



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909

Thomas P. Boyd
State Court Administrator

MEMORANDUM

DATE: November 21, 2024

TO: Circuit Court Judges
Presiding Family Court Judges
Circuit Court Administrators
Family Division Administrators

FROM: Thomas P. Boyd, State Court Administrator

RE: Changes to Indigent Youth Appeals

Effective October 1, 2024, [Public Act 299 of 2023](#), expands appellate defense services to include indigent youth. Prior to this change, only adults were provided appellate defense services through the State Appellate Defender Office (SADO). Michigan Court Rules were also amended, effective October 1, 2024, to incorporate the statutory changes and prescribe procedures for the appointment process for appellate counsel in cases involving juveniles.

Public Act 299 requires the Appellate Defender Commission to develop a system of appellate defense services for indigent youth to receive these services in their respective appeals processes in juvenile delinquency proceedings, designated proceedings, and traditional waivers as reflected in the following statutory amendments:

- [MCL 780.712](#) was amended to require the Appellate Defender Commission to develop a system of appellate defense services for indigent youth and to establish a statewide roster of local attorneys who are eligible for, and willing to accept appointment as, appellate defense counsel for indigent youth. The appointment of appellate defense services for indigent youth must be made from the statewide roster or referred to the office of the state appellate defender.
- [MCL 780.714](#), [MCL 780.716](#), and [MCL 780.717](#) were amended to require the SADO to represent indigent youth subsequent to an appealable order, conduct appropriate postdisposition remedies on behalf of indigent youth, and represent

indigent youth at any stage of appellate proceedings by rules adopted by the Appellate Defender Commission.

- New [MCL 780.718a](#) provides that an indigent defense system¹ is responsible for the payment of reasonable fees and expenses for the services provided by locally appointed private counsel and requires the Appellate Defender Commission to establish procedures for the payment of such by indigent defense systems and the reimbursement of those systems.

Based upon the amendments to the Appellate Defender Act as outlined in Public Act 299, the state of Michigan will match funds to reimburse counties for paying assigned attorneys on a 1:1 basis. The Appellate Defender Commission has set Michigan Appellate Assigned Counsel System (MAACS) rates for Fiscal Year 2025 as follows:

- Misdemeanors and Status Offenses: \$125/hour
- Non-Capital Felonies: \$137/hour
- Capital Felonies: \$149/hour

Counties which agree to pay attorneys at the above rates will receive reimbursement from MAACS for half of an attorney's approved fees and expenses. Counties which elect to pay attorneys at a lower rate will not be eligible for state reimbursement. All 83 counties have agreed to an identical reimbursement provision for felony criminal appeals, and some counties have already agreed to the MAACS rate for delinquency appeals. For additional information, please visit the MAACS website at www.sado.org/maacs.

On May 22, 2024, the Michigan Supreme Court issued [ADM File No. 2023-36](#), which include additional changes to the appointment process for appellate counsel in cases involving juveniles). The specific amendments are as follows:

- [MCR 3.937](#) was amended to provide that at the conclusion of a dispositional hearing under [MCR 3.943](#) or any delinquency hearings which the court has ordered a juvenile to be removed from a parent's care and custody, the court must advise the juvenile on the record that:
 - The juvenile has a right to appellate review of the order.
 - If the juvenile cannot afford an attorney for appeal, the court will appoint an attorney at public expense and provide the attorney with the complete transcripts and record of all proceedings.
 - A request for the appointment of an appellate attorney must be made

¹ "Indigent defense system" means either of the following: 1) The local unit of government that funds the court, or 2) If a trial court is funded by more than 1 local unit of government, those local units of government, collectively. [\[MCL 780.711a\(c\)\]](#)

- within 21 days after notice of the order is given or an order is entered denying a timely-filed post-judgment motion, if the juvenile wants to preserve any appeal by right authorized by these rules; or
 - within 6 months of the entry of the order to be appealed.
- [MCR 3.950](#) was amended relating to the granting of a motion requesting that the family division waive its jurisdiction to a court of general criminal jurisdiction to provide that if the court determines it is in the best interests of the juvenile and public to waive jurisdiction over the juvenile, the court must also advise the juvenile, orally or in writing, that the court will appoint an attorney to represent the youth on appeal in accordance with [MCR 3.993\(D\)\(3\)](#), if the youth is financially unable to retain an attorney.
 - [MCR 3.955](#) was amended to provide that if a youth is to be sentenced as an adult, either initially or following a delayed imposition of sentence, the sentencing hearing shall be held in accordance with the procedures set forth in [MCR 6.425](#), including the procedures for appointing appellate counsel as outlined in [MCR 6.425\(G\)](#). The court rule was also amended to provide that if the court does not determine that a youth should be sentenced as an adult, the court must hold a dispositional hearing and comply with the procedures outlined in [MCR 3.943](#), and any requests for and appointment of appellate counsel are subject to the procedures in [MCR 3.993\(D\)](#).
 - [MCR 3.993](#) was amended to provide that an order granting a motion to waive jurisdiction as provided in [MCR 3.950\(E\)\(1\)\(c\)](#), is appealable to the Court of Appeals by right. Additionally, to preserve an appeal by right from an order listed in [MCR 3.993\(A\)](#), a request for appointment of appellate counsel must be made within 21 days after notice of the order is given or an order is entered denying a timely-filed post-judgment motion. Except as provided in [MCR 3.993\(C\)\(3\)](#), if a request for appointment of appellate counsel is filed within 6 months of entry of the order to be appealed, and the court finds that the respondent is financially unable to retain an attorney, the court must appoint an attorney within 14 days after the respondents' request is filed for child protective proceedings, and appoint an attorney as provided in [MCR 3.993\(D\)\(5\)](#) in all other proceedings subject to this rule.
 - [MCR 3.993](#) was further amended to provide for new procedures for the appointment of appellate counsel via the Michigan Appellate Assigned Counsel System (MAACS) for juvenile delinquency proceedings, designated proceedings, and traditional waivers. Under this addition, a request for appointment of appellate counsel in a proceeding subject to [MCR 3.993\(D\)\(5\)](#) must be deemed filed on the date it is received by the court or the MAACS, whichever is earlier. Within 7 days after receiving a juvenile's request for a lawyer or after the disposition of a post-judgment motion, the court must submit the request, the order to be appealed, the

register of actions, and any additional requested information to MAACS under the procedures approved by the Appellate Defender Commission for the preparation of an appropriate order granting or denying the request. The court must notify MAACS if it intends to deny the request. Then, within 7 days after receiving a request and related information from the court, MAACS must provide the court with a proposed order appointing appellate counsel, naming the SADO or an approved private attorney, or denying the appointment of appellate counsel. Further, within 7 days after receiving a proposed order from MAACS, the court must rule on the request for an appellate attorney. If the juvenile is indigent, the court must enter an order appointing an attorney if the request is filed within 6 months. An order denying a request for the appointment of appellate counsel must include a statement of reasons and must inform the juvenile that the order denying the request may be appealed by filing an application for leave to appeal with the Court of Appeals under [MCL 7.205](#).

- Lastly, [MCR 6.931](#) was amended to require the court to advise the juvenile concerning the right to appeal in both cases involving a conviction following a trial and cases involving a conviction following a plea of guilty or nolo contendere pursuant to [MCR 6.425\(F\)](#), and that requests for and appointment of appellate counsel are subject to the procedures in [MCR 6.425\(G\)](#).

If you have any questions, please contact your [regional administrator](#).