

Initiating Juvenile Delinquency Proceedings Checklist¹

- Verify that request for court action against a juvenile is by written petition from the prosecutor.** See [MCL 712A.11\(2\)](#); [MCR 3.914\(B\)\(1\)](#); [MCR 3.931\(A\)](#); [MCR 3.932\(D\)](#). For certain offenses, an appearance ticket or citation may satisfy the written petition requirement. See [MCR 3.931\(C\)](#); [MCR 3.933\(A\)](#). However, any person may provide information to the court indicating that a juvenile has committed a status offense. [MCL 712A.11\(1\)](#).
- Determine sufficiency of the petition.** It must contain the following information:
 - The juvenile's name, address, and date of birth, if known;
 - the names and addresses, if known, of:
 - the juvenile's mother and father,
 - the guardian, legal custodian, or person having custody of the juvenile, if other than a mother or father,
 - the nearest known relative of the juvenile, if no parent, guardian, or legal custodian can be found, and
 - the juvenile's membership or eligibility for membership in an Indian tribe, if any, and the identity of the tribe.

¹Instruments of restraint . . . may not be used on a juvenile during a court proceeding unless the court finds that the use of restraints is necessary due to one of the" factors set forth in [MCR 3.906\(A\)\(1\)-\(3\)](#). [MCR 3.906\(A\)](#). A determination that restraints are necessary must be made in compliance with [MCR 3.906\(B\)](#), and any use of restraints must comply with [MCR 3.906\(C\)](#).

- sufficient allegations that, if true, would constitute an offense by the juvenile;
- a citation to the section of the Juvenile Code relied on for jurisdiction;
- a citation to the federal, state, or local law or ordinance allegedly violated by the juvenile;
- the court action requested;
- if the juvenile is accused of an act constituting a felony in which a motor vehicle was used, the notice required by [MCL 257.732\(8\)](#), and the juvenile's Michigan driver's license number; and
- a statement indicating whether a family division matter or tribal court case involving members of the same family is or was pending. [MCR 1.109\(D\)\(2\)\(b\)](#); [MCR 3.931\(B\)](#); [MCL 712A.11\(3\)](#).
 - If so, ensure that the petitioner has filed a case inventory listing the known cases. [MCR 3.931\(A\)](#).
- Ensure that if any of the facts required in the petition are not known to the petitioner, that the petition states that the facts are not known. [MCL 712A.11\(4\)](#).**
- Determine whether the assistance of an attorney is necessary. If the juvenile is not represented by an attorney, advise the juvenile of his/her right to the assistance of an attorney at each stage of the proceedings on the formal calendar, including trial, plea of admission, and disposition. [MCR 3.915\(A\)\(1\)](#). Appoint an attorney to represent the juvenile if:**
 - The parent, guardian, or legal custodian refuses or fails to appear and participate in the proceedings.
 - The parent, guardian, or legal custodian is the complainant or victim.
 - The juvenile and those responsible for the support of the juvenile are found financially unable to retain an attorney, and the juvenile does not waive an attorney.
 - Those responsible for the support of the juvenile refuse or neglect to retain an attorney for the juvenile, and the juvenile does not waive an attorney.
 - The court determines that the best interests of the juvenile or the public require appointment. [MCR 3.915\(A\)\(2\)](#).

Note: The juvenile may waive the right to the assistance of an attorney except where a parent, guardian, legal custodian, or guardian ad litem objects or when the appointment is based on [MCR 3.915\(A\)\(2\)\(e\)](#) (court determines that the best interests of the juvenile or the public require appointment). [MCR 3.915\(A\)\(3\)](#).

- The waiver by a juvenile must be made in open court to the judge or referee, who must find and place on the record that the waiver was voluntarily and understandingly made. [MCR 3.915\(A\)\(3\)](#).
- Note:** If the juvenile attains his/her eighteenth birthday after the filing of the petition, the court's jurisdiction continues beyond the juvenile's eighteenth birthday, and the court may hear and dispose of the petition. [MCL 712A.11\(4\)](#).
- Note:** A petition or other court record may be amended at any stage of the proceedings as the ends of justice require. [MCL 712A.11\(6\)](#).
- Note:** Do not remove a case involving the alleged commission of an offense listed in the Crime Victim's Rights Act (CVRA), [MCL 780.781\(1\)\(g\)](#), from the adjudicative process, unless there has been compliance with the procedures set out in that act. [MCL 780.786b](#); [MCR 3.932\(B\)](#).
- Determine whether to proceed with the petition under the Juvenile Diversion Act, [MCL 722.821 et seq.](#), without authorizing the petition to be filed.**
 - Court services can be used in the prevention of delinquency without formal jurisdiction, if the factors for diversion have been considered. See [MCL 722.824](#). Restitution must not be considered when deciding if the minor may be diverted under [MCL 722.823\(1\)](#). [MCL 722.823\(1\)\(b\)](#).
 - Before a diversion decision is made for a minor, a trained designated individual or agency may conduct a risk screening tool and a mental health screening tool unless the minor:
 - is accused or charged with a specified juvenile violation as defined in [MCL 722.822\(e\)](#). [MCL 722.823\(3\)](#); [MCL 722.823\(4\)\(a\)](#); or
 - is currently under supervision in the juvenile justice system by the court or the Department of Health and Human Services. [MCL 722.823\(4\)\(b\)](#).

- The risk screening tool and a mental health screening tool must be research based and nationally validated for use with minors and comply with SCAO guidelines. MCL 722.823(6). See MCL 722.823(7).
- A minor must not be diverted under MCL 722.823(1)(b) unless a law enforcement official or court intake worker receives and uses the results of a risk screening tool and a mental health screening tool for the minor, and the best interests of public safety and the minor, to inform the diversion decision. MCL 722.823(5).
- Determine whether to proceed on the consent calendar without authorizing the petition to be filed.²**
 - “Subject to [MCL 712A.2f(2)], if the court determines that formal jurisdiction should not be acquired over a juvenile, the court may proceed in an informal manner referred to as a consent calendar.” [MCL 712A.2f\(1\)](#); [MCR 3.932\(C\)](#). The court must not consider restitution when determining if the case should be placed on the consent calendar under MCL 712A.2f. [MCL 712A.2f\(1\)](#); [MCR 3.932\(C\)\(2\)\(a\)](#). However, if the case involves an offense as described in [MCL 780.781](#) (Crime Victim’s Rights Act), the procedures in [MCL 780.786b](#) must be followed. [MCL 712A.2f\(5\)](#); [MCR 3.932\(C\)\(2\)\(a\)](#).
 - Consider the results of the risk screening tool and mental health screening tool conducted on the juvenile by a trained designated individual or agency. [MCL 712A.2f\(2\)\(b\)](#); [MCR 3.932\(C\)\(2\)\(b\)](#).
 - If it appears that protective and supportive action by the court will serve the best interests of the juvenile and the public, the court may proceed on the consent calendar without authorizing a petition to be filed. [MCL 712A.11\(1\)](#); [MCR 3.932\(C\)\(1\)](#).
 - No case may be placed on the consent calendar unless the juvenile and his/her parent, guardian, or legal custodian, and the prosecutor, agree to have the case placed on the consent calendar. [MCL 712A.2f\(2\)\(a\)](#); [MCR 3.932\(C\)\(2\)\(a\)](#).

If proceeding on the consent calendar, go to the Michigan Judicial Institute’s [Consent Calendar Checklist](#).

If not proceeding on the consent calendar, determine whether the petition seeks to detain the juvenile.

²Note: A petition may proceed on the consent calendar even after it has been authorized.

- If so, and if probable cause exists to believe the juvenile committed the alleged offense, you may issue an apprehension order as set out in [MCR 3.933\(B\)](#). Once the juvenile has been apprehended, a preliminary hearing must be held within 24 hours. See [MCR 3.935\(A\)](#).

Once juvenile has been apprehended, see the Michigan Judicial Institute's [Preliminary Hearing Checklist](#).

- If not, you may conduct a preliminary inquiry. See [MCR 3.932\(A\)](#).

If conducting a preliminary inquiry, go to the Michigan Judicial Institute's [Preliminary Inquiry Checklist](#).

- If not proceeding under the Juvenile Diversion Act or on the consent calendar, or issuing an apprehension order, conduct a preliminary inquiry to determine whether to authorize the petition (i.e., whether to acquire formal jurisdiction). [MCL 712A.11\(1\)-\(2\)](#).**

- If authorizing the petition, docket the case on the formal calendar if formal court action is in the juvenile's and the public's best interest.

For court forms related to juvenile actions, see the [One Court of Justice website](#).

