

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 841**

(As Passed the Senate February 4, 1998)

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
(MCL 552.501 to 552.535) by adding sections 4b and 4c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4B. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2), (3),
2 AND (4), AND UNDER THE CHIEF JUDGE'S SUPERVISION, THE OFFICE
3 SHALL PROVIDE THE CITIZEN ADVISORY COMMITTEE WITH A GRIEVANCE
4 FILED AS PROVIDED IN SECTION 26 AND ACCESS TO RECORDS AND INFOR-
5 MATION NECESSARY FOR THE COMMITTEE TO PERFORM ITS FUNCTIONS AS
6 PRESCRIBED BY THIS ACT, INCLUDING THE FOLLOWING:

7 (A) CASE RECORDS AND OTHER INFORMATION PERTAINING TO THE
8 CASE OF A PARTY WHO HAS FILED A GRIEVANCE WITH THE CITIZEN
9 ADVISORY COMMITTEE.

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1 (B) INFORMATION REGARDING THE PROCEDURES USED BY THE OFFICE
2 TO CARRY OUT ITS RESPONSIBILITIES AS DEFINED BY STATUTE, COURT
3 RULE, OR THE BUREAU.

4 (C) INFORMATION REGARDING THE ADMINISTRATION OF THE OFFICE
5 OF THE FRIEND OF THE COURT OFFICE, INCLUDING BUDGET AND PERSONNEL
6 INFORMATION.

7 (2) THE FOLLOWING INFORMATION SHALL NOT BE PROVIDED TO A
8 CITIZEN ADVISORY COMMITTEE:

9 (A) INFORMATION DEFINED AS CONFIDENTIAL BY SUPREME COURT
10 RULE.

11 (B) CASE INFORMATION SUBJECT TO CONFIDENTIALITY OR SUPPRES-
12 SION BY SPECIFIC COURT ORDER, UNLESS THE COURT THAT ISSUED THE
13 ORDER OF CONFIDENTIALITY DETERMINES, AFTER NOTICE TO THE PARTIES
14 AND AN OPPORTUNITY FOR RESPONSE, THAT THE REQUESTED INFORMATION
15 MAY BE MADE AVAILABLE TO THE CITIZEN ADVISORY COMMITTEE WITHOUT
16 IMPAIRING THE RIGHTS OF A PARTY OR THE WELL-BEING OF A CHILD
17 INVOLVED IN THE CASE.

18 (3) A CITIZEN ADVISORY COMMITTEE SHALL BE PROVIDED A JUDGE'S
19 OR REFEREE'S NOTES PERTAINING TO A CASE ONLY AT THE CHIEF JUDGE'S
20 EXPRESS DIRECTION.

21 (4) A CITIZEN ADVISORY COMMITTEE HAS ACCESS TO RECORDS OF A
22 MEDIATION SESSION ONLY IF THE COURT DETER-
23 MINES, AFTER NOTICE TO THE PARTIES AND AN OPPORTUNITY FOR A
24 RESPONSE, THAT ACCESS WOULD NOT IMPAIR THE RIGHTS OF A PARTY TO
25 THE CASE OR THE WELL-BEING OF A CHILD INVOLVED IN THE CASE.

26 (5) UPON REQUEST OF A CITIZEN ADVISORY COMMITTEE AND UNDER
27 THE CHIEF JUDGE'S SUPERVISION, THE OFFICE SHALL ANNUALLY PROVIDE

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Sub. S.B. 841 (S-1) as amended December 9, 1998

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1 THE COMMITTEE WITH INFORMATION PERTAINING TO A RANDOM SAMPLING OF
2 GRIEVANCES. IF REQUESTED BY THE COMMITTEE AND AT THE SUPREME
3 COURT'S DIRECTION, THE STATE COURT ADMINISTRATIVE OFFICE SHALL
4 ASSIST THE OFFICE IN DEVISING A STATISTICALLY SIGNIFICANT RANDOM
5 SAMPLING.

6 SEC. 4C. (1) A CITIZEN ADVISORY COMMITTEE, ITS MEMBERS, AND
7 ITS STAFF SHALL CONSIDER AS CONFIDENTIAL A RECORD OR OTHER INFOR-
8 MATION TO WHICH THEY HAVE ACCESS IN ORDER TO PERFORM THEIR FUNC-
9 TIONS UNDER THIS ACT AND SHALL PROPERLY SAFEGUARD ITS USE AND
10 DISCLOSURE.

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

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

17 (4) A COMMITTEE STAFF MEMBER'S UNAUTHORIZED DISCLOSURE OF A
18 RECORD OR INFORMATION DESCRIBED IN SUBSECTION (1) IS GROUNDS FOR
19 DISMISSAL.

[Enacting section 1. This amendatory act takes effect March 1,
1999.]