

# Nonpublic and Limited-Access Court Records

## Revision January 2010

The following chart lists various court record types to which access is limited by statute, court order, or court rule. It should be used in conjunction with Component 19 of the Michigan Trial Court Case File Management Standards. While this chart can help provide guidance on the use of and access to confidential records, court staff should review the particular statutes and court rules and, when in doubt, consult with their chief judge on local interpretation. Each listed item begins with the specific record type that has its access limited, a citation to the relevant statute and/or court rule, and the duration of time that access to the record is limited (*Record Having Limited Access and Length of Duration*). Following this identification of the record type, the chart specifies what regulations or standards exist for the court's filing and storage of the record and for access to the record by court staff (*Filing and Court Access Requirements*). Each item ends with a listing of the various persons or agencies and the reasons for which they are allowed to have access to the record (*Possibilities for Access to Court Records*). The chart is organized by court type and category of case. Categories are as follows: General: Circuit Court (Civil and Criminal Divisions) and District Court; Circuit Court Family Division - Friend of the Court; Circuit Court Family Division - Juvenile; Circuit Court Family Division - Adoption, Etc.; and Probate Court.

Although there is no specific statutory or rule-based direction, if one court orders a record or information to become confidential, in many cases it would appear to be appropriate for another court to make that record or information confidential as well.

### Notes:

1. The chart contains some statute references in which the only agency directed to maintain a nonpublic record is the state police. In order to insure the intent of the statute to keep these records confidential, courts are directed to maintain their records in these instances as nonpublic records. They are nonpublic pursuant to MCR 8.119(E)(1).
2. In some cases, a statute or court rule makes **information** in a case file (as opposed to simply the file itself) confidential. This is the case when, for example, the law protects against divulging information in the file or when specific pieces of information (e.g., name or address) are made confidential. When information in a case file is made confidential, individuals should not divulge confidential information, and publicly accessible information sources outside of case files (e.g., indices, registers of actions) should not contain confidential information.
3. The collection, maintenance, and release of social security numbers by courts is governed by Michigan Supreme Court Administrative Order 2006-2, Privacy Policy and Access to Records. Administrative Memorandum 2006-04 provides the procedures courts must follow when providing copies of documents containing social security numbers, as well as remedies available to a party seeking to protect a social security number contained within a publicly filed document.
4. If a request is made to view a record that is nonpublic and the individual requesting to view the record is not allowed access under statute or is not a party to the case, the court should respond as indicated for each record type. In addition, there are nonpublic records that can not be acknowledged or identified. Those record types are identified under "Court response to inquiries."
5. If the court receives form MC 292 from a defendant as provided by MCL 380.1230d and MCL 380.1535a, it shall forward a copy of the form and information regarding the sentencing not later than seven days after the date of sentencing to the entities listed on the form, even if the court is maintaining the file as a nonpublic record. Further, at the request of the Superintendent of Public Instruction, the court shall provide a copy of the judgment of conviction and sentence or other document regarding disposition of the case within seven days of receiving the request and fees or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

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## Glossary

1. **Case:** Any action that is currently before the court or has been before the court. Cases must have a case caption and an assigned case number.
2. **Case Caption:** The official title of the case. For example, People v Smith, Jones v Jones, Smith v State of Michigan, In Re Smith.
3. **Case file:** The file or files in any case that contains all filed documents and all orders or opinions entered by the court.
4. **Department of Defense:** Included in the Department of Defense are the U.S. Army, U.S. Navy (Marine Corps is part of the Navy) and U.S. Air Force.
5. **Law Enforcement Agency:** Any agency authorized by federal or state law or local ordinance to enforce the laws of the United States, state of Michigan, or any city, township, or village in the state of Michigan. The following is a list of federal law enforcement agencies published by the Department of Justice with over 500 full time employees. There may be other federal law enforcement officers in agencies with fewer than 500 full time officers.
  - a. U.S. Customs and Border Protection
  - b. Federal Bureau of Prisons
  - c. Federal Bureau of Investigation
  - d. U.S. Immigration and Customs Enforcement
  - e. U.S. Secret Service
  - f. Drug Enforcement Administration
  - g. Administrative Office of the U.S. Courts
  - h. U.S. Marshals Service
  - i. U.S. Postal Inspection Service
  - j. Internal Revenue Service, Criminal Investigation
  - k. Veterans Health Administration
  - l. Bureau of Alcohol, Tobacco, Firearms and Explosives
  - m. National Park Service
  - n. U.S. Capitol Police
  - o. Bureau of Diplomatic Security, Diplomatic Security Service
  - p. U.S. Fish and Wildlife Service, Division of Law Enforcement
  - q. USDA Forest Service, Law Enforcement & Investigations
  - r. U.S. Coast Guard
6. **Duration:** The time within which a court record has nonpublic or limited access status.
7. **Limited access:** Available to specific individuals defined by court rule or statute.
8. **Nonpublic:** Not accessible to anyone other than the parties, their attorneys, and the court.
  - a. Records that are nonpublic pursuant to statute
  - b. Records that are nonpublic pursuant to court rule
  - c. Records that are nonpublic in whole or in part as a result of a court order
9. **Public:** Accessible to anyone.
10. **Record:** A record includes all papers, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or

received by a court in connection with the transaction of court business.

<b>Nonpublic and Limited-Access Court Records</b>		
<b>GENERAL</b>		
Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUDICIAL DATA WAREHOUSE (JDW): All information retrieved from searches and queries conducted using the JDW.</b>  <b>Duration:</b> From retrieval of information or creation of the record.</p>	<p>All information retrieved from the JDW should be maintained to ensure that it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>The court should respond to requests for information by referring the party to the court having jurisdiction over the action.</p>	<p>The JDW is restricted to authorized court use only with no dissemination of information to the public, other than a referral to a court having jurisdiction over a person’s case(s). Other agencies may have access through separate operating agreements with the JDW and should gather information through their own information systems networks. There is no possibility of public access.</p>
<p><b>SEALED RECORDS: Records sealed by court order. (MCR 8.119(F))</b>  <b>Duration:</b> From entry of the order until the time (if any) when the order is rescinded.</p>	<p>Sealed records should be maintained to ensure they are not subject to public inspection. All court orders and opinions in the case, including the order or opinion that disposes of a motion to seal the record, may not be sealed and must remain open to the public. <i>MCR 8.119(F)(5)</i></p> <p><b>Court Response to inquiries:</b></p> <p>The court should respond to requests to view a record sealed by court order, as follows: “Only Court Orders and Opinions in this case are accessible to the public.”</p>	<p>Except as otherwise provided by statute or court rule, a court may not enter an order sealing court records, in whole or in part, in any action or proceeding unless a party to the case has filed a written motion identifying the specific interest to be protected; the court makes a finding of good cause, in writing or on the record, specifying the grounds for the order; and there is no less restrictive means to adequately and effectively protect the specific interest asserted by the party. <i>MCR 8.119(F)(1)</i> Whenever a court grants a motion to seal a court record, in whole or in part, the court must forward a copy of the order to the Clerk of the Supreme Court and to the State Court Administrative Office. <i>MCR 8.119(F)(7)</i> Any person may file a motion to set aside an order that disposes of a motion to seal the record or may file an objection to entry of a proposed order. <i>MCR 8.119(F)(6)</i> Parties to a case in which a record has been sealed shall be allowed access to their court file.</p>

## Nonpublic and Limited-Access Court Records

### GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CONFIDENTIAL LEIN POLICY FILE: Information obtained from the Law Enforcement Information Network. (MCL 28.214[3],[4],[5]) Duration:</b> From creation or receipt of the record.</p>	<p>Information that is nonpublic should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Law Enforcement Information Network (LEIN) information is nonpublic pursuant to statute.”</p>	<p>A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain. The attorney general or his or her designee, a prosecuting attorney, or the court in a criminal case may disclose to the defendant or the defendant’s attorney of record information pertaining to that defendant that was obtained from the law enforcement information system.</p>
<p><b>CONFIDENTIAL CMH FILE: Community Mental Health treatment records for individuals. (MCL 330.1748, 330.1748a) Duration:</b> From creation of the record.</p>	<p>Records should be maintained to ensure they are not subject to public inspection. Nonpublic information remains nonpublic even if admitted into evidence.</p> <p><b>Court Response to inquiries:</b></p> <p>“Community Mental Health records are nonpublic pursuant to statute.”</p>	<p>Disclosure of a CMH record is possible under some circumstances, including the following: (a) for case record entries made after March 28, 1996, to an adult recipient, upon the recipient’s request, if the recipient does not have a guardian and has not been adjudicated legally incompetent; (b) pursuant to court order or legislative subpoena, unless the information is privileged by law; (c) to a prosecuting attorney as necessary for the prosecuting attorney to participate in a proceeding governed by the Mental Health Code; (d) to an attorney for the recipient, with the consent of the recipient, the recipient’s guardian with authority to consent, or the parent with legal and physical custody of a minor recipient; (e) if necessary to comply with another provision of law; (f) to DCH if the information is necessary for the department to discharge a legal responsibility; (g) to the office of auditor general if the information is necessary for that office to discharge its constitutional responsibility; and (h) to a surviving spouse of the recipient or, if there is no surviving spouse, to the individual or individuals most closely related to the deceased recipient within the third degree of consanguinity for the purpose of applying for and receiving benefits.</p>

## Nonpublic and Limited-Access Court Records

### GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CONFIDENTIAL CMH FILES, FORENSIC AND PSYCHOLOGICAL REPORTS: Privileged communications between a mental health patient and a psychiatrist or psychologist in connection with the examination, diagnosis, or treatment of the patient. (MCL 330.1748; 330.1750; 330.2028; 330.2030) Duration:</b> From creation of the cord.</p>	<p>Records should be maintained to ensure they are not subject to public inspection. Nonpublic reports remain nonpublic even if admitted into evidence.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of confidential CMH files, forensic and psychological reports cannot be acknowledged.</i></p>	<p>Disclosure of “privileged communications” is possible, upon request, in any of the following circumstances: (a) if the communication is relevant to a condition of the patient that the patient has introduced as an element of the patient’s claim/defense in a proceeding or that, after the patient’s death, has been introduced as an element of the patient’s claim/defense by a party to a proceeding; (b) if the communication is relevant to a matter under consideration in a proceeding governed by the Mental Health Code, but only if the patient was suitably informed, (c) if the communication is relevant to a matter under consideration in a proceeding to determine the legal competence of the patient or the patient’s need for a guardian but only if the patient was suitably informed; (d) in a civil action by or on behalf of the patient or a criminal action arising from the treatment of the patient against the mental health professional for malpractice; and (e) under certain circumstances, if the privileged communication was made during an examination or treatment ordered by a court.</p>
<p><b>DRUG AND ALCOHOL SCREENING AND ASSESSMENT, ADDITIONAL COUNSELING, AND TREATMENT FOR SUBSTANCE ABUSE AND/OR MENTAL HEALTH PROBLEMS: Results of screening and assessment and treatment for substance abuse and mental health problems in the record of a person undergoing screening and assessment, additional counseling, or treatment for substance abuse and/or mental health problems. (MCL 330.1748; 333.6111; 333.6521) Duration:</b> From creation of the record.</p>	<p>Records should be maintained to ensure they are not subject to public inspection. Applicable to both court files and probation files.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records pertaining to drug and alcohol screening and assessment, additional counseling, and treatment for substance abuse and/or mental health problems cannot be acknowledged.</i></p>	<p>Confidentiality protects the individual from the release of unauthorized information, and individuals must sign a release of information or consent form authorizing the release of information specific to the court case. <i>42 CFR</i>. Confidentiality requirements are applicable to information contained in either a court file or probation file. Even if an agency otherwise has access to the file for specified purposes, unless a consent or release form is in the file allowing release of information specific to the court case, including drug and alcohol screening and assessment, additional counseling, and treatment for substance abuse and/or mental health problems, that information remains nonpublic to those agencies.</p>

## Nonpublic and Limited-Access Court Records

### GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>MEDIATION: Statements made during mediation, including those made in written submissions, unless included in the report of the mediator. (MCR 2.411[C][5])</b>  <b>Duration:</b> From creation of the statement.</p>	<p>Information may not be used in any other proceedings, including trial, except as information is necessary for the court to: (a) resolve disputes regarding the mediator's fee, or (b) consider issues raised by a party's failure to attend a scheduled mediation session. Court personnel may have access to the information in order to administer or evaluate the mediation program.</p> <p><b>Court Response to inquiries:</b></p> <p>"Mediation records are nonpublic pursuant to court rule"</p>	<p>None specified.</p>
<p><b>MEDIATION: Communications between the parties or counsel and the mediator relating to mediation, unless included in the report of the mediator. (MCR 2.411[C][5])</b>  <b>Duration:</b> From creation of the communication.</p>	<p>Information is confidential except when necessary for the court to: (a) resolve disputes regarding the mediator's fee, or (b) consider issues raised by a party's failure to attend a scheduled mediation session.</p> <p><b>Court Response to inquiries:</b></p> <p>"Mediation records are nonpublic pursuant to court rule"</p>	<p>Disclosure is possible with the written consent of all parties.</p>

## Nonpublic and Limited-Access Court Records

### GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>MEDIATION: Work product or case files of mediator or of community dispute resolution center. (MCL 691.1557)</b>  <b>Duration:</b> From creation of the work product or case file.</p>	<p>Information is confidential and not subject to disclosure in a judicial or administrative proceeding, except that which is either (a) needed in a subsequent action between the mediator and a party to the dispute resolution process for damages arising out of that process or (b) subject to discovery and was not prepared specifically for use in the dispute resolution process.</p> <p><b>Court Response to inquiries:</b></p> <p>“Mediation records are nonpublic pursuant to statute”</p>	<p>Disclosure is possible when confidentiality is waived in writing by all parties to the dispute resolution process.</p>
<p><b>CASE EVALUATION: Case evaluation and parties’ acceptances and rejections. (MCR 2.403[N][4])</b>  <b>Duration:</b> From creation of case evaluation, acceptance, and rejection and until the time (if any) when judgment is rendered.</p>	<p>Documents are to be placed in a sealed envelope.</p> <p><b>Court Response to inquiries:</b></p> <p>“Case evaluations and the parties’ acceptances or rejections are nonpublic records pursuant to court rule.”</p>	<p>None specified.</p>
<p><b>JURY: Completed Juror Qualification Questionnaires. (MCL 600.1315)</b>  <b>Duration:</b> From receipt of the completed questionnaire.</p>	<p>Questionnaires should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Juror qualification questionnaires are nonpublic records pursuant to statute.”</p>	<p>Persons may gain access to completed questionnaires through order of the chief circuit judge.</p>

## Nonpublic and Limited-Access Court Records

### GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JURY: Juror Personal History Questionnaires. (MCR 2.510[C]) Duration:</b> From receipt of the completed questionnaire.</p>	<p>Questionnaires should be maintained to ensure they are not subject to public inspection. The judges of the court, the clerk of the court, and deputy clerks are all allowed to examine the questionnaire.</p> <p><b>Court Response to inquiries:</b></p> <p>“Juror personal history questionnaires are nonpublic records pursuant to court rule.”</p>	<p>The only persons allowed to examine the questionnaires are: (a) parties to actions in which the juror is called to serve and their attorneys, and (b) persons authorized access by court rule or court order.</p>
<p><b>JURY: Seated juror names and addresses. <i>People v Mitchell (In Re Juror Names)</i>, 233 Mich App 604; 592 NW2d 798 (1999) Duration:</b> Upon the court’s finding that juror safety or other interests are implicated by access.</p>	<p>Seated juror names and addresses should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Seated juror names and addresses are nonpublic pursuant to court order”</p>	<p>The press has a qualified right of post verdict access to juror names and addresses, subject to the trial court’s discretion to fashion an order that takes into account the competing interest of juror safety and any other interests that may be implicated by the court’s order.</p>

## Nonpublic and Limited-Access Court Records

### GENERAL

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>GRAND JURY: Docket, journal, reporters' notes, transcript, and other records. (MCL 767.6a) Duration:</b> From the termination of the grand jury inquiry.</p>	<p>If the grand jury does not last more than 30 calendar days, the docket, journal, reporters' notes, transcript, and other record of the judge shall be sealed and filed with the clerk of the court having jurisdiction. If the grand jury lasts more than 30 calendar days, the docket, journal, reporters' notes, transcript, and other record of the judge shall be sealed and filed with the clerk of the supreme court of the state of Michigan, where it shall be held secretly in a separate container securely locked.</p> <p><b>Court Response to inquiries:</b></p> <p>“Grand jury records are nonpublic pursuant to statute”</p>	<p>Any witness in the original proceeding may file a petition in the circuit court of the county in which he resides for release of the entire transcript and record as to that witness, and so far as material, any grant of immunity, in connection with any appeal or other judicial proceedings where it may be relevant. The petition must set forth the proceedings for which the documents are needed and describe the portions of the transcript and record needed, but a witness may request and receive only those portions applicable to that witness and no other witnesses. Upon the filing of the petition, the judge of such circuit court shall issue an order directing the clerk of the court or the clerk of the supreme court of the state of Michigan, as the case may be, to make available the portions of the transcript and record set forth in the petition and pertaining to the witness. After complying with the order, the remaining transcript and records shall be immediately resealed. If the documents are held by the clerk of the supreme court of the state of Michigan, the petitioner shall execute a receipt for the documents and immediately upon the termination of the appeal or judicial proceeding for which they were obtained, return them to the clerk. If, however, the prosecuting attorney of the county in which the inquiry was conducted, or any other interested person, files a petition for destruction of the documents, any circuit judge in that county, upon determining that there is no further need for preserving and retaining the documents, shall enter an order referring the matter to the supreme court for the entry of an order or orders for the destruction of the transcripts, notes, and records, or any part thereof. No such order shall be entered by a circuit judge until at least 6 years after the termination of the inquiry.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Drug court. (MCL 600.1070[b][i] and MCL 600.1076[6]) Drug court participation and treatment information becomes a nonpublic record after the order of discharge or dismissal is entered. This is applicable only to those individuals who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge or dismissal upon successful completion of the drug treatment court program. Duration:</b> After the order of discharge or dismissal is entered upon successful completion of the drug court treatment program.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“The court may not acknowledge or disclose participation in a drug court program pursuant to statute.”</p> <p><i>The existence of drug court records cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. The nonpublic record shall be open to the courts of this state, another state, or the United States, the Department of Corrections, federal, state, and local law enforcement personnel, and prosecutors <i>only</i>:               <ul style="list-style-type: none"> <li>1. for use in the performance of their duties;</li> <li>2. to determine whether an employee of the court, department, law enforcement agency, or prosecutor’s office has violated his or her conditions of employment; or</li> <li>3. to determine whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor’s office.</li> </ul> </li> <li>B. The nonpublic record shall also be open, <i>with written consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <i>only</i> for the purpose of determining eligibility for:               <ul style="list-style-type: none"> <li>1. access to classified information;</li> <li>2. assignment to or retention in sensitive national security duties;</li> <li>3. acceptance or retention in the armed forces; and</li> <li>4. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. <i>(5 USCS 9101[a] and [b])</i></li> <li>5. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> </ul> </li> <li>C. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></li> <li>D. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</li> <li>E. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>F. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. <i>(MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</i></li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Drug court. (MCL 600.1064[4]) Statements or information obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3). Duration:</b> From preadmission screening.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“These records are nonpublic pursuant to statute.”</p> <p><i>The existence of drug court records cannot be acknowledged.</i></p>	<p>Information or statements obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3) are confidential and exempt from disclosure under the Freedom of Information Act and shall not be used in criminal prosecution unless it reveals criminal acts other than, or inconsistent with, personal drug use.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Holmes Youthful Trainee Act (HYTA).</b> (MCL 762.14[4]) <b>In cases where the HYTA (MCL 762.11-15) is applied and where no subsequent conviction is entered, the entire file (including records related to HYTA assignment). Duration:</b> From the decision by the court to apply HYTA to the case and until the time (if any) when the case is removed from HYTA status.</p>	<p>Case files should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of HYTA records cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. All proceedings regarding the disposition of the criminal charge and the individual’s assignment as youthful trainee shall be closed to public inspection but shall be open for use only in the performance of the duties of: (a) the courts of this state, (b) the Michigan Department of Corrections, (c) the Department of Human Services, (d) federal, state, and local law enforcement personnel, and (e) prosecuting attorneys. (MCL 762.14[4])</li> <li>B. It shall also be open, <i>with written consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <i>only</i> for the purpose of determining eligibility for:             <ul style="list-style-type: none"> <li>1. access to classified information;</li> <li>2. assignment to or retention in sensitive national security duties;</li> <li>3. acceptance or retention in the armed forces; and</li> <li>4. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> <li>5. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> </ul> </li> <li>C. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>D. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></li> <li>E. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</li> <li>F. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>G. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Licensed health care professional practicing under the influence. (MCL 750.430[8][A]) Entire file when case is discharged or dismissed. Duration:</b> After the order of discharge or dismissal is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 750.430(8)(A) cannot be acknowledged.</i></p>	<p>A. The record shall only be furnished to a:</p> <ul style="list-style-type: none"> <li>a. (a) a court, or (b) a police agency upon request only for the purpose of showing whether the individual accused of violating has already once utilized this subdivision.</li> <li>b. The record shall also be furnished to: (a) a court, (b) a police agency, or (c) a prosecutor upon request only for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. (MCL 750.430[8][A])</li> </ul> <p>B. It shall also be open, <i>with written consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for: (a) access to classified information; (b) assignment to or retention in sensitive national security duties; (c) acceptance or retention in the armed forces; and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b]) Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>C. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>D. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</p> <p>E. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (<i>MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b</i>)</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Immunity. (MCL 767A.8) Documents related to prosecutor-sought immunity in relation to an investigative subpoena (including petitions or orders for immunity and transcripts of testimony delivered to witnesses pursuant to grants of immunity). Duration:</b> From the time the prosecutor seeks immunity.</p>	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 767A.8 cannot be acknowledged.</i></p>	<p>Relevant documents shall not be divulged to any person.</p>
<p><b>CRIMINAL: Investigative subpoenas. (MCL 767A.8) Records and documents obtained by the prosecutor pursuant to an investigative subpoena. Duration:</b> From creation of the record or document.</p>	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 767A.8 cannot be acknowledged.</i></p>	<p>Relevant documents shall not be divulged to any person.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Protective orders. (MCR 6.201[E])</b>  <b>Record of hearing on issuance of a protective order in connection with discovery if the court grants the protective order. Duration:</b> Provisionally upon start of the hearing, and then permanently from the granting of the protective order.</p>	<p>Record must be sealed (and preserved for review in the event of an appeal).</p> <p><b>Court Response to inquiries:</b></p> <p>“This record is sealed pursuant to court rule.”</p>	<p>None specified.</p>
<p><b>CRIMINAL: Victim information. (MCL 780.758)</b>  <b>Victim home and work addresses and telephone numbers. Duration:</b> From receipt of information.</p>	<p>Information “shall not be in the court file or ordinary court documents” unless contained in a transcript (or, in the case of the address, it is used to identify the place of the crime). Conditional bonds and conditional orders of probation for the protection of named persons containing victim addresses or phone numbers are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Victim home and work addresses and telephone numbers are nonpublic pursuant to statute.”</p>	<p>None specified.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Victim information. (MCL 780.758)</b>  <b>Victim home and work addresses and telephone numbers. Duration:</b> From receipt of information.</p>	<p>Information “shall not be in the court file or ordinary court documents” unless contained in a transcript (or, in the case of the address, it is used to identify the place of the crime). Conditional bonds and conditional orders of probation for the protection of named persons containing victim addresses or phone numbers are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Victim home and work addresses and telephone numbers are nonpublic pursuant to statute.”</p>	<p>None specified.</p>
<p><b>CRIMINAL: Plea notification. (MCL 780.816[1]) Plea notification to prosecutor following arraignment.</b>  <b>Duration:</b> From creation of the plea notification.</p>	<p>Notice shall be on a “separate form” and contain victim name, address, and telephone.</p> <p><b>Court Response to inquiries:</b></p> <p>“Plea notification to the prosecutor is a nonpublic record pursuant to statute”</p>	<p>The notice shall not be a matter of public record.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Minor in possession. (MCL 436.1703[3]) Entire file. Duration:</b> From the time the proceedings are deferred and through dismissal.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records cords governed by MCL 436.1703(3) cannot be acknowledged.</i></p>	<p>A. The nonpublic record shall be furnished to any of the following:</p> <p>a. to a court, prosecutor, or police agency upon request only for the purpose of determining if an individual has already utilized the subsection, and</p> <p>b. to the Department of Corrections, a prosecutor, or a federal, state, and local law enforcement agency, upon request, subject to the following conditions:</p> <p>i. at the time of the request, the individual is an employee of the Department of Corrections, the prosecutor, or the law enforcement agency or an applicant for employment with the Department of Corrections, the prosecutor, or the law enforcement agency, and</p> <p>ii. the record is used by the Department of Corrections, the prosecutor, or the law enforcement agency <i>only</i> to determine whether an employee has violated his or her conditions of employment or whether an applicant meets the criteria for employment. (MCL 436.1703[3])</p> <p>B. It shall also be open, <i>with written consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for: (a) access to classified information; (b) assignment to or retention in sensitive national security duties; (c) acceptance or retention in the armed forces; and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b]) Access for these federal agencies through a contractual arrangement with another entity is allowed.</p> <p>C. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></p> <p>D. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</p> <p>E. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection . (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Setting aside a conviction; (MCL 780.621, 780.623; MCR 8.119(E))[1]) Entire file where conviction has been set aside. Duration:</b> From entry of the order setting aside the conviction.</p>	<p>Records should be maintained to ensure they are not subject to public inspection. A person who knows or should know that a conviction was set aside and who divulges, uses, or publishes information concerning a conviction set-aside is guilty of a misdemeanor.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 780.621, 780.623 and MCR 8.119(E)(1) cannot be acknowledged.</i></p>	<p>This nonpublic record is open to:</p> <ol style="list-style-type: none"> <li>a. a court of competent jurisdiction, an agency of the judicial branch of state government, a federal, state, and local law enforcement agency, a prosecuting attorney, the attorney general or the governor, upon request and only for the purpose of:               <ol style="list-style-type: none"> <li>1. consideration of a licensing function conducted by an agency of the judicial branch of state government</li> <li>2. to show that a person who has filed an application to set aside a conviction has previously had a conviction set aside pursuant to this act</li> <li>3. the court’s consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than one year</li> <li>4. consideration by the governor if a person whose conviction has been set aside applies for a pardon for another offense</li> <li>5. consideration by a law enforcement agency if a person whose conviction has been set aside applies for employment with the law enforcement agency</li> <li>6. consideration by a court, law enforcement agency, prosecuting attorney, or the attorney general in determining whether an individual required to be registered under the sex offenders registration act has violated that act or for use in a prosecution for violating that act. (MCL 780.621, 780.623)</li> </ol> </li> <li>b. The nonpublic record shall also be open, <i>with written consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <i>only</i> for the purpose of determining eligibility for:               <ol style="list-style-type: none"> <li>1. access to classified information;</li> <li>2. assignment to or retention in sensitive national security duties;</li> <li>3. acceptance or retention in the armed forces; and</li> <li>4. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> </ol> </li> <li>c. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>d. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></li> <li>e. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</li> <li>f. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> </ol>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Excision of discovery materials. (MCR 6.201[D]) Record of hearing on excision of portions of material under discovery if the court grants the excision. Duration:</b> Provisionally upon start of the hearing, and permanently from the granting of the order.</p>	<p>Records must be sealed (and preserved) for review in the event of an appeal.</p> <p><b>Court Response to inquiries:</b></p> <p>“The record of the hearing is sealed pursuant to court rule.”</p>	<p>None specified.</p>
<p><b>CRIMINAL: Probationer information. (MCL 791.229; MCR 8.119 [E][1] (if a copy of the MDOC pre-sentence investigation is maintained by the circuit court), <i>Howe v Detroit Free Press</i>, 440 Mich 203; 487 NW2d 374 [1992])</b> Records and reports of investigations made by a probation officer and all case histories of probationers. <b>Duration:</b> From creation of the record or report.</p>	<p>Relevant information shall be considered privileged or confidential communications and shall not be open to public inspection. Judges and probation officers shall have access to all records, reports, and case histories.</p> <p><b>Court Response to inquiries:</b></p> <p>“Probation investigations and case histories are nonpublic pursuant to statute..”</p>	<p>The probation officer, the assistant director of probation, or the assistant director’s representative</p> <ol style="list-style-type: none"> <li>A. Shall permit the attorney general, the auditor general, and federal, state, and local law enforcement agencies to have access to the records, reports, and case histories, and</li> <li>B. Shall permit designated representatives of a private vendor that operates a youth correctional facility to have access to the records, reports, and case histories pertaining to prisoners assigned to the youth correctional facility. (MCL 791.229)</li> <li>C. They shall also be open, <b>with written consent of the individual</b>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <b>only</b> for the purpose of determining eligibility for: <ol style="list-style-type: none"> <li>1. access to classified information;</li> <li>2. assignment to or retention in sensitive national security duties;</li> <li>3. acceptance or retention in the armed forces; and</li> <li>4. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> <li>5. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> </ol> </li> <li>D. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ol>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Parental kidnapping. (MCL 750.350a[4]; MCR 8.119[E][1]) Entire file, when case is dismissed. Duration:</b> After order of discharge from probation is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 750.350a[4]; MCR 8.119[E][1] cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. The record is available upon request for the purpose of showing that a defendant in a criminal action has already utilized this subsection from: (a) a court, or (b) a police agency. (MCL 750.350a[4])</li> <li>B. The record shall be furnished, only for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal or proceedings by a drug treatment court under MCL 600.1076, to: (a) a court, (b) police agency, or (c) prosecutor upon request.</li> <li>C. It shall also be open, <i>with consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:             <ul style="list-style-type: none"> <li>a. access to classified information</li> <li>b. assignment to or retention in sensitive national security duties</li> <li>c. acceptance or retention in the armed forces</li> <li>d. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> </ul> </li> <li>D. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>E. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></li> <li>F. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>G. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Domestic violence assault. (MCL 769.4a[5]; MCR 8.119[E][1]) Entire file, when case is dismissed. Duration:</b> After the order of discharge from probation is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 769.4a[6]; MCR 8.119[E][1]) cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. The record is available upon request only for the purpose of showing that a defendant in a criminal action under MCL 750.81 and 750.81a or a local ordinance substantially corresponding to section 81 of that act has already once utilized this section to: (a) a court, (b) a police agency, or (c) an office of prosecuting attorney. (MCL 769.4a[6])</li> <li>B. It shall also be furnished upon request only for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076 to: (a) a court, (b) a policy agency, or (c) a prosecutor.</li> <li>C. It shall also be open, <i>with consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:             <ul style="list-style-type: none"> <li>a. access to classified information</li> <li>b. assignment to or retention in sensitive national security duties</li> <li>c. acceptance or retention in the armed forces</li> <li>d. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> </ul> </li> <li>D. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>E. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></li> <li>F. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>G. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: Controlled substance crimes. (MCL 333.7411, MCR 8.119[E][1]) Entire file, when case is dismissed. Duration:</b> After the order of discharge from probation is entered.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by (MCL 333.7411, 333.7403[2][a][v], 333.7403[2][b], [c], [d], 333.7404, and 333.7341; MCR 8.119[E][1]) cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. The record is available upon request to: (a) a court, (b) a police agency, or (c) an office of a prosecuting attorney for the purpose of: (1) showing a defendant in a criminal action involving a controlled substance has already utilized the statute/section, or (2) determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076.</li> <li>B. The record is available to: (a) the Michigan Department of Corrections and (b) a federal, state, and local law enforcement agency, subject to the following conditions: (1) at the time of the request, the individual is an employee of the department or the law enforcement agency or an applicant for employment thereof; (2) if the individual is an employee, the date on which the court placed him/her on probation occurred after March 25, 2002; or (3) the records shall be used by the MDOC or the law enforcement agency only to determine whether the employee has violated conditions of employment or whether the applicant meets criteria for employment. (MCL 333.7411, 333.7403[2][a][v], 333.7403[2][b][c][d], 333.7404, and 333.7341)</li> <li>C. It shall also be open, <i>with consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:             <ul style="list-style-type: none"> <li>a. access to classified information</li> <li>b. assignment to or retention in sensitive national security duties</li> <li>c. acceptance or retention in the armed forces</li> <li>d. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> </ul> </li> <li>D. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>E. If the request is made by a victim in the case, refer the victim to the prosecutor’s office for information concerning conviction, sentence, and release. <i>Mich Const 1963, Art 1 §24</i></li> <li>F. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</li> <li>G. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>H. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection . (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CRIMINAL: CSC and Assault with intent to commit CSC. (MCL 750.520k) Name of victim and actor and details of the alleged offense if so requested by counsel, victim, or actor. Duration:</b> Upon request of counsel, the victim, or the defendant until the defendant is arraigned on the information, the charge is dismissed, or the case is otherwise concluded, whichever occurs first.</p>	<p>Relevant information is to be “suppressed.”</p> <p><b>Court Response to inquiries:</b></p> <p>“Records regarding the name of the victim and actor and details of the alleged offense are nonpublic at this time pursuant to statute.”</p>	<p>None specified.</p>
<p><b>CRIMINAL: Infectious disease testing (MCL 333.5129[6], [7]); Sexual and controlled substance offenses Examination results and any other medical information pertaining to infectious disease testing. Duration:</b> Upon receipt of the information.</p>	<p>Information shall be “confidential.”</p> <p><b>Court Response to inquiries:</b></p> <p>“Records regarding the examination results and any other medical information pertaining to infectious disease testing are nonpublic pursuant to statute.”</p>	<p>Information shall be disclosed only to: (a) the defendant, (b) the local health department, (c) the Department of Community Health, or (d) the victim or other person required to be informed of the results (or the victim’s or other person’s parent, guardian, or person in loco parentis if the victim or other person is a minor or otherwise incapacitated). If the defendant is placed in the custody of the Department of Corrections, the court shall transmit a copy of the defendant’s examination and test results and other medical information to the Department of Corrections.</p>
<p><b>SEARCH WARRANT: Affidavit. (MCL 780.651[8]) Duration:</b> From the time the search warrant is issued until the 56<sup>th</sup> day following issuance, unless before the 56<sup>th</sup> day after it is issued a peace officer or prosecuting attorney obtains a suppression order from a judge upon a showing under oath that suppression of the affidavit is necessary to protect an ongoing investigation or the privacy or safety of a victim or witness. Access is restricted until the expiration of the suppression order.</p>	<p>The affidavit in a court file or court record retention system is not public.</p> <p><b>Court Response to inquiries:</b></p> <p>“The affidavit is nonpublic pursuant to statute.”</p>	<p>None specified.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT (Civil and Criminal Divisions) AND DISTRICT COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>SEARCH WARRANT:</b>  <b>Tabulation of items seized through search under warrant if the court orders the tabulation suppressed. (MCL 780.655) Duration:</b> From the time of entry of the court order until the final disposition of the case unless otherwise ordered.</p>	<p>Relevant tabulations are “suppressed.”</p> <p><b>Court Response to inquiries if tabulation is ordered suppressed:</b></p> <p>“The tabulation is nonpublic pursuant to court order.”</p>	<p>None specified.</p>
<p><b>JUVENILE WAIVER: Reimbursement orders. (MCL 712A.28) Information on action taken against parents or adults for not abiding by a reimbursement order (unless parents or adults are found guilty of contempt). Duration:</b> From the time the court begins proceedings against parents or adults.</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“This information is nonpublic pursuant to statute.”</p>	<p>Information shall not be released for publicity.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - FRIEND OF THE COURT- FRIEND OF THE COURT RECORDS ARE NONPUBLIC

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>FOC STAFF NOTES : Staff notes from mediation, settlement conferences and investigations. [MCR 3.218(A)(3)(a)] Duration:</b> From creation of the notes.</p>	<p>Notes should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Friend of the Court staff notes from settlement conferences and investigations are nonpublic pursuant to court rule”</p>	<p>Staff notes are only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order.</li> </ol>
<p><b>FOC FILES: DHS protective services reports. [MCR 3.218(A)(3)(b)] Duration:</b> From receipt of the report.</p>	<p>Reports should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“DHS protective services reports are nonpublic pursuant to court rule”</p>	<p>DHS Protective Service reports are only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order.</li> </ol>
<p><b>FOC FILES: Formal Mediation Records. [MCR 3.218(A)(3)(c)] Duration:</b> From receipt of the report.</p>	<p>Mediation records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“DHS protective services reports are nonpublic pursuant to court rule”</p>	<p>Formal mediation records are only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order.</li> </ol>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - FRIEND OF THE COURT - FRIEND OF THE COURT RECORDS ARE NONPUBLIC

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>FOC FILES: Information disclosing a party's address. [MCR 3.218(A)(3)(f)] Is only classified as confidential if release is prohibited by court order.</b></p> <p><b>Duration:</b> From receipt of the information.</p>	<p>Party address information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Party addresses are nonpublic pursuant to court rule”</p>	<p><b>If address is NOT confidential by court order then:</b></p> <ol style="list-style-type: none"> <li>1. Parties, third party custodians, guardians, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to FOC records related to the case, other than confidential information.</li> </ol> <p><b>If address is or is not confidential by court order, the following have access:</b></p> <ol style="list-style-type: none"> <li>2. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>3. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>4. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>5. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>6. Access may be authorized by court order.</li> </ol>
<p><b>FOC FILES: Communications from minors. . [MCR 3.218(A)(3)(d)]Duration:</b></p> <p>From receipt of the communication.</p>	<p>Communications from minors should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Communications from minors are nonpublic pursuant to court rule”</p>	<p>Staff notes are only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order.</li> </ol>
<p><b>FOC FILES: Information classified as confidential by laws and regulations of Title IV, part D of the Social Security Act. . [MCR 3.218(A)(3)(h)] Duration:</b></p> <p>From receipt of the information.</p>	<p>IV-D confidential information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“IV-D confidential information is nonpublic pursuant to court rule”</p>	<p>Information classified as confidential by laws and regulations of Title IV, part D of the Social Security Act is only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order.</li> </ol>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - FRIEND OF THE COURT- FRIEND OF THE COURT RECORDS ARE NONPUBLIC

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>FOC GRIEVANCE: Grievances filed by opposing party and responses. [MCR 3.218(A)(3)(e)] Duration:</b> From receipt of the grievance or response.</p>	<p>Grievances and responses should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“ Friend of the Court grievance records are nonpublic pursuant to court rule”</p>	<p>FOC Grievances filed by the opposing party and the responses are only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 shall be given access to a grievance filed with the Friend of the Court, and to information related to the cases, other than confidential information, unless access to confidential information is granted by court order.</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order.</li> </ol>
<p><b>FOC FILES: Information for which a privilege could be claimed or that was provided by a governmental agency subject to the express written condition that it remain confidential. [MCR 3.218(A)(3)(g)] Duration:</b> From receipt of the information</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“These Friend of the Court records are nonpublic pursuant to court rule”</p>	<p>Information for which a privilege could be claimed or that was provided by a governmental agency subject to the express written condition that it remain confidential is only accessible to:</p> <ol style="list-style-type: none"> <li>1. A citizens Advisory Committee established under the Friend of the Court Act, MCL 552.501 may be given access by court order</li> <li>2. Department of Human Services (DHS) protective services personnel are to receive access to records related to investigation of alleged abuse and neglect;</li> <li>3. The prosecuting attorney and DHS personnel are to receive access to records required to perform functions mandated by Title IV, part D of the Social Security Act;</li> <li>4. Auditors from state and federal agencies are to receive access to records required to perform audit functions</li> <li>5. Access may be authorized by court order</li> </ol>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>VICTIMS: Victim information. (MCL 780.758)</b>  <b>Victim home and work addresses and telephone numbers. Duration:</b> From receipt of information.</p>	<p>Information regarding a victim’s addresses and telephone numbers “shall not be in the court file or ordinary court documents” unless contained in a transcript (or, in the case of the address, if it is used to identify the place of the crime). Conditional bonds and conditional orders of probation for the protection of named persons containing victim addresses or phone numbers are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Victim home and work addresses and telephone numbers are nonpublic pursuant to statute.”</p>	<p>None specified.</p>
<p><b>CHILD VICTIMS AND WITNESSES: Child protective and juvenile delinquency cases – does not apply to a juvenile delinquent. (MCL 712A.28[2]) Records of a hearing closed under MCL 712A.17 Duration:</b> From beginning of the hearing.</p>	<p>Records are typically closed.</p> <p><b>Court Response to inquiries:</b></p> <p>“Child victim and witness records are nonpublic pursuant to statute.”</p>	<p>Records are open only by court order to persons having a legitimate interest.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>DESIGNATED CASE: Immunity (MCL 767A.8) Documents related to prosecutor-sought immunity (including petitions and orders for immunity and transcripts of testimony delivered to witnesses pursuant to grants of immunity). Duration:</b> From the time the prosecutor seeks immunity, until the time immunity is not granted (if any).</p>	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p><b>Court Response to inquiries:</b></p> <p>“Documents related to prosecutor-sought immunity (including petitions and orders for immunity and transcripts of testimony delivered to witnesses pursuant to grants of immunity) are nonpublic pursuant to statute.”</p>	<p>Relevant documents shall not be divulged to any person.</p>
<p><b>DESIGNATED CASE: Investigative subpoenas (MCL 767A.8) Records and documents obtained by the prosecutor pursuant to an investigative subpoena. Duration:</b> From creation of the record or document.</p>	<p>Relevant documents shall not be available for public inspection or copying and shall not be divulged.</p> <p><b>Court Response to inquiries:</b></p> <p>“Records and documents obtained by the prosecutor pursuant to an investigative subpoena are nonpublic pursuant to statute.”</p>	<p>Relevant documents shall not be divulged to any person.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>DESIGNATED CASE:</b>  <b>Protective orders. (MCR 6.201[E]) Record of hearing on issuance of a protective order if the court grants the protective order. Duration:</b>                      Provisionally upon the start of the hearing, and then permanently from the granting of the protective order.</p>	<p>Record must be sealed (and preserved for review in the event of an appeal).</p> <p><b>Court Response to inquiries:</b></p> <p>“Record of hearing on issuance of a protective order if the court grants the protective order is nonpublic pursuant to court rule.”</p>	<p>None specified.</p>
<p><b>DESIGNATED CASE:</b>  <b>Excision of discovery materials. (MCR 6.201[D]) Record of hearing on excision of portions of material under discovery if the court grants the excision. Duration:</b>                      Provisionally upon the start of the hearing, and permanently from the granting of the order.</p>	<p>Record must be sealed (and preserved for review in the event of an appeal).</p> <p><b>Court Response to inquiries:</b></p> <p>“Record of hearing on excision of portions of material under discovery if the court grants the excision is nonpublic pursuant to court rule.”</p>	<p>None specified.</p>
<p><b>FINGERPRINTS AND PHOTOGRAPHS:</b>  <b>Fingerprints and photographs taken when required by statute or permitted by the court. (MCL 28.243; MCR 3.923[C]) Duration:</b>                      From creation until they are forwarded to MSP or they are destroyed.</p>	<p>Fingerprints and photographs must be placed in the confidential files, capable of being located and destroyed on court order.</p> <p><b>Court Response to inquiries:</b></p> <p>“Fingerprints and photographs taken when required by statute or permitted by the court are nonpublic pursuant to statute and court rule.”</p>	<p>Only persons found by the court to have a legitimate interest considering the nature of the proceedings, the welfare and safety of the public, the interest of the minor, and any restriction imposed by state or federal law. (MCR 3.925[D])</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUVENILE DELINQUENCY: Consent Calendar Records. (MCR 3.903[A][24] and 3.935[E][2][b]) Entire file. Duration:</b> A petition that is not authorized by the court is a non-record and does not exist as a public record. The case is closed upon successful completion of the consent calendar case plan and maintained in accordance with MCR 3.925(E)(2)(b).</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of consent calendar records cannot be acknowledged.</i></p>	<p>Relevant documents shall not be divulged to any person. If a formal calendar case is transferred to the consent calendar and a register of actions exists, the register of actions must be maintained as a nonpublic record. Consent calendar records may not be disclosed to federal agencies and military recruiters because they are not “formal criminal charges.” 5 USCS 9101 (a)(2)</p>
<p><b>JUVENILE DELINQUENCY: Diversion records. (MCL 722.827-722.829) Duration:</b> From the decision by the court to divert the juvenile.</p>	<p>The court shall keep a “separate diversion record” for the minor.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of diversion records cannot be acknowledged.</i></p>	<p>A record required to be kept under this act shall be open to a law enforcement agency or court intake worker only for the purpose of deciding whether to divert a minor. (MCL 722.828) A diversion record shall also be open only by order of the court to persons having a legitimate interest. (MCL 722.829) Diversion records may not be disclosed to federal agencies and military recruiters. Petitions are not authorized in diversion records, and they are not “formal criminal charges.” 5 USCS 9101 (a)(2)</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUVENILE DELINQUENCY: Setting aside an adjudication. (MCL 712A.18e[13]; MCR 8.119[E][1]) Entire file where adjudication has been set aside. Duration:</b> From the entry of the order setting aside the adjudication.</p>	<p>Records should be maintained to ensure they are not subject to public inspection. A person who knows or should know that an adjudication was set aside and who divulges, uses, or publishes information concerning an adjudication set-aside is guilty of a misdemeanor.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records setting aside a conviction cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. This nonpublic record is only open to: (a) a court of competent jurisdiction, (b) an agency of the judicial branch of state government, (c) a federal, state, and local law enforcement agency, (d) a prosecuting attorney, (e) the attorney general, or (f) the governor, upon request and only for the purpose of:             <ul style="list-style-type: none"> <li>a. consideration of a licensing function conducted by an agency of the judicial branch of state government</li> <li>b. consideration by a law enforcement agency if a person whose adjudication has been set aside applies for employment with that agency</li> <li>c. to show that a person who has filed an application to set aside an adjudication has previously had one set-aside under this subsection</li> <li>d. the court’s consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than one year</li> <li>e. consideration by the governor if a person whose adjudication has been set aside applies for a pardon for another offense. (MCL 712A.18e[13])</li> </ul> </li> <li>B. It shall also be open, <b>with consent of the individual</b>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI for the purpose of determining eligibility for:             <ul style="list-style-type: none"> <li>a. access to classified information</li> <li>b. assignment to or retention in sensitive national security duties</li> <li>c. acceptance or retention in the armed forces</li> <li>d. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b])</li> </ul> </li> <li>C. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUVENILE DELINQUENCY: Infectious disease testing. (MCL 333.5129[6], [7]); Sexual and controlled substance offenses Examination results and any other medical information pertaining to infectious disease testing. Duration:</b> Upon receipt of the information.</p>	<p>Information shall be “confidential.”</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of infectious disease records cannot be acknowledged.</i></p>	<p>Information shall be disclosed only to:</p> <ul style="list-style-type: none"> <li>A. the defendant or child</li> <li>B. the local health department</li> <li>C. the Department of Community Health</li> <li>D. the victim or other person required to be informed of the results (or the victim’s or other person’s parent, guardian, or person in loco parentis if the victim or other person is a minor or otherwise incapacitated).</li> <li>E. Information can also be disclosed upon written authorization of the defendant or the child, or the child’s parent, guardian, or person in loco parentis.</li> <li>F. If the juvenile is placed in the custody of a person related to the child or a public or private agency, institution, or facility, the court shall transmit a copy of the juvenile’s examination results to the person related to the juvenile or the director of the agency, institution, or facility.</li> </ul>
<p><b>JUVENILE DELINQUENCY: Victim information (MCL 780.784)</b>  <b>The separate statement of the victim(s)’s name(s), address(es), and phone number(s) submitted by the investigating agency when they file a petition or complaint. Duration:</b> From the time the information is received.</p>	<p>Information shall be on a statement “separate” from the petition or complaint and shall not be a matter of public record.</p> <p><b>Court Response to inquiries:</b></p> <p>“Victim home and work addresses and telephone numbers are nonpublic pursuant to statute</p>	<p>None specified.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUVENILE DELINQUENCY: Minor in possession. (MCL 436.1703[3]) Entire file</b>  <b>Duration:</b> From the time the proceedings are deferred and the individual is on probation and if there is a discharge and dismissal</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.””</p> <p><i>The existence of records governed by MCL 436.1703(3) cannot be acknowledged.</i></p>	<p>The nonpublic record shall be furnished to any of the following:</p> <ul style="list-style-type: none"> <li>A. to a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized the subsection</li> <li>B. to the Department of Corrections, a prosecutor, or a federal, state, and local law enforcement agency, upon request, subject to the following conditions: <ul style="list-style-type: none"> <li>a. at the time of the request, the individual is an employee of the Department of Corrections, the prosecutor, or the law enforcement agency or an applicant for employment with the Department of Corrections, the prosecutor, or the law enforcement agency</li> <li>b. the record is used by the Department of Corrections, the prosecutor, or the law enforcement agency <b>only</b> to determine whether an employee has violated his or her conditions of employment or whether an applicant meets the criteria for employment. (MCL 436.1703[3])</li> </ul> </li> <li>C. The nonpublic record shall also be open, <b>with consent of the individual</b>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <b>only</b> for the purpose of determining eligibility for: <ul style="list-style-type: none"> <li>a. access to classified information</li> <li>b. assignment to or retention in sensitive national security duties</li> <li>c. acceptance or retention in the armed forces</li> <li>d. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b]).</li> </ul> </li> <li>D. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>E. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</li> <li>F. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>G. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUVENILE DELINQUENCY: Drug court. (MCL 600.1070[b][i]) Drug court participation and treatment information becomes a nonpublic record after the order of discharge or dismissal is entered. This is applicable only to those individuals who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge or dismissal upon successful completion of the drug treatment court program. Duration:</b> After entry of the order of discharge or dismissal upon successful completion of the drug court treatment program.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of drug court records cannot be acknowledged.</i></p>	<ul style="list-style-type: none"> <li>A. The nonpublic record shall be open to the courts of this state, another state, or the United States, the Department of Corrections, federal, state, and local law enforcement personnel and prosecutors <i>only</i>:               <ul style="list-style-type: none"> <li>a. for use in the performance of their duties;</li> <li>b. to determine whether an employee of the court, department, law enforcement agency, or prosecutor’s office has violated his or her conditions of employment; or</li> <li>c. to determine whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor’s office.</li> </ul> </li> <li>B. The nonpublic record shall also be open, <i>with consent of the individual</i>, for use by the Department of Defense, the Department of State, the Department of Transportation, the Office of Personnel Management, the CIA, and the FBI <i>only</i> for the purpose of determining eligibility for:               <ul style="list-style-type: none"> <li>a. access to classified information</li> <li>b. assignment to or retention in sensitive national security duties</li> <li>c. acceptance or retention in the armed forces</li> <li>d. appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. (5 USCS 9101[a] and [b]).</li> </ul> </li> <li>C. Access for these federal agencies through a contractual arrangement with another entity is allowed.</li> <li>D. A defendant shall be allowed access to his or her court file even if it is being maintained as a nonpublic record.</li> <li>E. The prosecutor may be furnished a copy of the record indicating the disposition of the case.</li> <li>F. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</li> </ul>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - JUVENILE

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>JUVENILE DELINQUENCY: Drug court. (MCL 600.1064[4])</b> Statements or information obtained as a result of participating in a preadmission screening and evaluation assessment under <b>MCL 600.1064(3)</b>. <b>Duration:</b> From the time of the preadmission screening.</p>	<p>Records should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of drug court records cannot be acknowledged.</i></p>	<p>None specified. Statements and information obtained as a result of participating in a preadmission screening and evaluation assessment under MCL 600.1064(3) are confidential and exempt from disclosure under the Freedom of Information Act and shall not be used in criminal prosecution unless it reveals criminal acts other than or inconsistent with personal drug use. If a defendant is sentenced to probation with a condition for the protection of the victim, and if the victim requests notification, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered, including furnishing information or records to the victim that would otherwise be closed to public inspection. (MCL 780.768b; 780.781a; 780.795a; 780.811b; 780.827b)</p>
<p><b>REIMBURSEMENT ORDERS: Child protective, designated, juvenile delinquency, and juvenile waiver cases. (MCL 712A.28)</b> Information on action taken for not abiding by a reimbursement order (unless parents or adults found guilty of contempt). <b>Duration:</b> From the time the court begins proceedings against the parents or adults.</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of records governed by MCL 712A.28 cannot be acknowledged.</i></p>	<p>Information shall not be released for publicity.</p>
<p><b>SOCIAL FILE: Entire file. (MCR 3.903; 3.925[D])</b> <b>Duration:</b> From the creation of the record or document.</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“Social files are nonpublic pursuant to court rule”.</p>	<p>Only persons found by the court to have a legitimate interest considering the nature of the proceedings, the welfare and safety of the public, the interest of the minor, and any restriction imposed by state or federal law. (MCR 3.925[D])</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - ADOPTIONS, ETC.

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>ADOPTION: Entire file. (MCL 710.67-68) Duration:</b> From the creation of the file.</p>	<p>Adoption records shall be kept in “separate locked files” and shall not be open to inspection or copy except upon order of a court of record for good cause shown expressly permitting inspection or copy.</p> <p><b>Court Response to inquiries:</b></p> <p>“Adoption files are nonpublic pursuant to statute.”</p>	<p>“A person in charge of adoption records shall not disclose the names of the biological adoptive parents of an adopted person, unless ordered to do so by a court of record” or requested to do so by the Children’s Ombudsman, “except to meet requirements of the Director of Public Health for the purpose of creating a new certificate of birth in the adoptive name and sealing the original certificate of birth.” In general, after 21 days following entry of the final order of adoption, the court “shall not permit copy or inspection of the adoption proceedings, except upon a sworn petition setting forth the purpose of the inspection or copy.” MCL 710.68 has several different public access standards directing release of information to a confidential intermediary. The Children’s Ombudsman may inspect closed adoption files in connection with an investigation.</p>
<p><b>NAME CHANGE: If the court orders the name change to be confidential, the entire file. (MCL 711.3; MCR 3.613[E]) Duration:</b> From the entry of the order.</p>	<p>Records must be maintained in a sealed envelope marked “confidential” and placed in a private file.</p> <p><b>Court Response to inquiries:</b></p> <p>“Name change files are nonpublic pursuant to statute.”</p>	<p>An individual may gain access to the confidential record if the court so orders. A court officer, employee, or agent who divulges, uses, or publishes, beyond the scope of his or her duties with the court, information from a record made confidential under this section is guilty of a misdemeanor.</p>

## Nonpublic and Limited-Access Court Records

### CIRCUIT COURT FAMILY DIVISION - ADOPTIONS, ETC.

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>WAIVER OF PARENTAL CONSENT FOR ABORTION: Entire file. (MCR 3.615[B][3]); <i>In Re F. G., Minor</i>, 264Mich App 413; 691 NW2d 465 (2004).</b></p> <p><b>Duration:</b> From the creation of the file.</p>	<p>“If requested by the minor, the title of the proceeding shall be by initials or some other means of assuring confidentiality.”</p> <p>“All documents containing identifying information shall be sealed in an envelope marked confidential on which the case number has been written and placed in a private file.” File information shall not be entered into a computer system. Only one file of all papers in each case shall be maintained. Within the court, the file shall be inspected only by the judge and “specifically authorized court personnel.”</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of waiver of consent records cannot be acknowledged.</i></p>	<p>The file shall be inspected only by “the judge, the minor, her attorney, her next friend, the guardian ad litem, and any other person authorized by the minor.” “After the proceedings are completed, the file may be opened only by order of the court for good cause shown and only for a purpose specified in the order of the court.”</p>
<p><b>SAFE DELIVERY OF NEWBORNS Hearings and records of proceedings. (MCL 712.2a). Duration:</b></p> <p>From the creation of the file.</p>	<p>Relevant information should be maintained to ensure it is not subject to public inspection.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of hearings and records of proceedings governed by MCL 712.2a cannot be acknowledged.</i></p>	<p>“A hearing under this chapter is closed to the public. A record of a proceeding under this chapter is confidential, except that the record is available to any individual who is a party to that proceeding.”</p> <p>“An individual who discloses information made confidential under subsection (1) or (2) without a court order or specific authorization under federal or state law is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both. An individual who discloses information made confidential under subsection (1) or (2) without a court order or specific authorization under federal or state law is civilly liable for damages proximately caused by disclosure of that information.”</p>

## Nonpublic and Limited-Access Court Records

### PROBATE COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>CONSERVATORSHIP:</b>  <b>Confidential settlement of lawsuit where the settlement amount is relevant to the conservatorship. All documents pertaining to the settlement are confidential. Duration:</b> From receipt of the information.</p>	<p>The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b>                      “Confidential settlement information is nonpublic pursuant to court order.”</p>	<p>If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.</p>
<p><b>DECEDENT’S ESTATE:</b>  <b>Confidential settlement of lawsuit where the settlement amount is relevant to the decedent’s estate. All documents pertaining to the settlement are confidential. Duration:</b> From receipt of the information.</p>	<p>The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.</p> <p><b>Court Response to inquiries:</b>                      “Confidential settlement information is nonpublic pursuant to court order.”</p>	<p>If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.</p>
<p><b>GUARDIANSHIP FOR DEVELOPMENTALLY DISABLED INDIVIDUAL:</b>  <b>Report to accompany initial petition. (MCL 330.1612[4]) Duration:</b> From receipt or the report.</p>	<p>A report shall not be made part of the public record of the proceedings. A report is available to the court or to an appellate court to which the proceedings may be appealed.</p> <p><b>Court Response to inquiries:</b>                      “The accompanying report is nonpublic pursuant to statute.”</p>	<p>The report is to be available only to the respondent, the petitioner, their attorneys, and to other individuals as the court directs.</p>

## Nonpublic and Limited-Access Court Records

### PROBATE COURT

Record Having Limited Access and Length of Duration	Filing and Court Access Requirements	Possibilities for Access to Court Records
<p><b>GUARDIANSHIP FOR LEGALLY INCAPACITATED INDIVIDUAL: Report to accompany initial petition. (MCL 700.5304[1]) Duration:</b> From receipt of the report.</p>	<p>A report shall not be made part of the public record of the proceedings. A report is available to the court or to an appellate court to which the proceedings may be appealed.</p> <p><b>Court Response to inquiries:</b></p> <p>“The accompanying report is nonpublic pursuant to statute.”</p>	<p>The report is to be available only to the alleged incapacitated individual, the petitioner, their attorneys, and to other individuals as the court directs.</p>
<p><b>SECRET MARRIAGE: Entire file (which includes an application for a secret marriage license, the license itself, and a secret marriage certificate). (MCL 551.203-551.204) Duration:</b> From creation of the file.</p>	<p>Secret marriage documents shall be placed in a “private file.” All knowledge of facts involved in marriage is “privileged communication,” and “violation of the confidence” is criminally punishable.</p> <p><b>Court Response to inquiries:</b></p> <p>“There is no public record.”</p> <p><i>The existence of secret marriage records cannot be acknowledged.</i></p>	<p>The file can be opened to inspection either through written request and proper proof of identification of one or both partners to the marriage or through written order of a circuit court judge.</p>
<p><b>WILLS FILED FOR SAFEKEEPING: The court shall receive and safely keep the will and give a certificate of the deposit of the will. (MCL 700.2515) Duration:</b> From delivery of the will until the death of the testator.</p>	<p>A will in writing that is enclosed in a sealed wrapper on which is endorsed the testator’s name, address, and social security number (<i>optional</i>) may be deposited with the court in the county where the testator resides.</p> <p><b>Court Response to inquiries:</b></p> <p>“All wills filed for safekeeping under MCL 700.2515 are sealed until the testator’s death.”</p>	<p>During the lifetime of the testator, the will shall be delivered only to the testator or to some person authorized by the testator in writing. After the death of the testator and at the first session of the court after the court receives notice of the testator’s death, the will shall be publicly opened and retained by the court.</p>