GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2022-7

Michigan Committee on Juvenile Justice

Department of Health and Human Services

In 1975, Congress enacted the Juvenile Justice and Delinquency Prevention Act ("Act"). In response, Governor Milliken established the Advisory Committee on Juvenile Justice in 1976. This advisory body has evolved over time as federal requirements and our understanding of best practices in juvenile justice have shifted. *See* EO 1976-6; EO 2003-9; 2012-16; EO 2017-12. Today, the committee operates within the Department of Health and Human Services as the Michigan Committee on Juvenile Justice.

In 2018, Congress amended the Act to further revise state requirements. *See* 34 U.S.C. §11101-11313. The Act makes funds available to participating states to assist in establishing and operating projects to improve education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile justice. The Act further requires any state receiving money under the Act to create an advisory group appointed by the chief executive officer of the state to advise the state planning agency on (1) juvenile justice and delinquency prevention matters and (2) the award of grants to state and local governments, private nonprofit agencies, colleges, and universities. The latest iteration of the Michigan Committee on Juvenile Justice was launched by Executive Order 2017-12. With new federal requirements, Executive Order 2017-12 is now out of date and requires revision to explicitly incorporate the requirements of the Juvenile Justice and Delinquency Prevention Act. 34 U.S.C. § 11133.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Michigan Committee on Juvenile Justice

(a) The Michigan Committee on Juvenile Justice ("Committee") is created as an advisory body within the Department of Health and Human Services ("Department").

(b) The Department is designated as the state agency responsible for the supervision, preparation, and administration of the comprehensive Juvenile Justice and Delinquency Prevention Plan required by the Act ("Plan").

(c) The Director of the Department must provide appropriate staff support for the Committee, subject to available funding.

(d) The governor will appoint no fewer than 21 members and no more than 33 members to the Committee. All members appointed to the Committee must have training or experience within the juvenile justice system, or special knowledge concerning the prevention and treatment of juvenile delinquency. Membership must reflect the requirements established in the federal Juvenile Justice Delinquency Prevention Act 34 U.S.C. 11133 and must include:

(1) A locally elected official representing general purpose local government;

(2) A juvenile or family court judge;

(3) A prosecutor;

(4) An attorney who represents children and youth;

(5) A probation professional;

(6) Two representatives of public agencies concerned with delinquency prevention or treatment;

(7) Three representatives of private nonprofit organizations. Representatives must include individuals who focus on youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, preserving and strengthening families, parent groups and parent self-help groups, education, and social services for children;

(8) Two volunteers who work with delinquent youth or youth at risk of delinquency;

(9) Two representatives of programs that provide alternatives to incarceration, including programs providing organized recreation activities;

(10) Two individuals with expertise and competence in addressing problems related to school violence and vandalism, including alternatives to suspension and expulsion;

(11) Two individuals, both licensed or certified by the State of Michigan, in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;

(12) A representative of victim or witness advocacy groups;

(13) A representative of victim or witness advocacy groups with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience sexual abuse, exploitation, and trauma before entering the juvenile justice system;

(14) A tribal representative or other individual with expertise in tribal law enforcement and juvenile justice in tribal communities; and

(15) Additional members as necessary to fill the remaining requirements of this order and as deemed appropriate by the governor.

(e) A majority of the members of the Committee, including the chairperson, must not be full-time employees of federal, state, or local government.

(f) At least one-fifth of the members of the Committee must be under the age of 28 at the time of initial appointment.

(g) At least three members must have lived experience with the juvenile justice system, either as juveniles under the jurisdiction of the juvenile justice system, or as parents or guardians of someone under the jurisdiction of the juvenile justice system.

(h) Members of the Committee must be appointed for four year terms, except that, of the members initially appointed, five members shall be appointed for one year terms, five members shall be appointed for two year terms, five members shall be appointed for three year terms, and the remainder shall be appointed for four year terms.

(i) A vacancy on the Committee shall be filled in the same manner as the original appointment. A member may continue serving until his or her successor is appointed.

2. Charge to the Committee

(a) The Committee must participate in the development and review of the state's juvenile justice plan as required by the Act.

(b) The Committee must have the opportunity to review and comment on all juvenile justice and delinquency prevention grant applications submitted to the state under the Act within 45 days of their submission to the Committee, to assess whether, in

the Committee's view, the proposed use of funds will strengthen the juvenile justice program.

(c) The Committee must center racial, geographical, educational, and financial equity in conducting its work. To that end, the Committee may facilitate trainings for local court stakeholders on equity, promote youth and family inclusion in policy development and implementation, and promote culturally responsive funding opportunities that will expand the evidence base of equity-focused interventions, policies, and practices.

(d) The Committee may, as requested by the Department, participate in monitoring state compliance with federal program requirements, advise on local criminal justice advisory board composition, and review the accomplishments of projects funded under the state's juvenile justice plan.

(e) The Committee must seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

(f) At least every two years, the Committee must submit to the governor and the legislature a report and recommendations regarding state compliance with the state's juvenile justice plan. The report must include policy recommendations and potential actions on how to improve juvenile justice in the state.

(g) The Committee must advise the Department and the governor on matters related to juvenile justice and delinquency prevention, as requested by the governor and the Department.

3. Operations of the Committee

(a) The Department must assist the Committee in the performance of its duties and provide personnel to staff the Committee. The budgeting, procurement, and related management functions of the Committee will be performed under the direction and supervision of the director of the Department.

(b) The governor must designate a Chairperson of the Committee.

(c) The Committee must meet at the call of the Chairperson and as may be provided in procedures adopted by the Committee.

(d) Members who attend fewer than 50 percent of the scheduled meetings in any calendar year have vacated their appointment. Upon notification, the governor must fill the vacancy in the same manner as the original appointment.

(e) The Committee may adopt additional procedures, consistent with this order and applicable law, governing its organization and operations.

(f) The Committee must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(g) The Committee may establish advisory workgroups composed of individuals or entities participating in Committee activities, including other members of the public as deemed necessary by the Committee, to assist it in performing its duties and responsibilities. The Committee may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(h) The Committee may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Committee also may consult with outside experts to perform its duties, including experts in the private sector, organized labor, and government agencies, and at institutions of higher education.

(i) The Committee may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(j) Members of the Committee must not receive additional compensation for participation on the Committee. Members of the Committee may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(k) Members of the Committee must refer all legal, legislative, and media contacts to the Department.

4. Implementation

(a) All departments, committees, commissioners, or officers of this state must give to the Committee any necessary assistance required by the Committee in the performance of the duties of the Committee so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Committee, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) If any portion of this order is found to be unenforceable, the unenforceable provision will be disregarded and the rest of the order will remain in effect as issued.

(e) Executive Order 2017-12 is rescinded. The Michigan Committee on Juvenile Justice established under Executive Order 2017-12 is abolished.

(f) This order is effective upon filing.

Given under my hand and the great seal of the State of Michigan.

Date: August 2, 2022

Time: 8:07am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 8/02/2022 AT 11:05 AM