



HOUSE BILL No. 5346

February 10, 2000, Introduced by Reps. Scott, DeWeese, DeHart, Price, Hale, Richner, Garza, Daniels, Jacobs, Prusi, Thomas and Lemmons and referred to the Committee on Family and Civil Law.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIIA

1
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
5 order to persons having a legitimate interest, except that diver-
6 sion records shall be open only as provided in the juvenile
7 diversion act.

8 (2) Beginning June 1, 1988, the court shall maintain records
9 of all cases brought before it and as provided in the juvenile
10 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, MCL
5 780.799, 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) As used in this section:

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

23 (b) "Persons having a legitimate interest" includes ~~a~~ BOTH
24 OF THE FOLLOWING:

25 (i) A member of a local foster care review board established
26 under 1984 PA 422, MCL 722.131 to 722.139a.

1 (ii) A PERSON INSTITUTING AN ACTION UNDER THE DRUG NUISANCE
2 ABATEMENT ACT.

3 Enacting section 1. This amendatory act does not take
4 effect unless all of the following bills of the 90th Legislature
5 are enacted into law:

6 (a) Senate Bill No. _____ or House Bill No. 5345 (request
7 no. 00577'99 *).

8 (b) Senate Bill No. _____ or House Bill No. 5347 (request
9 no. 00578'99 *).

10 (c) Senate Bill No. _____ or House Bill No. 5348 (request
11 no. 00579'99 *).