated Responses and Incentives

A graduated response system uses a wide range of incentives and sanctions to promote positive change in youth under court supervision. The use of graduated responses helps probation officers and caseworkers steer away from punitive and ineffective consequences or excessive use of detention. When developing a graduated response matrix or guide, the following areas should be considered:

i. Certain

Youth should be aware of the existence of automatic consequences and incentives, including what they could be.

ii. Immediate

Youth must be able to see the relationship between their actions and timely imposition of consequences or receipt of incentives.

iii. Proportionate

Sanctions and incentives should be proportional to the behavior.

iv. Fair

Sanctions and incentives should be applied equally across the board to all youth involved on probation.

v. Tailored to the youth

Sanctions and incentives should align with a youth's interests and skills to motivate them to succeed.

d. Out-of-Home Placement

Use of out-of-home placement should be reserved for those youth where it is not safe for them to remain in the community and a higher level of care and services are warranted.

i. Secure Detention

1. Screening

A detention screening tool must be administered, and the results considered prior to any decision to detain a youth in secure detention. While the screening tool is required to be used, it is not meant to be used in isolation. The results of the screening tool should be considered, along with other factors, such as those that must be considered

pursuant to MCR 3.935, the reason behind the request for detainment, and professional discretion. See the [SCAO Juvenile Justice Screening and Assessment Tools Guidelines for additional information](#).

2. Alternatives to Detention

In order to reduce reliance on the use of secure detention as a sanction, alternatives to detention should be considered and recommended whenever safely possible. Research has demonstrated that detention negatively affect a youth's mental state, academic aptitude, and employment prospects. There are indications that serving youth in the community, where they have a greater chance of receiving appropriate rehabilitation and being surrounded by prosocial others, is a less expensive and equally effective alternative.¹¹ The following are a few examples of alternatives to detention:

- Home Confinement or House arrest
- Electronic Monitoring
- Day Treatment Programs
- Therapeutic Foster Homes
- Functional Family Therapy

ii. Residential

All youth who are recommended for out-of-home residential placement must have a risk and needs assessment completed with the results indicating the need for a higher level of intervention. In general, youth who are at a low or moderate risk of reoffending should not be recommended for out-of-home placement unless there are extenuating circumstances that would require such higher level of care be recommended.

Before placement of a youth in a more restrictive setting, the court is required to conduct a review hearing pursuant to MCR 3.945(A)(2). A probation officer should provide the results of any assessment completed, along with recommendations for placement to the youth, parents, and all parties prior to the hearing.

iii. Re-entry

Re-entry planning should begin when a youth enters a facility. A probation officer will create a discharge plan prior to the youth's release from out-of-home placement. The discharge plan should include input from the youth, family, and residential treatment providers. The discharge plan may also include input from a community team who will assist the youth with the goals of their discharge plan (e.g. lawyer, family, healthcare provider, counselor or CMH professional, school representative, mentor). Areas to address in the plan may include the following in addition to other areas identified as a need:

- Stable housing and reunification of the family

¹¹ [Office of Juvenile Justice and Delinquency Prevention: Alternatives to Detention and Confinement](#)

- Educational resources
- Mental health and public health services
- Employment or vocational training

VI. Data Review

a. Reviewing Data

Data must be collected on all cases to help in determining the effectiveness of interventions. This will help the court determine whether any modifications should be made in programming offered. Proper data collection can help courts see how they respond to each youth in their jurisdiction and determine if services are being provided equitably.

b. Addressing Disparities

Disproportionate representation can occur at all points of contact in the juvenile justice system. Research from The Sentencing Project shows that while there is little difference in offending rates for lawbreaking behavior for all youth, youth of color are arrested at a higher rate than white youth. Post arrest, this trend continues with cases referred to juvenile courts, where white youth are offered diversion services at a higher rate compared to youth of color.

To effectively address these racial, ethnic and other disparities, it is crucial to divert youth from court involvement and reduce the reliance of detention as a consequence for non-compliance, where appropriate. Additionally, using evidence-based risk assessment tools are beneficial as they provide consistent criteria for evaluating a youth's risk of offending across all youth, by eliminating subjectivity from decision-making.¹²

According to The Sentencing Project, the most comprehensive method to reduce disparities is to collect and analyze data, breaking it down by race and ethnicity to determine where disparities are the most visible¹³. Specific examples of data review should include:

- Most common offenses youth are being referred to court (all youth)
- Of the most common offenses, identify any disparities in referrals for youth of color
- Share of youth from different racial and ethnic backgrounds being offered diversion
- How do the above rates differ based on offenses
- For all youth offered diversion, does the amount of youth who participate differ by race and ethnicity?
- What are success rates for youth on diversion, specifically for youth of color.

In addition to the requirements outlined in the Michigan Justice for Kids and Communities Legislation¹⁴ expanding the use of diversion and consent calendar services for youth and limiting the time period those services can be in place; it is important to not limit a youth's

¹² Coalition for Juvenile Justice: Policy Position 6: [Eliminate Racial and Ethnic Disparities](#)

¹³ The Sentencing Project: Protect and Redirect: [How to Reduce Racial and Ethnic Disparities in Juvenile Diversion](#)

¹⁴ Public Acts [287](#), [288](#), [289](#), [290](#), [291](#), [292](#), [293](#), [294](#), [295](#), [296](#), [297](#), [298](#), [299](#), [300](#), [301](#), [302](#), [303](#), [304](#), [305](#) of 2023

opportunity for diversion if they return on future offenses as well as limit the use of punitive responses for minor or technical violations of diversion agreements¹⁵.

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