

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSICA DORFF, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

JESSICA DORFF,

Respondent-Appellant.

UNPUBLISHED

August 18, 2000

No. 224347

Kalamazoo Circuit Court

Family Division

LC No. 99-000080-DL

Before: Murphy, P.J., and Kelly and Talbot, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order committing her to the Family Independence Agency. We affirm.

Respondent was charged as a juvenile with larceny over \$100, MCL 750.356; MSA 28.588, in connection with the theft of coins from her grandmother. Respondent moved to suppress a statement she made to Lynn Hause, a foster care worker. During the course of a conversation with Hause, respondent admitted stealing the coins from her grandmother. Hause relayed the information to the prosecutor. The family court denied the motion to suppress the statement, finding that because Hause was not charged with enforcement of criminal law and was not acting at the behest of the police when she spoke with respondent, she was not required to advise respondent of her *Miranda* rights. In finding respondent guilty as charged, the family court relied on Hause's testimony regarding respondent's admission.

A statement made by an accused during a custodial interrogation is inadmissible unless the accused voluntarily, knowingly, and intelligently waived his or her fifth amendment rights. *Miranda v Arizona*, 384 US 436, 444; 86 S Ct 1602; 16 L Ed 2d 694 (1966). A custodial interrogation is questioning initiated by law enforcement officers after the accused has been taken into custody or deprived of his or her freedom in a significant way. *People v Zahn*, 234 Mich App 438, 449; 594 NW2d 120 (1999). Compliance with *Miranda*, *supra*, does not dispose of the issue of the

voluntariness of a confession. *People v Godboldo*, 158 Mich App 603, 605-606; 405 NW2d 114 (1986). The voluntariness of a juvenile's confession is evaluated under the totality of the circumstances, with additional consideration given to factors such as whether the juvenile was informed of his or her rights under *Miranda*, *supra*, the degree of police compliance with statutory and rule requirements, the presence of an adult guardian or parent, and the juvenile's personal background. *People v Jackson*, 171 Mich App 191, 197; 429 NW2d 849 (1988).

Respondent argues that the family court erred by denying her motion to suppress her statement to Hause. We disagree. Hause is not a police officer, and was not acting at the behest of the police when she spoke with respondent. She was not required to inform respondent of her rights under *Miranda*, *supra*. *People v Anderson*, 209 Mich App 527, 532-533; 531 NW2d 780 (1995). Respondent was familiar with Hause, and had had a number of conversations with her. Respondent's current caseworker was present during the conversation. Respondent volunteered the information regarding the theft of money from her grandmother in response to Hause's inquiry about her ability to survive on the street without money. We find that under the totality of the circumstances, respondent's statement was voluntary. *Jackson*, *supra*.

Affirmed.

/s/ William B. Murphy

/s/ Michael J. Kelly

/s/ Michael J. Talbot