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**SFA****BILL ANALYSIS**

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Senate Bill 841 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Robert Geake

Committee: Families, Mental Health and Human Services

## **CONTENT**

The bill would amend the Friend of the Court (FOC) Act to require that, except as otherwise provided in the bill, and under the chief judge's supervision, the FOC provide the citizen advisory committee with a grievance filed under the Act and access to records and information necessary for the advisory committee to perform its functions. The following types of records would have to be provided: case records and other information pertaining to the case of a party who filed a grievance with the advisory committee; information regarding the procedures used by the FOC to carry out its responsibilities; and information regarding the administration of the FOC office, including budget and personnel information.

Information defined as confidential by Supreme Court rule could not be provided to a citizen advisory committee, nor could case information subject to confidentiality or suppression by specific court order, unless the court that issued the order determined, after notice to the parties and an opportunity for response, that the requested information could be made available without impairing the rights of a party or the well-being of a child involved in the case.

An advisory committee would have to be given a judge's or referee's notes pertaining to a case only at the chief judge's express direction. A committee would have access to records of a mediation session only if the court determined, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party or the well-being of a child involved in the case. Upon request of a citizen advisory committee and under the chief judge's supervision, the FOC annually would have to provide the committee with information pertaining to a random sampling of grievances. If requested by the committee, and at the Supreme Court's direction, the State Court Administrative Office would have to assist the FOC in devising a statistically significant random sampling.

A citizen advisory committee, its members, and its staff would have to consider confidential a record or other information to which the committee had access in order to perform its functions. The committee, members, and staff also would have to safeguard the use and disclosure of confidential records and information. A committee or staff member who disclosed a record or other information would be guilty of a misdemeanor. An advisory committee member who disclosed a confidential record or other information without authorization would no longer be a member of the committee. A committee staff member's unauthorized disclosure of a record or information would be grounds for dismissal.

MCL 552.503 et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 2-3-98

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.