

MICHIGAN SUPREME COURT



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Retention, destruction of juvenile case records is subject of proposed court rule change on agenda for Supreme Court Jan. 30 public hearing

LANSING, MI, January 11, 2013 – Rules for retaining and destroying case files and other court records in various juvenile cases – such as child protection, personal protection orders against juveniles, and juvenile delinquency – would be clarified under proposed changes to Michigan Court Rule 3.925. The proposed amendment is on the [agenda](#) for the Michigan Supreme Court’s January 30 public administrative hearing.

The hearing will take place in the Court’s courtroom on the 6th floor of the Michigan Hall of Justice, 925 W. Ottawa Street, Lansing. The hearing will begin at 9:30 a.m. and adjourn no later than 11:30 a.m.

Anyone wishing to address the Court on an agenda item may contact the Clerk of the Court by e-mail at MSC_clerk@courts.mi.gov or in writing at P.O. Box 30052, Lansing, MI 48909, no later than Monday, January 28, 2013 to reserve a place on the agenda. Speakers are limited to three minutes per agenda item.

The proposed amendment to MCR 3.925 ([ADM File No. 2012-12](#)) would amend the rule to require the register of actions, and numerical and alphabetical indexes, to “be maintained permanently.” Courts would also be required to maintain certain juvenile records permanently, including orders terminating parental rights, orders terminating jurisdiction in child protective cases, and orders appointing or dismissing guardians for juveniles. These requirements are consistent with existing court record retention timelines under [General Schedule 16](#).

Other provisions provide a timetable for destroying other records, such as case files in juvenile offenses and child protective proceedings.

Also before the Court is a proposed change to MCR 3.976, “Permanency Planning Hearings” ([ADM 2012-13](#)). The court rule is one of several that govern proceedings in terminations of parental rights; under MCR 3.976, courts are required to order child welfare agencies to start proceedings to terminate parental rights in child abuse and neglect cases where the child has been in out-of-home care for 15 of the last 22 months. However, the statutory framework also allows courts an exception to this requirement if the court finds there is good cause to do so. Under the proposed amendment, a court that declines to require DHS to file a petition for termination of parental rights “shall state on the record the reason

or reasons for its decision.” A staff comment to the rule states that the revision “would require a court to indicate on the record the reason that no petition for termination of parental rights need be filed, thus providing a record to future auditors who review the state’s foster care program that the court explicitly chose the option.”

The remaining item on the January 30 agenda is a proposed amendment to MCR 3.616, “Proceeding to Determine Continuation of Voluntary Foster Care Services” ([ADM File No. 2012-20](#)). The proposed revisions state that the files of a young adult remaining in foster care are confidential, similar to child protective cases that are confidential under MCR 3.903, but adds that “[t]he Department of Human Services and the youth are entitled to access” to the files. The changes also would revise the notice provisions of the rule.

All three proposals are supported by the Michigan Judges Association and the State Bar of Michigan.

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