

**SENATE BILL NO. 841**

January 14, 1998, Introduced by Senators GEAKE, STEIL, GOUGEON, BOUCHARD, DINGELL, V. SMITH, PETERS and SHUGARS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 3 (MCL 552.503), as amended by 1996 PA 365, and by adding section 4b.

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

1       Sec. 3. (1) There is created in each judicial circuit of  
2 this state an office of the friend of the court, except as pro-  
3 vided in subsection (2).

4       (2) If each county in a multicounty judicial circuit has a  
5 separate office of the friend of the court on the day before the  
6 effective date of this act, each county in that circuit shall  
7 have a separate office of the friend of the court on the effec-  
8 tive date of this act. If a vacancy occurs in the position of  
9 the friend of the court in such a county, the chief judge may  
10 merge the office of the friend of the court in that county with

1 the office of the friend of the court in another county of the  
2 judicial circuit.

3 (3) The head of each office is the friend of the court serv-  
4 ing under section 21(1) or appointed pursuant to section 23.

5 (4) Except as provided in this subsection, the friend of the  
6 court is an employee of the circuit court in the judicial circuit  
7 served by the friend of the court. The friend of the court for  
8 the third judicial circuit, and for any other judicial circuit in  
9 which the employees serving in the court are paid by the state,  
10 is an employee of the state judicial council.

11 (5) The duties of the office shall be performed under the  
12 direction and supervision of the chief judge.

13 (6) Each friend of the court shall take all necessary steps  
14 to adopt office procedures to implement this act, supreme court  
15 rules, and the recommendations of the bureau. Office of the  
16 friend of the court duties shall be performed in accordance with  
17 the Elliott-Larsen civil rights act, ~~Act No. 453 of the Public~~  
18 ~~Acts of 1976, being sections 37.2101 to 37.2804 of the Michigan~~  
19 ~~Compiled Laws~~ 1976 PA 453, MCL 37.2101 TO 37.2804.

20 (7) An office of the friend of the court must be open to the  
21 public making available all of the office's services not less  
22 than 20 hours each month during nontraditional office hours.  
23 This subsection shall not be construed to require an office of  
24 the friend of the court to be open for a greater number of hours  
25 than before ~~the effective date~~ ENACTMENT of the requirement  
26 under this subsection.

1           (8) THE OFFICE SHALL PROVIDE THE CITIZEN ADVISORY COMMITTEE  
2 WITH ALL RECORDS AND OTHER INFORMATION THAT IS NECESSARY FOR THE  
3 CITIZEN ADVISORY COMMITTEE TO PERFORM ITS FUNCTIONS AS PRESCRIBED  
4 BY THIS ACT.

5           SEC. 4B. (1) A CITIZEN ADVISORY COMMITTEE, ITS MEMBERS, AND  
6 ITS STAFF SHALL CONSIDER A RECORD OR OTHER INFORMATION TO WHICH  
7 THEY HAVE ACCESS IN ORDER TO PERFORM THEIR FUNCTIONS UNDER THIS  
8 ACT AS CONFIDENTIAL AND SHALL PROPERLY SAFEGUARD ITS USE AND  
9 DISCLOSURE.

10           (2) A PERSON LISTED IN SUBSECTION (1) WHO DISCLOSES A RECORD  
11 OR OTHER INFORMATION DESCRIBED IN SUBSECTION (1) IS GUILTY OF A  
12 MISDEMEANOR.

13           (3) A CITIZEN ADVISORY COMMITTEE MEMBER'S UNAUTHORIZED DIS-  
14 CLOSURE OF A RECORD OR INFORMATION DESCRIBED IN SUBSECTION (1) IS  
15 GROUNDS FOR REMOVAL FROM THE BOARD.