

Order

Michigan Supreme Court
Lansing, Michigan

October 13, 2009

Marilyn Kelly,
Chief Justice

ADM File No. 2005-42

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Amendment of Rule 3.932
of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 3.932 of the Michigan Court Rules is adopted, effective May 1, 2010.

[The present language is amended as indicated below by underlining for new text and strikeover for text that has been deleted.]

Rule 3.932 Summary Initial Proceedings

(A)-(B)[Unchanged.]

(C) Consent Calendar. If the court receives a petition, citation, or appearance ticket, and it appears that protective and supportive action by the court will serve the best interests of the juvenile and the public, the court may proceed on the consent calendar without authorizing a petition to be filed. No case may be placed on the consent calendar unless the juvenile and the parent, guardian, or legal custodian agree to have the case placed on the consent calendar. The court may transfer a case from the formal calendar to the consent calendar at any time before disposition.

(1) Notice. Formal notice is not required for cases placed on the consent calendar except as required by article 2 of the Crime Victim's Rights Act, MCL 780.781 *et seq.*

(2) Plea; Adjudication. No formal plea may be entered in a consent calendar case unless the case is based on an alleged violation of the Michigan Vehicle Code, MCL 257.1 *et seq.*, in which case the court shall enter a plea, and ~~the~~ The court must not enter an adjudication.

- (3) Conference. The court shall conduct a consent calendar conference with the juvenile and the parent, guardian, or legal custodian to discuss the allegations. The victim may, but need not, be present.
 - (4) Case Plan. If it appears to the court that the juvenile has engaged in conduct that would subject the juvenile to the jurisdiction of the court, the court may issue a written consent calendar case plan.
 - (5) Custody. A consent calendar case plan must not contain a provision removing the juvenile from the custody of the parent, guardian, or legal custodian.
 - (6) Disposition. No order of disposition may be entered by the court in a case placed on the consent calendar.
 - (7) Closure. Upon successful completion by the juvenile of the consent calendar case plan, the court shall close the case and may destroy all records of the proceeding. ~~No report or abstract may be made to any other agency nor may the court require the juvenile to be fingerprinted for a case completed and closed on the consent calendar.~~
 - (8) Transfer to Formal Calendar. If it appears to the court at any time that the proceeding on the consent calendar is not in the best interest of either the juvenile or the public, the court may, without hearing, transfer the case from the consent calendar to the formal calendar on the charges contained in the original petition, citation, or appearance ticket. Statements made by the juvenile during the proceeding on the consent calendar may not be used against the juvenile at a trial on the formal calendar on the same charge.
 - (9) Abstracting. If the court finds that the juvenile has violated the Michigan Vehicle Code, the court must fulfill the reporting requirements imposed by MCL 712A.2b(d).
- (D) [Unchanged.]

Staff Comment: The amendment of MCR 3.932 requires a court to enter a plea for violations of the Michigan Vehicle Code, and requires a court to report to the Secretary of

State violations of the Michigan Vehicle Code that are handled on the court's consent calendar.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 13, 2009

Corbin R. Davis

Clerk