



1 as a consent calendar. The court shall not consider restitution  
2 when determining if the case should be placed on the consent  
3 calendar under this section.

4 (2) A case must not be placed on the consent calendar unless  
5 all of the following apply:

6 (a) The juvenile and the parent, guardian, or legal custodian  
7 and the prosecutor agree to have the case placed on the consent  
8 calendar.

9 (b) The court considers the results of the risk screening tool  
10 and mental health screening tool conducted on the juvenile by a  
11 designated individual or agency that is trained in those screening  
12 tools.

13 (c) The court determines that the case should proceed on the  
14 consent calendar in compliance with section 11(1) of this chapter.

15 (3) A risk screening tool and a mental health screening tool  
16 under subsection (2) must meet both of the following requirements:

17 (a) Be research based and nationally validated for use with  
18 juveniles.

19 (b) Comply with the guidelines created under subsection (4).

20 (4) The state court administrative office, under the  
21 supervision and direction of the supreme court, shall create  
22 guidelines on the use of risk screening tools and mental health  
23 screening tools described in subsection (2).

24 (5) Subject to subsection (2), the court may transfer a case  
25 from the formal calendar to the consent calendar at any time before  
26 disposition. A case involving the alleged commission of an offense  
27 as that term is defined in section 31 of the William Van  
28 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.781,  
29 must only be placed on the consent calendar upon compliance with

1 the procedures set forth in section 36b of the William Van  
2 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.786b.

3 (6) After a case is placed on the consent calendar, the  
4 prosecutor shall provide the victim with notice as required by  
5 article 2 of the William Van Regenmorter crime victim's rights act,  
6 1985 PA 87, MCL 780.781 to 780.802.

7 (7) Consent calendar cases must be maintained in the following  
8 nonpublic manner:

9 (a) Access to consent calendar case records must be provided  
10 to the juvenile, the juvenile's parents, guardian, or legal  
11 custodian, the guardian ad litem, counsel for the juvenile, the  
12 department ~~of health and human services~~ if related to an  
13 investigation of neglect and abuse, law enforcement personnel,  
14 prosecutor, and other courts. However, consent calendar case  
15 records must not be disclosed to federal agencies or military  
16 recruiters. As used in this subdivision, "case records" includes  
17 the pleadings, motions, authorized petitions, notices, memoranda,  
18 briefs, exhibits, available transcripts, findings of the court,  
19 register of actions, consent calendar case plan, risk screening  
20 tool and mental health screening tool results, and court orders  
21 related to the case placed on the consent calendar.

22 (b) The contents of the confidential file must continue to be  
23 maintained confidentially. As used in this subdivision,  
24 "confidential file" means that term as defined in MCR 3.903.

25 (c) A risk screening tool and a mental health screening tool  
26 conducted as part of a proceeding under this section and any  
27 information obtained from a juvenile in the course of those  
28 screenings or provided by the juvenile in order to participate in a  
29 consent calendar case plan, including, but not limited to, any

1 admission, confession, or incriminating evidence, are not  
2 admissible into evidence in any adjudicatory hearing in which the  
3 juvenile is accused and are not subject to subpoena or any other  
4 court process for use in any other proceeding or for any other  
5 purpose.

6 (8) The court shall conduct a consent calendar conference with  
7 the juvenile, the juvenile's attorney, if any, and the juvenile's  
8 parent, guardian, or legal custodian to discuss the allegations.  
9 The prosecuting attorney and victim may be, but are not required to  
10 be, present.

11 (9) If it appears to the court that the juvenile has engaged  
12 in conduct that would subject the juvenile to the jurisdiction of  
13 the court, the court shall issue a written consent calendar case  
14 plan. All of the following apply to a consent calendar case plan:

15 (a) The plan must include a requirement that the juvenile pay  
16 restitution under the William Van Regenmorter crime victim's rights  
17 act, 1985 PA 87, MCL 780.751 to 780.834. The court shall not order  
18 the juvenile or the juvenile's parent, guardian, or legal custodian  
19 to pay for fees or costs associated with consent calendar services.

20 (b) A consent calendar case plan must not contain a provision  
21 removing the juvenile from the custody of the juvenile's parent,  
22 guardian, or legal custodian.

23 (c) The period for a juvenile to complete the terms of a  
24 consent calendar case plan must not exceed ~~3~~6 months, unless the  
25 court determines that a longer period is needed for the juvenile to  
26 complete a specific treatment program and includes this  
27 determination as part of the consent calendar case record.

28 (d) The consent calendar case plan is not an order of the  
29 court, but must be included as a part of the case record.

1 (e) Violation of the terms of the consent calendar case plan  
2 may result in the court's returning the case to the formal calendar  
3 for further proceedings consistent with subsection (12).

4 (10) The court shall not enter an order of disposition in a  
5 case while it is on the consent calendar.

6 (11) Upon the juvenile's successful completion of the consent  
7 calendar case plan, the court shall close the case and shall  
8 destroy all records of the proceeding in accordance with the  
9 records management policies and procedures of the state court  
10 administrative office, established in accordance with supreme court  
11 rules.

12 (12) If it appears to the court at any time that proceeding on  
13 the consent calendar is not in the best interest of either the  
14 juvenile or the public, the court shall proceed as follows:

15 (a) If the court did not authorize the original petition, the  
16 court may, without hearing, transfer the case from the consent  
17 calendar to the formal calendar on the charges contained in the  
18 original petition to determine whether the petition should be  
19 authorized.

20 (b) If the court authorized the original petition, the court  
21 may transfer the case from the consent calendar to the formal  
22 calendar on the charges contained in the original petition only  
23 after a hearing. After transfer to the formal calendar, the court  
24 shall proceed with the case from where it left off before being  
25 placed on the consent calendar.

26 (13) Statements made by the juvenile during the proceeding on  
27 the consent calendar must not be used against the juvenile at a  
28 trial on the formal calendar on the same charge.

29 (14) Upon a judicial determination that the juvenile has

1 completed the terms of the consent calendar case plan, the court  
2 shall report the successful completion of the consent calendar to  
3 the juvenile and the department of state police. The department of  
4 state police shall maintain a nonpublic record of the case. This  
5 record is open to the courts of this state, another state, or the  
6 United States, the department of corrections, law enforcement  
7 personnel, and prosecutors for use only in the performance of their  
8 duties or to determine whether an employee of the court,  
9 department, law enforcement agency, or prosecutor's office has  
10 violated conditions of employment or whether an applicant meets  
11 criteria for employment with the court, department, law enforcement  
12 agency, or prosecutor's office.

13 Enacting section 1. This amendatory act takes effect October  
14 1, 2024.