

## 17.22 Table Summarizing Requirements to Initiate Designated Case Proceedings

The following table summarizes the different requirements for initiating the two types of designated case proceedings.

	Prosecutor-Designated Cases	Court-Designated Cases
<b>What Types of Offenses May Be Alleged?</b>	A specified juvenile violation must be alleged. MCR 3.903(D)(6).	Any offense, felony or misdemeanor, other than a specified juvenile violation may be alleged. MCR 3.903(D)(2).
<b>What Must Be Stated on the Petition?</b>	Prosecutor must endorse petition with designation of case for criminal trial in Family Division. MCR 3.903(D)(6) and 3.914(D)(1).	Prosecutor must submit petition requesting the court to designate case for criminal trial in Family Division. MCR 3.903(D)(2) and 3.914(D)(2).
<b>How and When May a Petition Without a Designation Be Amended?</b>	<p>Prosecutor may amend petition to designate the case by right during a preliminary hearing, or prosecutor may request leave of court to designate the case no later than a pretrial hearing or, if no pretrial hearing is held, no later than 21 days before trial, absent good cause for further delay. MCR 3.951(A)(3).</p> <p>Court may also permit prosecutor to amend the petition to designate the case as the interests of justice require. MCR 3.951(A)(3).</p>	<p>Prosecutor may amend petition to request the court to designate the case by right during a preliminary hearing, or prosecutor may request leave of court to amend the petition to request the court to designate the case no later than a pretrial hearing or, if no pretrial hearing is held, no later than 21 days before trial, absent good cause for further delay. MCR 3.951(B)(3).</p> <p>Court may also permit prosecutor to amend the petition to request the court to designate the case as the interests of justice require. MCR 3.951(B)(3).</p>
<b>What Are the Time Requirements for Arraignments in Family Division?</b>	<p>If juvenile is in custody or custody is requested, arraignment must commence within 24 hours after taking custody of juvenile, excluding Sundays and holidays, or juvenile must be released. MCR 3.951(A)(1)(a).</p> <p>Arraignment may be adjourned up to 7 days to secure attendance of juvenile's parent, guardian, or legal custodian, or for other good cause shown. MCR 3.951(A)(1)(a).</p> <p>If juvenile is not in custody and custody is not requested, arraignment must commence as soon as juvenile's attendance can be secured. MCR 3.951(A)(1)(b).</p>	<p>If juvenile is in custody or custody is requested, arraignment must commence within 24 hours after taking custody of juvenile, excluding Sundays and holidays, or juvenile must be released. MCR 3.951(B)(1)(a).</p> <p>Arraignment may be adjourned up to 7 days to secure attendance of juvenile's parent, guardian, or legal custodian, or for other good cause shown. MCR 3.951(B)(1)(a).</p> <p>If juvenile is not in custody and custody is not requested, arraignment must commence as soon as juvenile's attendance can be secured. MCR 3.951(B)(1)(b).</p>

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	Prosecutor-Designated Cases	Court-Designated Cases
<p><b>What Are the Requirements for Determining Whether Case Will Be Designated for Criminal Trial in Family Division?</b></p>	<p>Prosecutorial discretion.</p> <p>If the court authorizes the petition, the court schedules a preliminary examination within 14 days following arraignment. MCR 3.951(A)(2)(c)(ii).</p>	<p>Prosecutor requests that the court designate the case. If the court authorizes the petition, a designation hearing must commence within 14 days of arraignment unless adjourned for good cause. MCR 3.951(B)(2)(c)(ii) and 3.952(A).</p> <p>At hearing, court decides whether to designate the case by using the factors in MCR 3.952(C)(3)(a)-(f).</p> <p>The designation hearing may be combined with the preliminary examination. MCR 3.953(C).</p>
<p><b>What are the Requirements for the Preliminary Examination?</b></p>	<p>Exam is required unless waived by juvenile in a writing made and signed in open court, and juvenile is represented by an attorney; the judge must find and place on the record that the waiver was freely, understandingly, voluntarily given. MCR 3.953(B).</p> <p>Exam must commence within 14 days of arraignment unless adjourned for good cause shown, and must be conducted in accordance with MCR 6.110. MCR 3.953(D)-(E).</p>	<p>Exam is required for felonies and offenses punishable by imprisonment for more than 1 year unless waived by juvenile in a writing made and signed in open court, and juvenile is represented by an attorney; the judge must find and place on the record that the waiver was freely, understandingly, and voluntarily given. MCR 3.953(A)-(B).</p> <p>Exam must commence within 14 days of court-ordered designation, unless the exam was combined with the designation hearing; exam may be adjourned for good cause shown, and must be conducted in accordance with MCR 6.110. MCR 3.953(D)-(E).</p>

### 17.23 Table of Time and Notice Requirements in Designated Case Proceedings

The following table contains time and notice requirements only; for contents of notices, see the appropriate sections. To compute time periods, see MCR 1.108. For court holidays, see MCR 8.110(D).

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<p><b>Arrestment</b></p>	<p>If juvenile is in custody or custody is requested, arrestment must be held within 24 hours after juvenile has been taken into court custody, excluding Sundays and holidays. As soon as hearing is scheduled, notice must be given in person, on record, or by phone to juvenile and his or her parent.</p> <p>If juvenile is not in custody, arrestment must be held as soon as juvenile's attendance can be secured.</p> <p>Court may adjourn arrestment for up to 7 days to secure attendance of juvenile's parent, guardian, or legal custodian, or for other good cause shown.</p>	<p>MCR 3.951(A)(1)(a) and 3.951(B)(1)(a).  <b>See Section 17.6</b></p> <p>MCR 3.951(A)(1)(b) and 3.951(B)(1)(b).  <b>See Section 17.6</b></p> <p>MCR 3.951(A)(1)(a), 3.951(B)(1)(a).  <b>See Section 17.6</b></p>

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Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<p><b>Motion to Amend Petition to Designate Case for Criminal Trial in Family Division</b></p>	<p>If a specified juvenile violation is alleged but prosecutor did not initially designate the case, prosecutor may amend the petition by right during the preliminary hearing, or by leave of court no later than a pretrial hearing. If no pretrial hearing is held, prosecutor may request leave to amend no later than 21 days before trial, absent good cause for further delay. Court may allow amendment in interest of justice.</p> <p>If an offense other than a specified juvenile violation is alleged, prosecutor may amend the petition by right to request the court to designate case during the preliminary hearing, or by leave of court no later than a pretrial hearing. If no pretrial hearing is held, prosecutor may request leave to amend no later than 21 days before trial, absent good cause for further delay. Court may allow amendment in interest of justice.</p> <p>If a hearing is required, seven days' notice in writing or on record must be given to juvenile, custodial parent or guardian, or legal custodian, noncustodial parent who has requested notice at a hearing or in writing, guardian ad litem, attorney for juvenile, prosecuting attorney, and petitioner.</p>	<p>MCR 3.951(A)(3). See Section 5.5</p> <p>MCR 3.951(B)(3). See Section 5.5</p> <p>MCR 3.920(C)(1) and 3.921(A)(1). See Sections 6.3 and 6.7</p>
<p><b>Designation Hearings</b></p>	<p>Hearing must be commenced within 14 days after arraignment, unless adjourned for good cause.</p> <p>Notice in writing, on the record, or in another manner reasonably calculated to provide notice must be given to juvenile, parent, guardian, or legal custodian, attorney for juvenile, and prosecuting attorney.</p> <p>The petition, or a copy of the petition, and a separate request for court designation must be personally served on juvenile, and if address or whereabouts known or discoverable by due diligence, parent, guardian, or custodian.</p>	<p>MCR 3.952(A). See Section 17.10(B)</p> <p>3.952(B)(2). See Section 17.10(B)</p> <p>MCR 3.952(B)(1). See Section 17.10(B)</p>

Type of Proceeding	Time and Notice Requirements	Authorities and Cross-References
<p><b>Preliminary Examinations</b></p>	<p>Examination must commence within 14 days of arraignment in a prosecutor-designated case, or within 14 days of court designation in a court-designated case unless the preliminary examination was combined with designation hearing.</p> <p>Examination may be adjourned for good cause. Finding must be made on the record.</p>	<p>MCR 3.953(D).  <b>See Section 17.18</b></p> <p>MCR 6.110(B)(1).  <b>See Section 17.18</b></p>
<p><b>Trials in Designated Cases</b></p>	<p>In all cases, prejudice to the defendant is presumed where delay between arrest and trial exceeds 18 months.</p>	<p>MCL 768.1 and <i>People v Grimmett</i>, 388 Mich 590, 606 (1972).  <b>See Chapter 18</b></p>
<p><b>Adult Sentencing Hearings</b></p>	<p>Court must sentence defendant within a reasonably prompt time, unless court delays sentencing as provided by law.</p> <p>Presentence report must be disclosed to prosecutor, defendant, and defense counsel at a reasonable time before the day of sentencing.</p>	<p>MCR 3.955(C) and 6.425(T)(2).  <b>See Section 19.3</b></p> <p>MCR 6.425(B).  <b>See Section 19.3</b></p>
<p><b>Annual Review of Delayed Imposition of Adult Sentence</b></p>	<p>Court must conduct review annually. No notice or hearing is required.</p>	<p>MCR 3.956(A)(1)(a)(i).  <b>See Section 22.2</b></p>
<p><b>Periodic Review Hearing of Delayed Imposition of Adult Sentence</b></p>	<p>Court may conduct a hearing at any time upon petition of institution or agency to which juvenile has been committed.</p> <p>Not less than 14 days before hearing is to be conducted, court must notify the prosecutor, the agency or superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if addresses are known, the juvenile's parent, guardian, or legal custodian.</p>	<p>MCR 3.956(A)(1)(a)(ii).  <b>See Section 22.2</b></p> <p>MCR 3.956(A)(1)(b).  <b>See Section 22.2</b></p>
<p><b>Mandatory Hearing to Review Delayed Imposition of Adult Sentence</b></p>	<p>Court must conduct hearing within 42 days of juvenile's 19th birthday, unless adjourned for good cause.</p> <p>Not less than 14 days before hearing is to be conducted, court must notify the prosecutor, the agency or superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if addresses are known, the juvenile's parent, guardian, or legal custodian.</p>	<p>MCR 3.956(A)(1)(a)(iii).  <b>See Section 22.3(A)</b></p> <p>MCR 3.956(A)(1)(b).  <b>See Section 22.3(B)</b></p>

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<b>Type of Proceeding</b>	<b>Time and Notice Requirements</b>	<b>Authorities and Cross-References</b>
<b>Final Review Hearing of Delayed Imposition of Adult Sentence</b>	<p>Court must conduct hearing not less than 91 days before the end of probation period.</p> <p>Not less than 14 days before hearing is to be conducted. court must notify the prosecutor, the agency or superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if addresses are known, the juvenile's parent, guardian, or legal custodian.</p>	<p>MCR 3.956(A)(1)(a)(iv). <b>See Section 22.8</b></p> <p>MCR 3.956(A)(1)(b). <b>See Section 22.8(A)</b></p>
<b>Probation Violation Hearing in Designated Case Involving Delayed Imposition of Adult Sentence</b>	<p>If a hearing is required, it must be conducted pursuant to MCR 3.944(C).</p>	<p>MCR 3.956(B)(3). <b>See Sections 22.5–22.7</b></p>