

SENATE BILL NO. 682

December 05, 2019, Introduced by Senators LUCIDO, IRWIN, BAYER, POLEHANKI, ALEXANDER, CHANG, GEISS, BULLOCK, MCMORROW and SANTANA and referred to the Committee on Judiciary and Public Safety.

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:

1 CHAPTER XIIA
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. The records shall be open only by court

1 order to persons having a legitimate interest, except that
2 diversion records shall be open only as provided in the juvenile
3 diversion act.

4 (2) Beginning June 1, 1988, the court shall maintain records
5 of all cases brought before it and as provided in the juvenile
6 diversion act. Except as otherwise provided in this subsection,
7 **until December 31, 2020**, records of a case brought before the court
8 ~~shall be~~**are** open to the general public. Diversion records ~~shall be~~
9 **are** open only as provided in the juvenile diversion act. Except as
10 otherwise provided in section 49 of the **William Van Regenmorter**
11 crime victim's rights act, 1985 PA 87, MCL 780.799, if the hearing
12 of a case brought before the court is closed under section 17 of
13 this chapter, the records of that hearing ~~shall be~~**are** open only by
14 court order to persons having a legitimate interest.

15 (3) **Beginning January 1, 2021, records of a case brought**
16 **before the court are not open to the general public. Diversion**
17 **records are open only as provided in the juvenile diversion act.**
18 **Except as otherwise provided in section 49 of the William Van**
19 **Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.799, if**
20 **the hearing of a case brought before the court is closed under**
21 **section 17 of this chapter, the records of that hearing are open**
22 **only by court order to persons having a legitimate interest.**

23 (4) ~~(3)~~ If the court issues an order in respect to payments by
24 a parent under section 18(2) of this chapter, a copy ~~shall~~**must** be
25 mailed to the department of treasury. Action taken against parents
26 or adults shall not be released for publicity unless the parents or
27 adults are found guilty of contempt of court. The court shall
28 furnish the ~~family independence agency~~**department** and a county
29 juvenile agency with reports of the administration of the court in

1 a form recommended by the ~~Michigan association of probate and~~
2 ~~juvenile court judges.~~ **Michigan Probate Judges Association.** Copies
3 of these reports shall, upon request, be made available to other
4 state departments by the ~~family independence agency~~ **department.**

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

6 (a) "Juvenile diversion act" means the juvenile diversion act,
7 1988 PA 13, MCL 722.821 to 722.831.

8 (b) "Persons having a legitimate interest" includes ~~a member~~
9 ~~of a local foster care review board established under 1984 PA 422,~~
10 ~~MCL 722.131 to 722.139a.~~ **the juvenile, the juvenile's parent, the**
11 **juvenile's guardian or legal custodian, the guardian ad litem,**
12 **counsel for the juvenile, the department if related to an**
13 **investigation of child neglect or child abuse, law enforcement**
14 **personnel, a prosecutor, and a court of this state.**