

Order

Michigan Supreme Court
Lansing, Michigan

December 19, 2024

Elizabeth T. Clement,
Chief Justice

ADM File No. 2024-38

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

Proposed Amendment of
Administrative Order No.
1985-5

On order of the Court, this is to advise that the Court is considering an amendment of Administrative Order No. 1985-5. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Administrative Order No. 1985-5 – Juvenile Court Standards and Administrative Guidelines for the Care of Children

I. Court administrators, supervisory personnel, county juvenile officers, probation officers, caseworkers, and personnel of court-operated child care facilities shall meet the following minimum standards in order to qualify for employment, unless the state court administrator grants an exception under I(G). *Desired standards are those preferred qualifications that extend beyond minimal standards but are not required to perform the job function.*

These standards shall apply only to new staff hired by the juvenile court on or after the effective date of these standards. A court employee who is currently in a position that was approved under regulations that preceded the implementation of these standards shall be deemed qualified for that position. A court-appointed person hired after the effective date of these standards shall meet the minimum qualification of these standards for that position.

A.-B. [Unchanged.]

C. *Direct Services: Probation Officers/Casework Staff*

The professional staff who work directly with children and their families and other relevant individuals and who are primarily responsible for the development, implementation and review of plans for children, youth and their families.

Each county shall provide for a minimum of one delinquency probation officer/casework staff person (but exclusive of clinical staff and detention home personnel) for every 6,000 (or major fraction thereof) children under 19 years of age in the county.

A probation officer/caseworker, at the time of appointment, shall possess the following qualifications:

1. Education and Experience

a. Desired Standards

(1) Bachelor's degree in social work, criminal justice, education, behavioral sciences, or a related field that qualifies the person to manage or supervise the delivery of juvenile services, with two years of casework experience in juvenile court or a related child welfare agency and must complete the Michigan Judicial Institute certification training for juvenile court staff within ~~one~~two years after date of employment.

b. Minimum Standards

(1) Bachelor's degree in social sciences, education, a related human service field, or a related field that qualifies the person to manage or supervise the delivery of juvenile services and must complete the Michigan Judicial Institute certification training for juvenile court staff within ~~one~~two years after date of employment.

c. Knowledge, Skills and Abilities

(1)-(5) [Unchanged.]

(6) Knowledge of public education systems and processes.

(7) Knowledge of the use of screening and assessment tools and the ability to utilize those tools effectively.

(6)-(9) [Renumbered (8)-(11) but otherwise unchanged.]

(12) Ability to understand and utilize technology (e.g., computers, internet, video conferencing).

(13) Ability to testify clearly, openly, and appropriately in a court setting.

- (14) Ability to maintain appropriate and professional boundaries with youth and families.
- (15) Ability to be aware of and be sensitive to various disabilities that youth and families may experience.
- (16) Ability to demonstrate awareness and sensitivity to cultural and diversity matters.

D.-H. [Unchanged.]

II. Contents of Juvenile Court Case Records

A. [Unchanged.]

B. Case Record Contents for Youth Under Court Jurisdiction Placed in Their Own Home

A separate case record shall be maintained for each youth or family under court supervision. Records shall be maintained in a uniform and organized manner and shall be protected against destruction (except as provided by court rule) and damage and shall be stored in a manner that safeguards confidentiality.

1. Records shall be typed or legibly handwritten and shall include as a minimum the following:

a.-b. [Unchanged.]

c. Copies of screening and assessment tools, scoring guides, and results.

c.-j. [Relettered as d.-k. but otherwise unchanged.]

C. Unchanged.

Staff Comment (ADM File No. 2024-38): The proposed amendment of AO 1985-5 would shorten the timeframe in which juvenile probation officers and casework staff must complete the Michigan Judicial Institute (MJI) certification training, establish new employment criteria when hiring juvenile probation officers, and ensure that copies of various tools, guides, and results are incorporated into case planning. These proposed amendments align with recommendations from the Juvenile Justice Task Force and recent legislation.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by April 1, 2025 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2024-38. Your comments and the comments of others will be posted under the chapter affected by this proposal.

VIVIANO, J. (*dissenting*). I dissent from one aspect of the proposed amendments to Administrative Order No. 1985-5: the addition of the “[a]bility to demonstrate awareness and sensitivity to cultural and diversity matters” to the list of standards required of direct services staff. I do not, of course, object to the notion that juvenile court probation officers and caseworkers should be aware of and sensitive to cultural differences. But this Court continues to use the term “diversity”—part of a politically fraught catchphrase, “diversity, equity, and inclusion” (DEI)—without ever defining the phrase or clarifying that our diversity goals are consistent with state and federal antidiscrimination laws.¹ Its invocation here could be seen as a political litmus test. The Court has postured itself as a leader in the DEI movement by establishing a Commission on Diversity, Equity, and Inclusion and by requiring diversity statements in applications for our chief judges.² Hopefully, the Court will follow the lead of other larger institutions in our state and elsewhere who have

¹ See Const 1963, art 1, § 2; US Const, Am XIV, § 1; Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*; Title VII of the Civil Rights Act of 1964, 42 USC 2000e *et seq.*

² Similar to previous years, the questionnaire that was used in this past year’s chief judge application process deems as a core competency the “Commitment to Diversity, Equity, and Inclusion.” Two of the 11 questions involve “diversity, equity, and inclusion,” including one that asks the applicant to describe how he or she has “demonstrate[d] alignment with the judiciary’s commitment to diversity, equity, and inclusion[.]”

realized the folly of such initiatives.³

I have written on this topic on a number of prior occasions because it was clear to me that the Court was thrusting itself into a politically fraught area that could call into question the neutrality that is essential to the judiciary and undermine the public’s faith in the judiciary.⁴ One can only hope that the Court will reverse course before it is too late.

For these reasons, I dissent.

³ See Confessore & Friess, New York Times, *University of Michigan Ends Required Diversity Statements* (December 5, 2024), available at <<https://www.nytimes.com/2024/12/05/us/university-of-michigan-dei-diversity-statements.html>> (accessed December 11, 2024) (noting that the University of Michigan has ended requiring diversity statements in hiring decisions and is considering a broader shift in its policies); The Associated Press, NPR, *Walmart Becomes Latest—and Biggest—Company to Roll Back Its DEI Policies* (November 26, 2024) <<https://www.npr.org/2024/11/26/nx-s1-5206289/walmart-dei-rollback-diversity>> (accessed December 11, 2024) [<https://perma.cc/4BB4-NBVF>] (observing that Walmart has recently become the biggest company to roll back its DEI policies).

⁴ See Administrative Order No. 2022-1, 508 Mich civ, cxiv-cxvi (2022) (VIVIANO, J., dissenting) (noting problems with the Court’s creation of the Commission on Diversity, Equity, and Inclusion without defining the terms “diversity,” “equity,” and “inclusion”); see also Appointments to the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary, 509 Mich lxxiii, lxxiv-lxxv (2022) (VIVIANO, J., dissenting); Appointments to the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary, 513 Mich ___, ___ (November 29, 2023) (VIVIANO, J., dissenting); Appointments to the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary, 513 Mich ___, ___ (January 17, 2024) (VIVIANO, J., dissenting); Appointments to the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary, ___ Mich ___, ___ (September 11, 2024) (VIVIANO, J., dissenting).



I, Larry S. Royster, 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.

December 19, 2024

Clerk