



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

September 9, 2019

TO: Michigan Court Forms Committee, Delinquency Workgroup

FROM: Matthew L. Walker, Forms and Resources Analyst

RE: Agenda and Materials for **September 26, 2019 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing

Below is the agenda for the September 26, 2019 meeting of the Michigan Court Forms Committee, Delinquency Workgroup. The meeting will be held in room 1S-69 and will begin at 9:30 a.m. Lunch reservations have been made for you. **If you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 W. Ottawa Street, Lansing, MI 48915.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. Minor Changes

- a. [JC 16, Request and Order for Fingerprinting/Photographing/Lineup](#)
[JC 66, Application to Set Aside Adjudication\(s\)](#)

References to fingerprints will be replaced with biometric data.

- b. [JC 39, Order for Assignment of Wages](#)

The following note will be added to this form:

Note: Wage assignment is a transfer of the right to receive wages, ordinarily effected by means of a contract. As such, wage assignments are not within the scope of the federal wage garnishment law. For purposes of this order, however, wages have been defined based on the federal wage garnishment law. Wages are defined as earnings or compensation paid for personal services whether called wages, salary, commission, bonus, or otherwise, and can include periodic payments under a pension or retirement program. See 15 USC 1672. When required, withholdings shall be determined using the calculation sheet from SCAO-Approved form MC 14 (Garnishee Disclosure).

c. [JC 86, Order After First-Phase Hearing to Waive Jurisdiction \(Delinquency Proceedings\)](#)

A checkbox will be added before item 7 to make the item optional because it does not apply if the juvenile waives the first-phase probable-cause hearing.

The sentence, “The motion to waive jurisdiction is granted.” will be removed from item 11 because a second-phase hearing must be held before the motion to waive can be granted.

2. [JC 08, Bond for Appearance](#)

It has been suggested that this form be deleted because its purpose is not clear. This form specifies release conditions and bail under MCR 3.935(E) and (F). However, release conditions and bail must be provided in an order (JC 10). This form is not an order and is not signed by a judge.

Should this form be deleted?

3. [JC 14a, Order of Disposition, In-Home](#)
[JC 14b, Order of Disposition, Out-of-Home](#)
[JC 38, Order for Reimbursement](#)

Item 16 regarding payment of fines and costs will be replaced with a payment grid similar to item 12 of MC 219. A writing space for a payment due date will be added to the form. In addition, the language, “Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.” will be added to these forms in accordance with [MCL 600.4803](#).

4. [JC 14a, Order of Disposition, In-Home](#)

- a. It has been suggested that additional writing space be included in item 5 of this form. The suggestor states that some juveniles have more than 6 delinquency counts.

Should this suggestion be adopted?

- b. It has been suggested that an item stating who the juvenile is released to be added to this form. Should this suggestion be adopted?

5. [JC 59, Order of Adjudication](#)

- a. It has been suggested that additional writing space be included in item 5 of this form. The suggestor states that some juveniles have more than 6 delinquency counts.

Should this suggestion be adopted?

- b. It has been suggested that item 12 of this form be removed. Item 12 is a writing space for other findings not listed in the findings section of the form.

Should this suggestion be adopted?

- c. It has been suggested that the writing space in item 16 of this form be increased. Item 16 is a writing space for other orders not listed in the order section of the form.

Should this suggestion be adopted?

**6. [JC 105, Order on Application to Set Aside Adjudication\(s\)](#)
[MC 228, Order on Application to Set Aside Conviction](#)**

Item 9 of MC 228 states “Under MCL 780.623 the court clerk, the arresting agency, and the Michigan State Police shall maintain a nonpublic record of the order setting aside conviction and of the arrest, fingerprints, conviction, and sentence in this case.”

Item 10 of JC 105 states “Under MCL 712A.18e(13) the court clerk, the arresting agency, and the Michigan State Police shall maintain a nonpublic record of the order setting aside adjudication(s) and of the arrest, biometric data, adjudication(s), and disposition in this case.”

It has been suggested that these statements be modified to more accurately reflect the statutory language. [MCL 780.623\(2\)](#) and [MCL 712A.18e\(13\)](#) state that the department of state police shall retain a nonpublic record, but do not mention the court clerk or

arresting agency. The suggestor states that the reference to court clerk and arresting agency should be removed from these forms.

Should this suggestion be adopted?

7. **JC 88, Order Appointing Next Friend (Personal Protection Proceedings)**
New Form: MC XXX, Request for Next Friend and Order

In 2018, the committee considered modifying form JC 88 to accommodate a respondent in need of a next friend because the current language on JC 88 only accommodates petitioners. The committee suggested modifying JC 88 into a generic MC form for use under [MCR 2.201\(E\)](#) (civil cases) and [MCR 3.703\(F\)](#) (personal protection order cases) for the 2019 forms cycle.

A draft has been created and is presented for consideration.

8. **New Form: Publication of Notice for Name Change**

In 2018, this workgroup considered and agreed to create a new form for publication of notice in name change cases. The committee agreed that a specific form for name change cases would be appropriate and requested SCAO staff to create a draft for the 2019 forms cycle.

A draft has been created and is presented for consideration.