

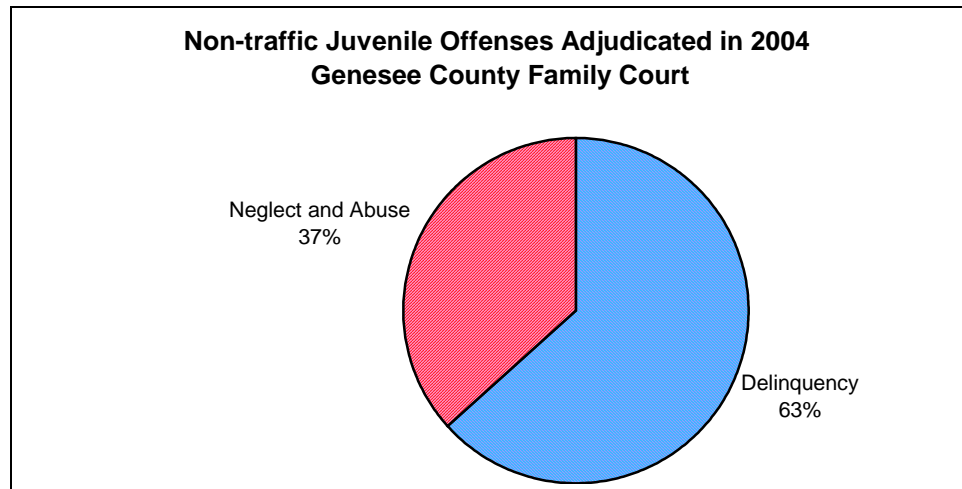


**Mission:** Improve the quality of life for children and families in Genesee County through assessment, public awareness and advocacy.

## **Fact Sheet 5.4 Genesee County Circuit Court Family Division: Jurisdiction & Process**

The family division was legislatively created in Michigan, effective January 1, 1998. It was designed to have one judge assigned to preside over all matters related to a family.

There are four different types of legal proceedings concerning juveniles: (1) divorce and custody issues (2) violations of criminal law by juveniles (3) the commission of non criminal acts i.e. runaway, school truancy and incorrigibility by juveniles and (4) violations of the child protection law (child abuse and neglect matters). Both criminal violations and non-criminal violations by juveniles are considered to be “*delinquency*.” The following will only be concerned with the processing by the court of matters characterized as *delinquency* or *abuse and neglect*.



- In 2004 [excluding traffic offenses], 63% of the adjudicated cases petitioned to the court were the result of delinquent acts committed by juveniles and 37% were concerned with the abuse or neglect of a child.

The legal process of the family division is the gateway to a broad variety of formal and informal intervention efforts. The intent is always the improved socialization of youth, rather than simply imposing punishment. Some of these services are provided through the court itself and others through the Department of Human Services (formerly FIA).

The various interventions available to the court include a wide array of options, ranging from the state training school (the juvenile equivalent of commitment to prison) all the way down to a warning that the court will take formal action, if the youth gets in trouble again during a set period of time. The court carefully attempts to match the appropriate level and type of judicial response to the particular circumstances and needs of each youth.

Interventions used with delinquents involve: (1) intensive probation (2) regular probation (3) monitoring by court volunteers (4) diversion to a variety of community-based programs, not operated by family division or (5) placement on the consent calendar.

Intensive probation staff are employees of the circuit court, family division. They have very frequent contact with the court ward. A court employee also oversees regular probation, but with less frequent contact.

**Fact Sheet 5.4: Genesee County Circuit Court, Family Division: Jurisdiction & Process continued...**

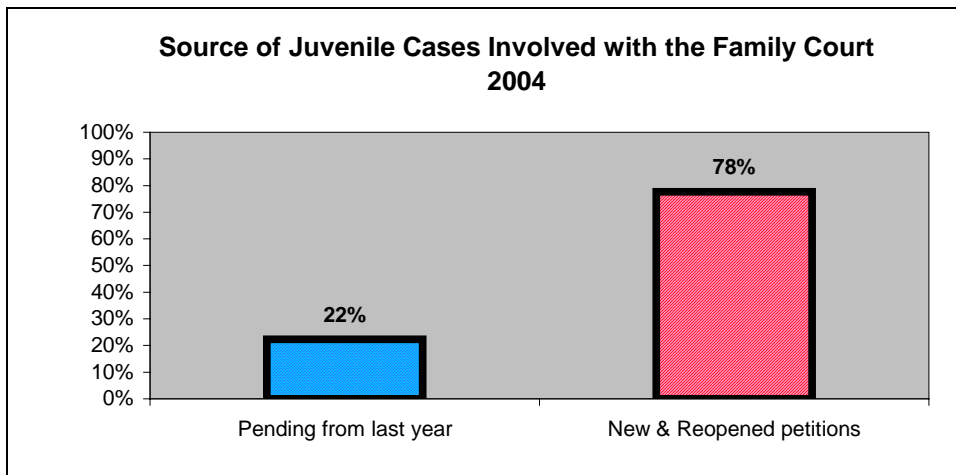
Monitoring by court volunteers is conducted by trained, non-professional people from the community. They make contact with, and monitor the adjustment of, juvenile offenders who are informally involved with the court.

The family division may determine that services should be offered to a juvenile with the filing or authorization of a formal petition. **The family division has the authority to establish, or assist in the development of, programs within the county to prevent delinquency and to provide services to act upon reports submitted to the court related to the behavior of juveniles who do not require formal court jurisdiction.** The juvenile and his/her parents must voluntarily accept these services.

The consent calendar is a vehicle for requiring accountability from a low-risk offender. If the youth gets in further trouble, during the informal probationary period [typically 3 months], they are still subject to the jurisdiction of the court. If the informal probationary period is successfully completed, the petition is dismissed. If the case is dismissed, the youth has no juvenile court record.

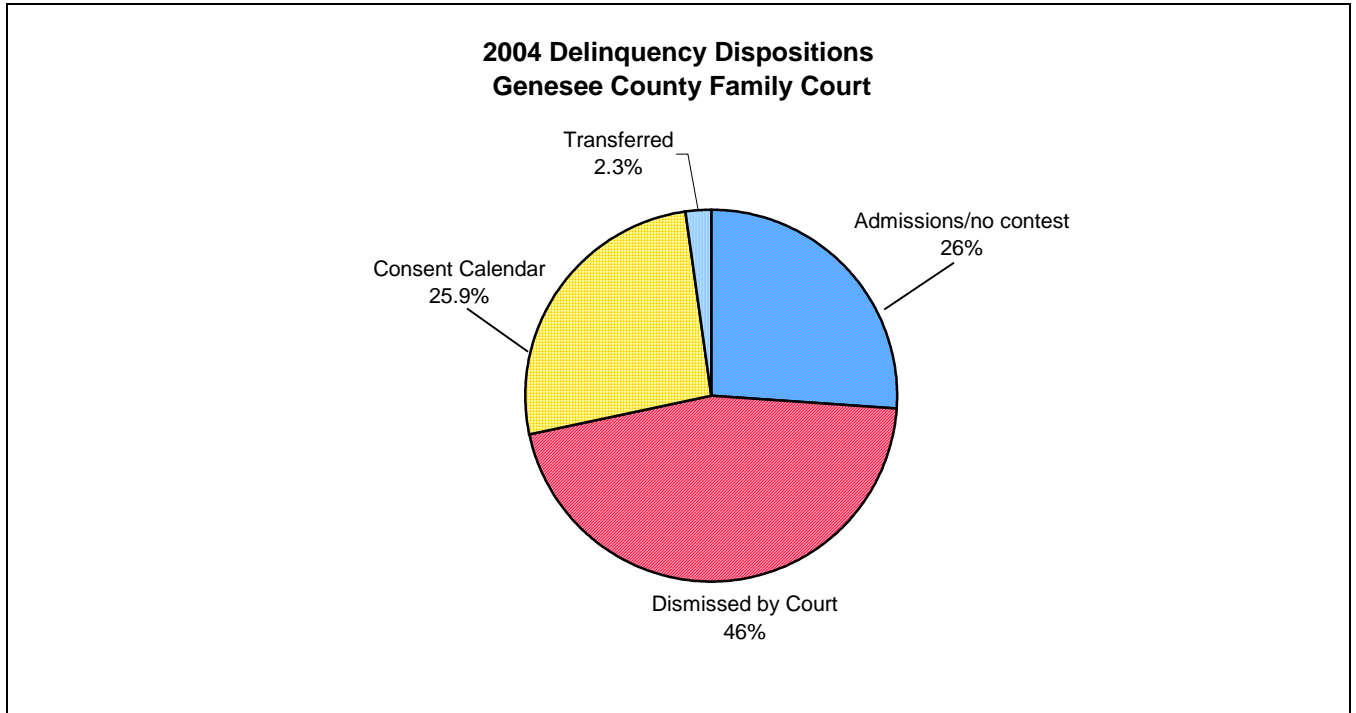
When a petition alleging either a criminal or non-criminal act is submitted to the court, there are three options: (1) the prosecutor may elect not to proceed (2) the court may refuse to accept the petition or (3) the court may accept the petition.

The family division is comprised of five (5) judges and five (5) attorney referees. Non-attorney referees, who are appointed by the judges, may also hear some aspects of family division proceedings.



- In 2004, the family division had a pending caseload of 3,181 petitions. 22% were petitions pending from the previous year and 78% were new or reopened petitions.

**Fact Sheet 5.4: Genesee County Circuit Court, Family Division: Jurisdiction & Process continued...**



- In 26% of the delinquent cases petitioned to the court and authorized in 2004, the juvenile entered a plea admitting responsibility for the conduct giving rise to the charges. Although juveniles have the right to a jury trial, no cases were decided by a jury in 2004.
- 46% of the petitions filed before the court in 2004 were not authorized and/or accepted for formal action by the court.
- 2.3% of the youth, whose petitions were accepted, were transferred to the jurisdiction of the court of another county. (This is done when the youth is already the ward of another county's court or the child is a resident of another county.) 25.9% of the delinquency cases were placed on the consent calendar.
- In almost all instances, court-involved abused or neglected children are reunited with their families after intervention. In 2004, only 219 petitions to terminate parental rights were filed in cases over which the court had taken jurisdiction.

**EXAMPLES OF INTERVENTIONS**

See Fact Sheet 5.1: Juvenile Offenses and Fact Sheet 5.3: Out of Home Placements or Services Paid for by the Child Care Fund which include a joint initiative between Genesee County Circuit Court – Family Division and United Way of Genesee County.

**Source:** Juvenile Unit, Genesee County Circuit Court, Family Division

**Revised:** 12/05/05