

SENATE BILL No. 666

November 1, 1989, Introduced by Senators NICHOLS, CARL, WELBORN, DINGELL and POLLACK and referred to the Committee on Criminal Justice and Urban Affairs.

A bill to amend sections 22, 23, and 24a of chapter X and sections 8, 9, 16, 18, and 28 of chapter XIIA of Act No. 288 of the Public Acts of 1939, entitled as amended

"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,"

section 22 of chapter X as amended and section 24a of chapter X as added by Act No. 72 of the Public Acts of 1982, section 23 of

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Sections 22, 23, and 24a of chapter X and sec-

CHAPTER X

Sec. 22. As used in this chapter:

(a) "Adoptee" means the person who is to be adopted, regard-

(b) "Best interests of the adoptee" or "best interests of

The Child* means the sum total of the following factors to be

1 considered, evaluated, and determined by the court to be applied
2 to give the adoptee permanence at the earliest possible date:

3 (i) The love, affection, and other emotional ties existing
4 between the adopting person or persons or the putative father,
5 and the adoptee.

6 (ii) The capacity and disposition of the adopting person or
7 persons or the putative father to give the adoptee love, affec-
8 tion, and guidance, and to educate and create a milieu that fos-
9 ters the religion, racial identity, and culture of the adoptee.

10 (iii) The capacity and disposition of the adopting person or
11 persons or the putative father to provide the adoptee with food,
12 clothing, education, permanence, medical care or other remedial
13 care recognized and permitted under the laws of this state in
14 place of medical care, and other material needs.

15 (iv) The length of time the adoptee has lived in a stable,
16 satisfactory environment, and the desirability of maintaining
17 continuity.

18 (v) The permanence as a family unit of the proposed adoptive
19 home, or the home of the putative father.

20 (vi) The moral fitness of the adopting person or persons or
21 of the putative father.

22 (vii) The mental and physical health of the adopting person
23 or persons or of the putative father, and of the adoptee.

24 (viii) The home, school, and community record of the
25 adoptee.

26 (ix) The reasonable preference of the adoptee, if the
27 adoptee is 14 years of age or less and if the court ~~deems~~

1 CONSIDERS the adoptee to be of sufficient age to express a
2 preference.

3 (x) The ability and willingness of the adopting person or
4 persons to adopt the adoptee's siblings.

5 (xi) Any other factor considered by the court to be relevant
6 to a particular adoption proceeding, or to a putative father's
7 request for child custody.

8 (c) "Biological parent" means a person whose rights were
9 terminated pursuant to this chapter or chapter XIIA.

10 (d) "Born out of wedlock" means a child begotten and born to
11 a woman who was not married from the conception to the date of
12 birth of the child, or a child which the court has determined to
13 be a child born during a marriage but not the issue of that
14 marriage.

15 (e) "Child" means a person less than 18 years of age.

16 (f) "Child placing agency" means a private organization
17 licensed to place children for adoption.

18 (g) "Consent" means a duly executed document in which all
19 parental rights over a specific child are voluntarily relin-
20 quished to the court for adoptive placement with the petitioner.

21 (h) "Court" means the probate court of this state, and when
22 the context requires, the court having jurisdiction over adoption
23 in another state or country.

24 (i) "Department" means the state department of ~~social~~
25 CHILDREN, YOUTH, AND FAMILY services.

26 (j) "Petitioner" means the person or persons who file an
27 adoption petition with the court.

1 (k) "Release" means a duly executed document in which all
2 parental rights over a specific child are voluntarily relin-
3 quished to the department or to a child placing agency.

4 (l) "Stepparent" means a person who adopts a child 1 of
5 whose parents is the adopting person's spouse.

6 Sec. 23. The court shall have jurisdiction to hear an
7 appeal brought under section ~~115f of Act No. 280 of the Public~~
8 ~~Acts of 1939, being section 400.115f of the Michigan Compiled~~
9 ~~Laws~~ 23 OF THE CHILDREN, YOUTH, AND FAMILY SERVICES ACT. The
10 court may set aside, affirm, reverse, or modify a final determi-
11 nation of the ~~office of children and youth services~~ DEPARTMENT
12 as provided in sections 101 to 106 of THE ADMINISTRATIVE PROCE-
13 DURES ACT OF 1969, Act No. 306 of the Public Acts of 1969, as
14 amended, being sections 24.301 to 24.306 of the Michigan Compiled
15 Laws.

16 Sec. 24a. (1) Interested parties in a petition for adoption
17 include, but shall not be limited to:

18 (a) The petitioner.

19 (b) The adoptee, if over 14 years of age.

20 (c) A minor parent, adult parent, or surviving parent of a
21 minor adoptee, unless:

22 (i) The rights of the parent have been terminated by a court
23 of competent jurisdiction.

24 (ii) A guardian of the adoptee, with specific authority to
25 consent to adoption, has been appointed.

26 (iii) A guardian of the parent, with specific authority to
27 consent to adoption, has been appointed.

1 (iv) The rights of the parent have been released.

2 (v) The parent has consented to the granting of the
3 petition.

4 (d) The department or a child placing agency to which the
5 adoptee has been, or for purposes of subsection (2) is proposed
6 to be, released or committed by an order of the juvenile division
7 of the probate court.

8 (e) A parent, guardian, or guardian ad litem of an unemanci-
9 pated minor parent of the adoptee.

10 (f) The juvenile division of the probate court with per-
11 manent custody of the adoptee.

12 (g) A court with continuing jurisdiction over the adoptee.

13 (h) A child placing agency of another state or country which
14 has authority to consent to adoption.

15 (i) The guardian or guardian ad litem of an interested
16 party.

17 (2) Interested parties in a petition for a hearing to iden-
18 tify the father of a child and to determine or terminate his
19 rights include, but shall not be limited to:

20 (a) The persons set forth in subsection (1).

21 (b) A putative father of the child.

22 (3) Interested parties in a proceeding relating to the exe-
23 cution of a voluntary release include, but shall not be limited
24 to:

25 (a) The adoptee, if over 5 years of age.

26 (b) The department or a child placing agency to which the
27 adoptee is proposed to be released.

(c) The person executing the release of parental rights.

(4) The court shall not appoint a guardian of the adoptee or of a parent solely for the purpose of defeating that parent's status as an interested party under this section.

CHAPTER XIIIA

Sec. 8. The office of county agent is hereby created. The county agent shall be an officer of the juvenile division of the probate court, ~~and~~ under the general supervision of the judges ~~thereof~~ OF THE JUVENILE DIVISION OF THE PROBATE COURT, and shall serve ~~during~~ AT their pleasure. The county agent shall organize, direct, and develop the child welfare work of the court ~~when~~ IF so authorized by the judge. ~~He shall, when~~ IF requested by the superintendent or director, THE COUNTY AGENT SHALL supervise children when released from public institutions or agencies and may perform ~~such~~ other child welfare work ~~as requested~~ UPON REQUEST and with the approval of the judge, including services to school-age children of the various school districts within the county, after consultation and agreement with the ~~county school commissioner and the superintendents of schools in a county~~ INTERMEDIATE SCHOOL DISTRICT SUPERINTENDENT. The county agent or assistants shall, with the approval of the judge of probate, make such investigations and reports on children or families within the county as may be requested by the ~~state department of social welfare~~ DEPARTMENT OF CHILDREN, YOUTH, AND FAMILY SERVICES or by the superintendent of any state institution relative to the welfare of any child. ~~The state department of social welfare shall assist in the work~~

1 ~~of the county agents and assistants as provided in subdivision~~
2 ~~(c) of section 14 of Act No. 280 of the Public Acts of 1939.~~
3 Assistant county agents shall perform ~~such~~ THE duties as may be
4 assigned to them by the county agent.

5 Sec. 9. (1) The judge of probate in each county may appoint
6 1 or more suitable persons of good character and qualified train-
7 ing or experience, other than the county agent or assistants, to
8 act as probation officer. ~~—, who~~ THE PROBATION OFFICER shall
9 receive ~~such~~ compensation as the COUNTY board of ~~supervisors~~
10 COMMISSIONERS may appropriate for that purpose. ~~—, and who~~ THE
11 PROBATION OFFICER, at the discretion of the judge, may be autho-
12 rized and empowered to perform county agent duties.

13 (2) The judge of probate may ~~also~~ appoint ~~other~~ proba-
14 tion officers ~~who~~ IN ADDITION TO THE PROBATION OFFICERS
15 APPOINTED IN SUBSECTION (1). PROBATION OFFICERS APPOINTED UNDER
16 THIS SUBSECTION shall NOT receive ~~no~~ compensation from the
17 county treasury for ~~the~~ duties performed. ~~under such~~
18 appointment.—

19 (3) ~~It shall be the duty of the~~ THE judge of probate ~~to~~
20 SHALL notify the ~~state department of social welfare~~ DEPARTMENT
21 OF CHILDREN, YOUTH, AND FAMILY SERVICES of the appointment of all
22 paid probation officers made ~~by him~~ under the provisions of
23 this chapter. All probation officers shall hold office during
24 the pleasure of the court and shall report to the ~~said~~ court
25 ~~upon all~~ ON cases under their care.

26 Sec. 16. (1) If a child under the age of 17 years is taken
27 into custody or detained, the child shall not be confined in any

1 police station, prison, jail, lock-up, or reformatory, or be
2 transported with, or compelled or permitted to associate or
3 mingle with, criminal or dissolute persons. However, except as
4 otherwise provided in section 15(3), (4), and (5) of this chap-
5 ter, a child 15 years of age or older whose habits or conduct are
6 considered a menace to other children, or who may not otherwise
7 be safely detained, may, on order of the court, be placed in a
8 jail or other place of detention for adults, but in a room or
9 ward separate from adults, and for a period not to exceed 30
10 days, unless longer detention is necessary for the service of
11 process.

12 (2) Provision may be made by the county board of commission-
13 ers in each county or of counties contracting together for the
14 diagnosis, treatment, care, training, and detention of children
15 in a child care home to be conducted as an agency of the court or
16 county if the home or facility meets licensing standards estab-
17 lished by the state department of ~~social~~ CHILDREN, YOUTH, AND
18 FAMILY services. The court or a court approved agency may
19 arrange for the boarding of children by any of the following:

20 (a) If a child is within the court's jurisdiction under sec-
21 tion 2(a) of this chapter, in a suitable foster care home subject
22 to the court's supervision. Except as otherwise provided in sub-
23 sections (5) and (6), if a child is within the court's jurisdic-
24 tion under section 2(b) of this chapter, the court shall not
25 place a child in a foster care home subject to the court's
26 supervision.

1 (b) In a child care institution or child placing agency
2 licensed by the state department of ~~social~~ CHILDREN, YOUTH, AND
3 FAMILY services to receive for care children within the jurisdic-
4 tion of the court.

5 (c) If in a room or ward, separate and apart from adult
6 criminals, in the county jail in cases of children over 17 years
7 of age within the jurisdiction of the court.

8 (3) If a detention home is established as an agency of the
9 court, the judge may appoint a superintendent or matron and other
10 necessary employees for the home who shall receive compensation
11 as shall be provided by the county board of commissioners of the
12 county. This section does not alter or diminish the legal
13 responsibility of the state department of ~~social~~ CHILDREN,
14 YOUTH, AND FAMILY services to receive juveniles committed by the
15 probate courts.

16 (4) If the court under subsection (2) arranges for the board
17 of children temporarily detained in private homes or in a child
18 care institution or child placing agency, a reasonable sum, to be
19 fixed by the court, for the board of the children shall be paid
20 by the county treasurer out of the general fund of the county.

21 (5) Except as otherwise provided in subsection (6), if a
22 court is providing at the time of the enactment of this subsec-
23 tion foster care home services subject to the court's supervision
24 to children within section 2(b) of this chapter, the court may
25 continue to provide those services through December 31, 1989.
26 Beginning January 1, 1990, the court shall discontinue providing
27 those services.

1 (6) If a court located in a county with a population in
2 excess of 650,000 is providing at the time of the enactment of
3 this subsection foster care home services subject to the court's
4 supervision to children within section 2(b) of this chapter, the
5 court may continue to provide those services through
6 December 31, 1991. Beginning January 1, 1992, the court shall
7 discontinue those services.

8 Sec. 18. (1) If the court finds that a child concerning
9 whom a petition has been filed is not within this chapter, the
10 court shall enter an order dismissing the petition. Except as
11 otherwise provided in subsection (15), if the court finds that a
12 child is within this chapter, the court may enter any of the fol-
13 lowing orders of disposition which is appropriate for the welfare
14 of the child and society in view of the facts proven and
15 ascertained:

16 (a) Warn the child or the child's parents, guardian, or cus-
17 todian and dismiss the petition.

18 (b) Place the child on probation, or under supervision in
19 the child's own home or in the home of an adult who is related to
20 the child. As used in this subdivision "related" means any of
21 the following relationships, by marriage, blood, or adoption:
22 parent, grandparent, brother, sister, stepparent, stepsister,
23 stepbrother, uncle, or aunt. The probation or supervision shall
24 be upon such terms and conditions, including reasonable rules for
25 the conduct of the parents, guardian, or custodian, if any,
26 designed for the physical, mental, or moral well-being and
27 behavior of the child, as the court determines.

1 (c) If a child is within the court's jurisdiction under
2 section 2(a) of this chapter, place the child in a suitable
3 foster care home subject to the court's supervision. Except as
4 otherwise provided in subsections (17) and (18), if a child is
5 within the court's jurisdiction under section 2(b) of this chap-
6 ter, the court shall not place a child in a foster care home
7 subject to the court's supervision.

8 (d) Place the child in or commit the child to a private
9 institution or agency approved or licensed by the state depart-
10 ment of ~~social~~ CHILDREN, YOUTH, AND FAMILY services for the
11 care of children of similar age, sex, and characteristics.

12 (e) Commit the child to a public institution, county facili-
13 ty, institution operated as an agency of the court or county, or
14 agency authorized by law to receive children of similar age, sex,
15 and characteristics. In a placement under subdivision (d) or a
16 commitment under this subdivision, except to a state institution,
17 the religious affiliation of the child shall be protected by
18 placement or commitment to a private child-placing or
19 child-caring agency or institution, if available. The court, in
20 every order of commitment under this subdivision to a state
21 institution or agency described in the youth rehabilitation serv-
22 ices act, Act No. 150 of the Public Acts of 1974, as amended,
23 being sections 803.301 to 803.309 of the Michigan Compiled Laws
24 or in Act No. 220 of the Public Acts of 1935, as amended, being
25 sections 400.201 to 400.214 of the Michigan Compiled Laws, shall
26 name the superintendent of the institution to which the child is
27 committed as a special guardian to receive benefits due the child

1 from the government of the United States, and the benefits shall
2 be used to the extent necessary to pay for the portions of the
3 cost of care in the institution which the parent or parents are
4 found unable to pay.

5 (f) Provide the child with medical, dental, surgical, or
6 other health care, in a local hospital if available, or else-
7 where, maintaining as much as possible a local physician-patient
8 relationship, and with clothing and other incidental items as the
9 court considers necessary.

10 (g) Order the parents, guardian, custodian, or any other
11 person to refrain from continuing conduct which, in the opinion
12 of the court, has caused or tended to cause the child to come
13 within or to remain under this chapter, or which obstructs place-
14 ment or commitment of the child pursuant to an order under this
15 section.

16 (2) An order of disposition placing a child in or committing
17 a child to care outside of the child's own home and under state
18 or court supervision shall contain a provision for the reimburse-
19 ment by the child, parent, guardian, or custodian to the court
20 for the cost of care or service. The order shall be reasonable,
21 taking into account both the income and resources of the child,
22 parent, guardian, or custodian. The amount may be based upon the
23 guidelines and model schedule created under subsection (6). The
24 reimbursement provision shall apply during the entire period the
25 child remains in care outside of the child's own home and under
26 state or court supervision, unless the child is in the permanent
27 custody of the court. The court shall provide for the collection

1 of all amounts ordered to be reimbursed, and the money collected
2 shall be accounted for and reported to the county board of
3 commissioners. Collections to cover delinquent accounts or to
4 pay the balance due on reimbursement orders may be made after a
5 child is released or discharged from care outside the child's own
6 home and under state or court supervision. Twenty-five percent
7 of all amounts collected pursuant to an order entered under this
8 subsection shall be credited to the appropriate fund of the
9 county to offset the administrative cost of collections. The
10 balance of all amounts collected pursuant to an order entered
11 under this subsection shall be divided in the same ratio in which
12 the county, state, and federal government participate in the cost
13 of care outside the child's own home and under state or court
14 supervision. The court may also collect benefits paid for the
15 cost of care of a court ward from the government of the United
16 States. Money collected for children placed with or committed to
17 the state department of ~~social~~ CHILDREN, YOUTH, AND FAMILY
18 services shall be accounted for and reported on an individual
19 child basis. In cases of delinquent accounts, the court may also
20 enter an order to intercept state tax refunds or the federal
21 income tax refund of a child, parent, guardian, or custodian and
22 initiate the necessary offset proceedings in order to recover the
23 cost of care or service. The court shall send to the person who
24 is the subject of the intercept order advance written notice of
25 the proposed offset. The notice shall include notice of the
26 opportunity to contest the offset on the grounds that the
27 intercept is not proper because of a mistake of fact concerning

1 the amount of the delinquency or the identity of the person
2 subject to the order. The court shall provide for the prompt
3 reimbursement of an amount withheld in error or an amount found
4 to exceed the delinquent amount.

5 (3) An order of disposition placing a child in the child's
6 own home under subsection (1)(b) may contain a provision for the
7 reimbursement by the child, parent, guardian, or custodian to the
8 court for the cost of service. If an order is entered under this
9 subsection, amounts due shall be determined and treated in the
10 same manner provided for an order entered under subsection (2).

11 (4) An order directed to a parent or a person other than the
12 child shall not be effectual and binding on the parent or other
13 person unless opportunity for hearing has been given pursuant to
14 issuance of summons or notice as provided in sections 12 and 13
15 of this chapter, and until a copy of the order, bearing the seal
16 of the court, is served on the parent or other person, personally
17 or by first class mail, to the parent's or other person's last
18 known address, as provided in section 13 of this chapter.

19 (5) If the court appoints an attorney to represent a child,
20 parent, guardian, or custodian, an order entered under this sec-
21 tion may require the child, parent, guardian, or custodian to
22 reimburse the court for attorney fees.

23 (6) The office of the state court administrator, under the
24 supervision and direction of the supreme court and in consulta-
25 tion with the state department of ~~social~~ CHILDREN, YOUTH, AND
26 FAMILY services and the Michigan probate and juvenile court
27 judges association, shall create guidelines and a model schedule

1 which may be used by the court in determining the ability of the
2 child, parent, guardian, or custodian to pay for care and any
3 costs of service ordered under subsection (2) or (3). The guide-
4 lines and model schedule shall take into account both the income
5 and resources of the child, parent, guardian, or custodian.

6 (7) If the court finds that a child has violated any munici-
7 pal ordinance or state or federal law, and the court has placed
8 the child on probation, the court may, as a condition of proba-
9 tion, require the child to do either of the following:

10 (a) Both of the following:

11 (i) Pay restitution to the victim.

12 (ii) Engage in community service or with the victim's con-
13 sent perform services for the victim.

14 (b) Seek and maintain paid part-time or full-time employment
15 and pay restitution to the victim from the earnings of that paid
16 part-time or full-time employment.

17 (8) If the court imposes restitution as part of a sentence
18 of probation, the following shall apply:

19 (a) The court shall not require a child to pay restitution
20 unless the child is or will be able to pay all or part of the
21 restitution during the term of his or her probation. In deter-
22 mining the amount and method of payment of restitution, the court
23 shall take into account the financial resources of the child and
24 the burden that the payment of restitution will impose, with due
25 regard to any other moral or legal financial obligations that the
26 child may have.

1 (b) The amount of restitution a court orders a child to pay
2 under subsection (7)(b) shall not exceed 30% of the net income
3 per pay period from the child's paid part-time or full-time
4 employment.

5 (c) A child who is required to pay restitution and who is
6 not in intentional default of the payment of restitution may
7 petition the court, or an adult acting on the child's behalf may
8 petition the court, for a modification of the amount of restitu-
9 tion owed or for a cancellation of any unpaid portion of the
10 restitution.

11 (d) The court shall cancel all or part of the amount of res-
12 titution due if it appears to the satisfaction of the court that
13 payment of the amount due will impose a manifest hardship on the
14 child.

15 (e) If the court cancels all or a part of the amount of res-
16 titution, the court may modify the terms and conditions of proba-
17 tion to require the child to engage in community service.

18 (9) If a child is required to pay restitution as part of the
19 sentence of probation, the court shall provide for payment to be
20 made in specified installments and within a specified period of
21 time.

22 (10) If the court finds that the child is in intentional
23 default of the payment of restitution, a court may revoke or
24 alter the terms and conditions of probation for nonpayment of
25 restitution.

26 (11) If a child who is ordered to engage in community
27 service intentionally refuses to perform the required community

1 service, the court may revoke or alter the terms and conditions
2 of probation.

3 (12) If the child is unable to pay all of the restitution
4 ordered, after notice to the child's custodial parent and an
5 opportunity for the parent to be heard, the court may order the
6 custodial parent to pay all or part of the unpaid portion of the
7 restitution ordered. The amount of restitution the parent is
8 ordered to pay under this subsection shall not exceed \$2,500.00.

9 (13) If the court orders the custodial parent to pay resti-
10 tution under subsection (12), the court shall take into account
11 the financial resources of the parent and the burden that the
12 payment of restitution will impose, with due regard to any other
13 moral or legal financial obligations that the parent may have.
14 If a parent is required to pay restitution under subsection (12),
15 the court shall provide for payment to be made in specified
16 installments and within a specified period of time.

17 (14) A parent who has been ordered to pay restitution under
18 subsection (12) may petition the court for a modification of the
19 amount of restitution owed or for a cancellation of any unpaid
20 portion of the restitution. The court shall cancel all or part
21 of the amount of restitution due, if it appears to the satisfac-
22 tion of the court that payment of the amount due will impose a
23 manifest hardship on the parent.

24 (15) The court shall not enter an order of disposition for a
25 juvenile offense as defined in section 1a of Act No. 289 of the
26 Public Acts of 1925, being section 28.241a of the Michigan
27 Compiled Laws, until the court has examined the court file and

1 has determined that the child's fingerprints have been taken as
2 required by section 3 of Act No. 289 of the Public Acts of 1925,
3 being section 28.243 of the Michigan Compiled Laws. If a child
4 has not had his or her fingerprints taken, the court shall do
5 either of the following:

6 (a) Order the child to submit himself or herself to the
7 police agency that arrested or obtained the warrant for the
8 arrest of the child so the child's fingerprints can be taken.

9 (b) Order the child committed to the custody of the sheriff
10 for the taking of the child's fingerprints.

11 (16) Upon disposition or dismissal of a juvenile offense,
12 the clerk of the court entering the disposition or dismissal
13 shall immediately advise the department of state police of the
14 disposition or dismissal on forms approved by the state court
15 administrator. The report to the department of state police
16 shall include information as to the finding of the judge or jury
17 and a summary of the disposition imposed.

18 (17) Except as otherwise provided in subsection (18), if a
19 court is providing at the time of the enactment of this subsec-
20 tion foster care home services subject to the court's supervision
21 to children within section 2(b) of this chapter, the court may
22 continue to provide those services through December 31, 1989.
23 Beginning January 1, 1990, the court shall discontinue providing
24 those services.

25 (18) If a court located in a county with a population in
26 excess of 650,000 is providing at the time of the enactment of
27 this subsection foster care home services subject to the court's

1 supervision to children within section 2(b) of this chapter, the
2 court may continue to provide those services through
3 December 31, 1991. Beginning January 1, 1992, the court shall
4 discontinue those services.

5 Sec. 28. (1) Before June 1, 1988, the court shall maintain
6 records of all cases brought before it and as provided in the
7 juvenile diversion act, Act No. 13 of the Public Acts of 1988,
8 being sections 722.821 to 722.831 of the Michigan Compiled Laws.
9 The records shall be open only by order of the court to persons
10 having a legitimate interest except that diversion records shall
11 be open only as provided in Act No. 13 of the Public Acts of
12 1988.

13 (2) Beginning June 1, 1988, the court shall maintain records
14 of all cases brought before it and as provided in Act No. 13 of
15 the Public Acts of 1988. Except as otherwise provided in this
16 subsection, records of a case brought before the court shall be
17 open to the general public. Diversion records shall be open only
18 as provided in Act No. 13 of the Public Acts of 1988. Except as
19 otherwise provided in section 49 of the crime victim's rights
20 act, Act No. 87 of the Public Acts of 1985, being section 780.799
21 of the Michigan Compiled Laws, if the hearing of a case brought
22 before the court is closed pursuant to section 17 of this chap-
23 ter, the records of that hearing shall be open only by order of
24 the court to persons having a legitimate interest.

25 (3) Whenever the court issues an order in respect to pay-
26 ments by a parent under section 18(2) of this chapter, a copy
27 shall be mailed to the department of treasury. Action taken

1 against parents or adults shall not be released for publicity
2 unless the parents or adults are adjudged guilty of contempt of
3 court. The court shall furnish the department of ~~social~~
4 CHILDREN, YOUTH, AND FAMILY services with reports of the adminis-
5 tration of the juvenile division in a form as shall be recom-
6 mended by the Michigan association of probate and juvenile court
7 judges. Copies of these reports shall, upon request, be made
8 available to other state departments by the department of
9 ~~social~~ CHILDREN, YOUTH, AND FAMILY services.

10 (4) As used in subsections (1) and (2), "persons having a
11 legitimate interest" includes a member of a local foster care
12 review board established under Act No. 422 of the Public Acts of
13 1984, being sections 722.131 to 722.140 of the Michigan Compiled
14 Laws.

15 Section 2. This amendatory act shall not take effect unless
16 Senate Bill No. 109 of the 85th Legislature is enacted into law.

17 Section 3. This amendatory act shall take effect October 1,
18 1990.