



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

MEMORANDUM

DATE: July 20, 2005

TO: Family Division Judges
Probate Judges
Chief Circuit Judges
Circuit Court Administrators
Family Division Administrators
Probate Court Administrators
Juvenile Registers
Probate Registers

FROM: Jennifer Warner, Family Division Management Analyst

RE: Exhibits Admitted in Juvenile Proceedings

Please keep in mind that admitting a document into evidence as an exhibit during a trial or hearing does not change the confidential nature of the document.

There has been some confusion about this issue because exhibits are listed in MCR 3.903 as being a "record." MCR 3.903(A)(24) defines records as "pleadings, motions, authorized petition, notices, memorandums, briefs, *exhibits*, available transcripts, findings of the court, register of actions, and court orders." [Emphasis added.] Further, MCR 3.925(D)(1) states that "Records of juvenile cases, other than confidential files, are open to the public." MCR 3.903(A)(3) provides that the following documents are part of the "confidential file":

- the diversion record of a minor pursuant to the Juvenile Diversion Act, MCL 722.821, *et seq.*;
- the separate statement about known victims of juvenile offenses, as required by the Crime Victim's Rights Act, MCL 780.751, *et seq.*;
- the testimony taken during a closed proceeding pursuant to MCR 3.925(A)(2) and MCL 712A.17(7);
- the dispositional reports pursuant to MCR 3.943(C)(3) and 3.973(E)(4);
- fingerprinting material required to be maintained pursuant to MCL 28.243;
- reports of sexually motivated crimes, MCL 28.247;

July 20, 2005

Page 2

- test results of those charged with certain sexual offenses or substance abuse offenses, MCL 333.5129;
- the contents of a social file maintained by the court, including materials such as:
 - youth and family record fact sheet;
 - social study;
 - reports (such as dispositional, investigative, laboratory, medical, observation, psychological, psychiatric, progress, treatment, school, and police reports);
 - Department of Human Services records;
 - correspondence;
 - victim statements.

If a court admits any of the above documentation as an exhibit, those documents remain confidential. If the court retains any of the listed documents, the court must ensure that they be maintained in a confidential manner, like all other documents that are part of the confidential file.

If you have any questions, please feel free to contact me at 517-373-7454 or warnerj@courts.mi.gov.