

A Glossary of Juvenile Justice Terms

Kahryn Riley

Child Care Fund: A [unit](#) of the Michigan Department of Health and Human Services that reimburses county governments for part or all of the cost of certain services and programs they offer to youth. When a county government makes a qualifying expenditure, the State reimburses it at 50% in a process known as cost-sharing. Expenditures that qualify for cost-sharing include foster care, institutional care, and in-home care programs. Counties develop their own in-home care programs as a way to alleviate the need to remove local youth from their homes. These programs might include services like counseling, intensive probation, truancy intervention, addiction treatment and family reunification programs.

Consent Calendar: An [informal](#) legal proceeding available to juveniles when a court determines that formal proceedings (which resemble criminal prosecution) are not in the best interests of the juvenile and the public. The juvenile, his parent or guardian, and the prosecutor (who may consult with the juvenile's alleged victim, if any) must all agree to place the case on the consent calendar. Juveniles are then given a case plan, which may [require](#) them and/or their families to reimburse the court for the cost of the consent calendar services. The plan may also require the juvenile to reimburse the alleged victim or participate in treatment or counseling, and generally resolve the offense that led him to entering the court system. The records of a case on a consent calendar are not made public, and, if the juvenile successfully completes the case plan, the case is closed and the records destroyed.

Court: Several distinct types of [courts](#) in Michigan conduct trials:

- *District court:* handles most traffic violations, all civil cases with claims up to \$25,000, landlord-tenant matters, all misdemeanor criminal cases, felony arraignments and small claims petitions.
- *Circuit court:* handles all civil cases with claims in excess of \$25,000, and all felony criminal cases.
- *Family court:* a division of circuit court that handles matters of divorce, paternity, adoption, emancipation of minors, juvenile offenses, child abuse and neglect and requests for personal protection actions (i.e., restraining orders).
- *Probate court:* handles wills, administers estates and trusts, appoints guardians and conservators, and orders treatment for mentally ill and disabled persons.

Disposition: The [judgement](#) of the court following adjudication, similar to a conviction and sentence in an adult proceeding. Children are not found "guilty" or incarcerated. Rather, they are found "responsible" and placed on probation or removed to a residential care facility.

Diversion Program: A program that refers certain criminal defendants to community programs for job training, education, and the like rather than send them to a trial. If the defendant successfully completes the program, the charges may be dropped. Until [2016](#), youth who were accused of offenses involving an assault could not participate in a diversion program. Today, however, these youth are eligible, and prosecutors must ensure that their alleged victims are kept up to date about developments in the case.

Evidence-Based Practices: [Policies](#) and strategies that have been shown to be effective, through empirical research, at reducing crime and improving public safety. EBP are distinct from “best practices” in that they are founded on data rather than anecdote and are easily measured and evaluated.

Felony: Generally, a [crime](#) for which the accused, if found guilty, could be sentenced to serve time in a state prison.

Formal Calendar: a judicial [proceeding](#) for youth that resembles an adult criminal case. If the youth is found responsible for the offense (children are not found “guilty”), the court will enter a “disposition,” which is, for youth, the equivalent of a criminal judgment (see the entry on disposition).

Juvenile: A person who has not reached the age at which he would be tried for a criminal offense as an adult, which in Michigan is [17](#). “Juvenile” is distinguishable from the term “minor,” which refers to someone who has not attained the age of legal majority ([18](#), under Michigan law).

Juvenile Delinquency: Antisocial behavior by a juvenile, especially conduct that would be criminally punishable if that person were an adult. “Delinquency” is distinguishable from the term “status offenses,” which are actions that would not be criminally punishable if the actor were an adult.

Michigan Department of Health and Human Services: A state [agency](#) that spends billions of dollars annually researching and educating people on public health issues, administering the state’s psychiatric hospitals and Medicaid system, and providing cash and food assistance, among many other programs.

Michigan Juvenile Diversion Act: A set of [statutes](#) establishing the procedures for diverting youth from formal legal proceedings and outlining the powers and duties of courts and law enforcement agencies.

Minor: A person who has not reached full legal age, which in Michigan is 18. The term “minor” is not the same as the term “juvenile,” which refers to people who have not reached the age at which they would be tried as an adult (17, under current Michigan law).

Misdemeanor: Generally, a [crime](#) for which the accused, if found guilty, could be sentenced to serve up to one year in a county jail.

Out-of-Home Commitment: A family court disposition or consent calendar case plan may [order](#) that a juvenile be committed to a residential institution. Typically, this happens as one step in a series of increasingly severe sanctions for repeat offenders. In an out-of-home commitment, the juvenile becomes a ward of the court, which must hold hearings every 182 days to review the decision. Those hearings must consider the harm the juvenile may suffer from being separated from or returned to his home.

Probation: A [period](#) of court supervision of an individual. It may include specific terms and conditions and may continue for a specific amount of time, or it may be open-ended. Juveniles placed on probation are monitored by probation officers, who report on their compliance and progress at review hearings before the judge.

Recidivism: A tendency to relapse into criminal activity or behavior.

Separation Requirement: Federal law [forbids](#) states from detaining or confining juveniles in any institution in which they have contact with adult inmates. Michigan “sight and sound” [laws](#) require that juveniles be kept out of sight and earshot of adults.

State Court Administrative Office: The administrative [agency](#) of the state Supreme Court, which oversees the operations of local courts statewide and provides services to them.

Status Offense: A [behavior](#) that would not be criminally punishable if committed by an adult, but would put a juvenile in conflict with the law. Examples include skipping school, running away from home, or

underage drinking. A status offense is distinguishable from the term “juvenile delinquency,” which refers to behavior that would be criminally punishable if committed by an adult. Federal law [forbids](#) states from placing status offenders in secure juvenile facilities or facilities designed to incarcerate adults.

Raise the Age: a [campaign](#) to persuade lawmakers to raise the age of adult criminal liability to 18, so that cases involving 17-year-old offenders would be handled in family court rather than adult criminal court. Michigan is one of five states where 17-year-olds are automatically tried as and incarcerated with adults rather than juveniles. Lawmakers are considering [legislation](#) to change the age.

Residential Commitment: see Out-of-Home Commitment.

Residential Facilities: The State of Michigan operates [two](#) secure residential detention facilities, one for boys and girls between 12-20 years of age who have been adjudicated or are awaiting a court decision, and one for boys between 12-21 years of age who have been adjudicated for one or more felonies. There are also [26](#) county-operated juvenile detention facilities in Michigan.

Technical Probation Violation: Probationers must typically comply with one or more conditions of supervision, such as curfews, travel restrictions, or participation in counseling or treatment. A technical violation refers to [noncompliance](#) with one of these terms, rather than committing a new crime.

Waiver: A traditional [waiver](#) is a motion filed by a prosecutor asking the family court to waive its jurisdiction over a juvenile and allow him to be tried and sentenced as an adult in the criminal division of circuit court. An automatic waiver allows the prosecutor to start the case in the criminal division of circuit court, rather than in family court. It is available for certain violations called out in law, such as murder, kidnapping, carjacking, robbery, assault or arson. In some cases, a judge may choose to impose an adult sentence or order probation. But in 12 offenses called out in law, a judge must impose on a juvenile the sentence required of an adult.

Kahryn Riley manages the Mackinac Center’s criminal justice initiative.