

Act No. 288
Public Acts of 2023
Approved by the Governor
December 12, 2023
Filed with the Secretary of State
December 13, 2023
EFFECTIVE DATE: October 1, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Hope, Wilson, Tsernoglou, Morse, Paiz, Pohutsky, Byrnes, Miller, Young, Rheingans, Wegela, Dievendorf, Hood, Grant, O’Neal, Breen, Price, Brixie, Morgan, Hoskins, MacDonell, Edwards, Brenda Carter, Brabec, Arbit, Glanville, McKinney, Scott, Conlin and Aiyash

ENROLLED HOUSE BILL No. 4626

AN ACT to amend 1988 PA 13, entitled “An act to permit certain minors to be diverted from the court system having jurisdiction over minors; to establish diversion criteria and procedures; to require certain records to be made and kept; to prescribe certain powers and duties of courts having jurisdiction over minors and of law enforcement agencies; and to prescribe certain penalties,” by amending sections 5 and 6 (MCL 722.825 and 722.826), as amended by 1996 PA 137.

The People of the State of Michigan enact:

Sec. 5. (1) If a decision is made to divert a minor with a referral under section 3(1)(b), a conference with the minor and the minor’s parent, guardian, or custodian must be held to consider alternatives to the filing of a petition with the court or to the authorization of a petition. The law enforcement official or court intake worker shall notify the minor and the minor’s parent, guardian, or custodian of the proposed conference and shall inform the minor, and the minor’s parent, guardian, or custodian of all of the following:

- (a) That participation in the conference or resulting referral plan is voluntary.
- (b) That an attorney may accompany the minor and the minor’s parent, guardian, or custodian at the conference.
- (c) The alternative referral programs available and the criteria utilized to determine whether to file a petition with the court or to dispose of the petition with a referral.
- (d) That if diversion is agreed to and the minor complies with the terms of the diversion agreement and the referral plan, a petition cannot be filed with the court, or if a petition has been filed, the petition cannot be authorized.

(2) The conference to consider alternatives to the filing of a petition with the court or to consider alternatives to the authorization of a petition must not be held until after the questioning, if any, of the minor has been completed or after an investigation has been made concerning the alleged offense. Mention of, or promises concerning, diversion must not be made by a law enforcement official or court intake worker in the presence of the minor or the minor’s parent, guardian, or custodian during any questioning of the minor. Information divulged by the minor during the conference or after the diversion is agreed to, but before a petition is filed with the court or has been authorized, must not be used against the minor.

(3) If a conference held under this section results in diversion that imposes conditions on the minor and that will prevent the filing of a petition with the court or the authorization of a petition, the terms of the diversion agreement must be set forth in writing, dated, and signed by the law enforcement official or court intake worker, the minor, and the minor’s parent, guardian, or custodian. The time period for a minor to complete the terms of a diversion agreement must not exceed 3 months, unless the law enforcement official or court intake worker

determines that a longer period is needed for the minor to complete a specific treatment program and documents this determination as required under section 6. The diversion agreement must not include a term requiring the reimbursement of costs related to diversion services.

(4) If a conference is held under this section and an agreement under subsection (3) is not reached, a petition may be filed with the court as provided by law and a petition may be authorized as provided by law. If an agreement under subsection (3) is not reached and a petition is to be filed, the petition must be filed with the court not later than 30 days after the conference.

(5) If the minor fails to comply with the terms of the diversion agreement and the referral plan, the law enforcement official or the court intake worker may revoke the diversion agreement. If the diversion agreement is revoked, a petition may be filed with the court as provided by law and a petition may be authorized as provided by law.

Sec. 6. (1) When a decision is made to divert a minor, the law enforcement official or court intake worker shall file with the court in the county in which the minor resides or is found all of the following information:

- (a) The minor's name, address, and date of birth.
- (b) The act or offense for which the minor was apprehended.
- (c) The date and place of the act or offense for which the minor was apprehended.
- (d) The diversion decision made, whether referred or released.
- (e) The nature of the minor's compliance with the diversion agreement.

(f) The time period to complete the terms of the diversion agreement and, if the period exceeds 3 months, the determination that a longer period is necessary for the minor to complete a specific treatment program.

(g) If the diversion is under section 3(1)(b), the results of the minor's risk screening tool and mental health screening tool.

(2) If a diversion agreement is revoked under section 5(5), the law enforcement official or court intake worker shall file the fact of and reasons for the revocation with the court in which the information described in subsection (1) is filed. Enacting section 1. This amendatory act takes effect October 1, 2024.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4625 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor