

# HOUSE BILL No. 5373

November 1, 2001, Introduced by Rep. Switalski and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending section 28 of chapter XIIA (MCL 712A.28), as amended  
by 1998 PA 478.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XIIA

Sec. 28. (1) Before June 1, 1988, the court shall maintain records of all cases brought before it and as provided in the juvenile diversion act. The records shall be open only by court order to persons having a legitimate interest, except that diversion records shall be open only as provided in the juvenile diversion act.

(2) Beginning June 1, 1988, the court shall maintain records of all cases brought before it and as provided in the juvenile diversion act. Except as otherwise provided in this subsection,

1 records of a case brought before the court shall be open to the  
2 general public. Diversion records shall be open only as provided  
3 in the juvenile diversion act. Except as otherwise provided in  
4 section 49 of the crime victim's rights act, 1985 PA 87,  
5 MCL 780.799, if the hearing of a case brought before the court is  
6 closed under section 17 of this chapter, the records of that  
7 hearing shall be open only by court order to persons having a  
8 legitimate interest.

9       (3) If the court issues an order in respect to payments by a  
10 parent under section 18(2) of this chapter, a copy shall be  
11 mailed to the department of treasury. Action taken against par-  
12 ents or adults shall not be released for publicity unless the  
13 parents or adults are found guilty of contempt of court. The  
14 court shall furnish the family independence agency and a county  
15 juvenile agency with reports of the administration of the court  
16 in a form recommended by the Michigan association of probate and  
17 juvenile court judges. Copies of these reports shall, upon  
18 request, be made available to other state departments by the  
19 family independence agency.

20       (4) A RECORD OF A CASE INVOLVING ONLY A VIOLATION OF THE  
21 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, FOR  
22 WHICH POINTS ARE PROVIDED UNDER SECTION 320A(1)(A), (B), (C), OR  
23 (G) OR 320A(8) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,  
24 MCL 257.320A, MAY BE DESTROYED AFTER BEING MAINTAINED FOR 10  
25 YEARS.

26       (5) ~~-(4)-~~ As used in this section:

1       (a) "Juvenile diversion act" means the juvenile diversion  
2 act, 1988 PA 13, MCL 722.821 to 722.831.

3       (b) "Persons having a legitimate interest" includes a member  
4 of a local foster care review board established under 1984  
5 PA 422, MCL 722.131 to 722.139a.