

Juvenile Justice Vision 20/20 Training Event
Juvenile Justice Legal Updates
November 14, 2014
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Session three of the Juvenile Justice Vision 20/20 Conference held at Loosemoore Auditorium, of Grand Valley State University addressed current issues in juvenile justice. Issues addressed included competency, jurisdictional waivers, petitions for removal from the sex offender registry in Michigan, expungements, teen court, and juvenile interrogations and confessions. The purpose of this session was to educate the audience on these current issues, as well as elicit discussion of these important topics.

The first issue discussed was competency of juvenile offenders entering the juvenile justice system. The issue of competency in juvenile cases is whether or not the youth truly understands the deeper meaning of what is taking place, as well as the court process. The speakers suggested that the question of competency can be raised at any time, and as practitioners, it is important that we are constantly looking for signs that a youth may not be competent entering into this process. The competency evaluation is given by a mental health examiner in the least restrictive environment as possible, and a written report of the findings must be complete within 30 days of the examination. Results of competency examinations can either deem the child incompetency with the possibility to be restored (a chance to eventually be competent), or incompetent, where the charges against the juvenile would possibly be dismissed.

The next issue discussed was that of juvenile waivers. As the speakers discussed the multiple types of waivers that can push a youth into adult court, specific court cases from the Supreme Court were also identified and explained. During this section, speakers explained an update from the legislatures of Michigan effective March 4, 2014, which allows a judge to use discretion in sentencing juvenile defendants, convicted of first-degree murder, instead of handing out an automatic mandatory life sentence. This change in Michigan law will give the judge the ability to consider a sentence between 25-60 years in prison for a felony murder conviction.

The next, and last topic discussed in full during this session of the conference involves juvenile petitions for removal from the sex offender registry in Michigan. Those eligible to petition for removal from the registry include Romeo and Juliet offenders, juvenile offenders younger than the age of 14 who were not tried as an adult, and juveniles from ages 14-16 that were not tried as an adult, and did not commit a Tier 3 offense. Additionally, juveniles may also petition to remain on the registry for a shorter amount of time, including juveniles between 14-16 who have committed a Tier 3 offense, but have not reoffended. The expungement process was also briefly examined during this session. An expungement would include a lawsuit against the state to set aside a conviction, which would therefore remove the criminal charge from the juvenile's record. However, the main issue with expungements, as well as the process, is that it is more difficult to qualify for this process, than it is to actually complete the process.