

Juvenile Legislative Amendments Summary - Effective October 1, 2024

Diversion (2023 PA 288)

Effective October 1, 2024, if a court decides to divert a minor, the diversion agreement must not include a term requiring the reimbursement of costs related to diversion services. [\(MCL 722.825\(3\) amended\)](#)

Late fees (2023 PA 292)

MCL 600.4803 provides the authority for courts to assess a 20% late fee for failure to pay an assessed fine or cost in full within 56 days of the date due. Effective October 1, 2024, the assessment of late fees no longer applies to a juvenile or to a parent, guardian, or legal custodian for failure to pay a fee or cost associated with a juvenile proceeding under the Juvenile Code. [MCL 712A.2]. [\(MCL 600.4803\(3\) amended\)](#)

Costs of Care and Attorney Fees for Designated Cases (2023 PA 293)

MCL 769.1 provides the authority for courts to sentence a juvenile convicted for a specified juvenile violation^[1] in the same manner as an adult. Additionally, unless a juvenile is required to be sentenced in the same manner as an adult, courts have the authority to hold a hearing to determine if the best interests of the public would be served by placing the juvenile on probation and committing them to an institution or agency under the Youth Rehabilitation Services Act, or Public Act 150^[2]. Further, courts must order the juvenile who is committed to an institution or agency or the person responsible for the juvenile support to reimburse the court for the cost of care and services. Effective October 1, 2024, courts no longer have the ability to order reimbursement for the costs of care or services for juveniles committed under Public Act 150 or assess fees for a court-appointed attorney. Additionally, courts no longer have the ability to intercept state or federal tax refunds to recover the costs of care and services for a juvenile who is committed under Public Act 150. [\(MCL 769.1\(3\) amended\)](#)

Consent Calendar Services, State Minimum Costs, Fines, Costs of Placement/Services/Care (2023 PA 301)

MCL 712A.2f provides the authority for courts to proceed on the consent calendar after determining formal jurisdiction over the juvenile is not necessary. Effective October 1, 2024, courts no longer have the authority to order reimbursement of costs associated with consent calendar cases. [\(MCL 712A.2f\(9\)\(a\) amended\)](#)

MCL 712A.18 provides the authority for courts to impose disposition orders for juveniles adjudicated of offenses, including ordering reimbursement of certain costs associated with the juvenile's court proceeding, and order interception of state or federal income tax refunds to offset delinquent accounts. Effective October 1, 2024, courts are no longer able to order a juvenile, parent, guardian, or legal custodian to pay for fees or costs associated with community service, and fines associated with violations of municipal ordinances or state or federal law. [\(MCL 712A.18\(1\)\(i\)-\(j\) amended\)](#) Additionally, courts are no longer able to order a juvenile, parent,

guardian, or legal custodian to pay for the costs of care, services, court-appointed attorney representation, or other costs or assessments related to the juvenile's court proceeding. ([MCL 712A.18\(3\) amended](#))

MCL 712A.29(2) provides the authority for courts to allocate money collected from fines, costs, restitution, assessments or payments from an order of disposition with 50% of the money collected being first applied to the payment of victim payments and the remainder being applied in order of priority as outlined. Effective October 1, 2024, 100% of money collected from a juvenile subject to an order for the repayment of any crime victim payment, is to first be applied to payment of restitution before the balance can be applied to the crime victim rights fund.

Effective October 1, 2024, [MCL 712A.29a](#) (new) provides that courts will not have the authority to order a juvenile, parent, guardian, or legal custodian to reimburse the court for any fine, fees, or costs related to the juvenile's court case. Additionally, effective October 1, 2024, courts will no longer have the authority to collect the balance of any previously ordered fines, fees, or costs assessed, and any orders imposing those fines, fees, or costs are vacated and unenforceable. This addition applies to any previously ordered state or federal income tax refund intercept, and any warrants issued for failure to pay.

DNA fees (2023 PA 302)

MCL 28.176 provides the authority to collect and retain DNA identification profiles for individuals found responsible for certain criminal violations and for courts to impose an assessment of \$60.00 for the collection of DNA. Effective October 1, 2024, courts are no longer able to assess a juvenile, parent, guardian or legal custodian of a juvenile, any costs related to collection of DNA. ([MCL 28.176\(5\) amended](#))

Tax Intercept

The ability for tax intercept was in MCL 712A.18(2) which stated "In cases of delinquent accounts, the court may also enter an order to intercept state or federal tax refunds of a juvenile, parent, guardian, or custodian and initiate the necessary offset proceedings to recover the cost of care or service." MCL 712A.18 was amended effective October 1st and this provision was removed. Additionally MCL 769.1(7) was amended effective October 1st to remove the language that allowed tax intercepts to be issued for juveniles. If a juvenile is being treated as an adult under MCL 769.1, then it does not apply. [MCL 780.794](#) (Crime Victims Act) provides a process for a court to ensure that juveniles sentenced to pay restitution pay it. MCL 780.794(18) allows a court to order a juvenile to execute a wage assignment. There is no mention of a tax intercept. With regard specifically to restitution, it seems that there are and were only two ways in which a court may ensure that a juvenile to pay for restitution, and neither involves tax intercepts. That authority is found in the amended version of [MCL 712A.18\(6\)](#) and (7) (effective 10/1/2024), which states:

(6) If the court imposes restitution as a condition of probation, the court shall require the juvenile to do either of the following as an additional condition of probation:

- (a) Engage in community service or, with the victim's consent, perform services for the victim.

(b) Seek and maintain paid employment and pay restitution to the victim from the earnings of that employment.

(7) If the court finds that the juvenile is in intentional default of the payment of restitution, a court may, as provided in section 30 of this chapter, revoke or alter the terms and conditions of probation for nonpayment of restitution. If a juvenile who is ordered to engage in community service intentionally refuses to perform the required community service, the court may revoke or alter the terms and conditions of probation. The juvenile must not be placed outside of his or her home solely based on nonpayment of restitution or inability to perform community service.

[1] [MCL 712A.2d\(9\)\(a\)](#) – Specified Juvenile Violations

[2] [1974 PA 150](#) – Youth Rehabilitation Services Act