



Date: February 20, 2025

To: Chair Chang and Members of the Senate Committee on Civil Rights, Judiciary and Public Safety

From: Monique Stanton, President and CEO of the Michigan League for Public Policy

Subject: Support of SB 81 (Shink) — Youth Defense

The Michigan League for Public Policy strongly and proudly supports Senate Bill 81, sponsored by Sen. Sue Shink, which will expand the ability of the Michigan Indigent Defense Commission to set minimum standards for the defense of justice-involved youth.

For those of you who are not yet familiar, the League is a nonpartisan research and advocacy organization that promotes economic opportunity for all and analyzes the impact of public policy and budget decisions on the lives of Michiganders who have been historically and systemically left out of opportunities to advance prosperity. The League is also the state's Kids Count organization, working as a part of a national effort to measure the well-being of children at the state and local levels and to shape efforts that improve the lives of Michigan children.

The Michigan Indigent Defense Commission (MIDC) was created as part of the process to improve and standardize legal representation for indigent justice-involved Michiganders. In 2007, the ACLU of Michigan brought a class action lawsuit against the state challenging Michigan's inadequate defense system. The suit was brought on behalf of several Michiganders who were essentially being forced to plea bargain their cases because their defense attorneys were not prepared for trial. Michigan's patchwork of county-level indigent defense systems meant Michiganders without means benefitted from different levels of adequacy and competence in their defense attorneys simply because of where they lived and where they were charged with an offense. In response to the suit, then-Gov. Rick Snyder created the Indigent Defense Advisory Commission in 2011, whose recommendations served as the basis for the 2013 legislation to create the permanent MIDC.

The MIDC's role is to develop and oversee the implementation and enforcement of minimum standards and procedures to ensure that indigent *adult* defendants are provided effective assistance of counsel in alignment with safeguards of the United States and Michigan Constitutions. While necessary and commendable, currently our justice-involved youth are being left out — those who are mired in the legal system are not afforded the same constitutional protections for quality defense as justice-involved adults. It is absolutely crucial that all indigent defendants are given adequate representation in criminal cases, regardless of

Using data to educate, advocate and fight for policy solutions that undo historic and systemic racial and economic inequities to lift up Michiganders who have been left out of prosperity.

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their age. The lack of competent defense for youth often results in harsher repercussions, especially for children of color and children who come from families with low incomes.

Senate Bill 81 rectifies this loophole. Based on a unanimous recommendation by the Michigan Task Force on Juvenile Justice Reform, this bill amends the Michigan Indigent Defense Commission Act to expand the jurisdiction of the Commission — and therefore the requirements of setting minimum standards, rules, and processes — to justice-involved youth. Standards for youth defense would follow the same process as provided in the MIDC Act, including public comments and processes to determine funding adequacy, before being implemented and part of the annual budget process.

We urge the Legislature to approve this important piece of legislation. Failing to do so would leave Michigan's children to continue navigating the dangers of the juvenile justice system unaided and will also expose the state to litigation. Young people should have the legal representation that they are constitutionally entitled to — the same protections we provide adults entangled in the justice system — and this bill shows that Michigan is serious about guaranteeing this right.