

# HOUSE BILL No. 4294

February 11, 1997, Introduced by Rep. Scott and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

by amending section 28 of chapter XIIIA, as amended by 1996 PA 409.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

## CHAPTER XIIIA

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2       Sec. 28. (1) Before June 1, 1988, the court shall maintain  
3 records of all cases brought before it and as provided in the  
4 juvenile diversion act, ~~Act No. 13 of the Public Acts of 1988,~~  
5 ~~being sections 722.821 to 722.831 of the Michigan Compiled Laws~~  
6 1988 PA 13, MCL 722.821 TO 722.831. The records shall be open  
7 only by order of the court to persons having a legitimate inter-  
8 est except that diversion records shall be open only as provided  
9 in ~~Act No. 13 of the Public Acts of 1988~~ THE JUVENILE DIVERSION  
10 ACT, 1988 PA 13, MCL 722.821 TO 722.831.

11       (2) Beginning June 1, 1988, the court shall maintain records  
12 of all cases brought before it and as provided in ~~Act No. 13 of~~  
13 ~~the Public Acts of 1988~~ THE JUVENILE DIVERSION ACT, 1988 PA 13,  
14 MCL 722.821 TO 722.851. Except as otherwise provided in this  
15 subsection, records of a case brought before the court shall be  
16 open to the general public. Diversion records shall be open only  
17 as provided in ~~Act No. 13 of the Public Acts of 1988~~ THE JUVE-  
18 NILE DIVERSION ACT, 1988 PA 13, MCL 722.821 TO 722.831. Except  
19 as otherwise provided in section 49 of the crime victim's rights  
20 act, ~~Act No. 87 of the Public Acts of 1985, being section~~  
21 ~~780.799 of the Michigan Compiled Laws~~ 1985 PA 87, MCL 780.799,  
22 if the hearing of a case brought before the court is closed under  
23 section 17 of this chapter, the records of that hearing shall be  
24 open only by order of the court to persons having a legitimate  
25 interest.

26       (3) If the court issues an order in respect to payments by a  
27 parent under section 18(2) of this chapter, a copy shall be

1 mailed to the department of treasury. Action taken against  
2 parents or adults shall not be released for publicity unless the  
3 parents or adults are adjudged guilty of contempt of court. The  
4 court shall furnish the family independence agency with reports  
5 of the administration of the court in a form recommended by the  
6 Michigan association of probate and juvenile court judges.  
7 Copies of these reports shall, upon request, be made available to  
8 other state departments by the family independence agency.

9 (4) As used in subsections (1) and (2), "persons having a  
10 legitimate interest" includes ~~a~~ BOTH OF THE FOLLOWING:

11 (A) A member of a local foster care review board established  
12 under ~~Act No. 422 of the Public Acts of 1984, being sections~~  
13 ~~722.131 to 722.140 of the Michigan Compiled Laws~~ 1984 PA 422,  
14 MCL 722.131 TO 722.140.

15 (B) A PERSON INSTITUTING AN ACTION UNDER THE DRUG NUISANCE  
16 ABATEMENT ACT.

17 Enacting section 1. This amendatory act does not take  
18 effect unless all of the following bills of the 89th Legislature  
19 are enacted into law:

20 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
21 no. 00940'97).

22 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
23 no. 00941'97).

24 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
25 no. 00942'97).