



Michigan Center for Youth Justice (MCYJ) Support of Juvenile Defense

The Juvenile Justice Task Force found Michigan has no centralized structure and minimal standards, supports, or resources for juvenile public defense statewide. The absence of statewide funding has led to uneven access for youth to trained and qualified defenders for youth. Local systems appoint counsel at different stages, which can negatively affect the outcome of a youth's case. [Research](#) has consistently shown that their constitutional rights may not be sufficiently protected without adequate defense.

In 2023, the Justice for Kids and Communities legislative package was developed based on the Task Force's recommendations and assessment of Michigan's juvenile justice system. House Bill 4630 was a key component. Still, despite unanimous support from the Task Force, it did not advance out of the Michigan State Senate.

This bill is a top priority for advocates and community members. In a 2024 state-wide registered voter poll conducted by Marketing Resource Group, **over 77%** of respondents agreed that the Michigan State Legislature has a responsibility to pass this legislation. Additionally, **87%** of individuals ages 18 - 34 support the passage of HB 4630.

Legislation Overview

The bill enables the Michigan Indigent Defense Commission to incorporate protections for children impacted by the juvenile justice system. HB 4630 does not mandate immediate appropriation of funds for the MIDC to provide youth defense services. Its implementation is designed to be gradual and based on the creation and approval of youth defense standards, followed by the submission and implementation of detailed compliance plans and cost analyses.

Minimum Standards:

The Commission will be able to establish standards for providing youth defense throughout the state. Once approved by the Director of the Department of Licensing and Regulatory Affairs, these standards are final.

Grants and Compliance:

Once the standards are approved, each county youth defense system in the state will submit an annual compliance plan detailing how the system will comply with each standard and a cost analysis indicating what the system will pay for compliance. The Commission reviews and approves each plan. Once the plans are approved, the Commission issues a grant to each system and distributes the funding included in the cost analysis.

Financial Oversight and Accountability:

Each county system will be required to submit quarterly financial reports and background documentation. Systems also complete programmatic reports. MIDC staff monitors each system for compliance and periodically updates the Commission.

Legislation Impact: The Gault Center assessed access to and quality of juvenile defense counsel in Michigan. The quotes below are directly from the report, highlighting the necessity of House Bill 4630 to address the complex issues our youth and families are experiencing.

- **Problem:** *[A]s a result of limited resources, the attorneys want to settle cases quickly and at all costs. This is a disservice to youth. Sometimes they [the youth] are reluctant and then all of the sudden they want to plead.*” – Juvenile court referee.
- **Solution: Enhance legal representation** by ensuring that indigent youth receive competent and effective legal defense.
- **Problem:** *“Most [counsel] not prepared and agree with recommendations with no negotiation,” according to a juvenile court referee. “some kids should not be here at all – there are kids sitting here after a preliminary hearing with no lawyer for weeks until a new one is assigned.”* – Detention center employee.
- **Solution: Alleviate the burden on the juvenile justice system** by ensuring access to effective legal defense. Effectively trained counsel can prevent youth from being wrongfully placed in the juvenile justice system, reducing the number of young people who face the collateral consequences of being involved in the system.
- **Problem:** *“When the family comes to court for the first time, they are asked if they have an attorney, and if not, they are asked if they would like one. They are not advised of the youth’s right to an attorney. In that county, the guardian is given the waiver form, and if the guardian signs the form, there is no separate requirement for the child to waive their right to counsel despite the fact that it is the child’s right, not the guardian’s. Rights are read in the courtroom after the right to an attorney has already been waived.”* – The Gault Center.
- **Solution: Ensure fair and consistent juvenile defense standards.** It has been more than 50 years since the landmark Supreme Court decision in *In re Gault* established the right to counsel for children in delinquency proceedings. HB 4630 addresses inconsistent access to qualified legal defense and ensures a young person’s constitutional right to defense.

The Justice for Kids and Communities legislative package is a transformative step forward for Michigan’s juvenile justice system. HB 4630 is foundational to the long-term success of these reforms and Michigan’s justice-involved youth.

Challenges and Consequences Facing Michigan's Youth

Challenges Faced by Public Defenders	Consequences for Youth
Lack of Training and Specialization	Increased Likelihood of Waiving Rights: Youth may waive rights without understanding the consequences
Insufficient Resources	Harsher Sentences: Limited resources (such as access to investigators, experts, and social workers) can lead to inadequate defense, resulting in harsher penalties.
Inconsistent Appointment of Counsel	Unjust Plea Deals: Delayed or inconsistent representation may push youth into unfavorable plea deals.
Financial Barriers (Reimbursement, Funding)	Increased Family Financial Burden: Families may face financial strain from legal fees, impacting their willingness to seek counsel.
No Statewide Standards or Oversight	Disproportionate Impact on Marginalized Youth: Inconsistent practices lead to unequal outcomes across counties
High Workloads and Lack of Support	Poor Case Outcomes: Overworked defenders may miss crucial evidence or fail to present mitigating factors, leading to adverse outcomes
Systemic Disadvantages (Lack of Reform Advocacy)	Long-Term Consequences: Due to inadequate defense, youth may face barriers to education, employment, and social reintegration.
Inadequate Time for Client Interaction	Emotional and Psychological Harm: Youth may experience trauma from navigating the legal system without a strong advocate