

LIVINGSTON COUNTY LOCAL ADMINISTRATIVE ORDER #2001-05

ACCESS BY DESIGNATED COMMUNITY MENTAL HEALTH PERSONNEL TO FILES AND RECORDS OF THE JUVENILE UNIT OF THE FAMILY DIVISION OF CIRCUIT COURT

(A) Application - Nature of Proceedings.

(1) This order applies to the "consent calendar" as defined by MCR 5.932, the "confidential file" of the Court as defined by MCR 5.925, and any records of juvenile "diversion" as referenced in MCL 722.821 et. seq.

(B) Legitimate interest to access files identified in (A).

(1) Livingston County Community Mental Health Employees designated by the Chief Judge have a legitimate interest to access files identified above, to wit:

The Livingston County 44th Circuit Court - Juvenile Unit and Livingston County Community Mental Health are participating in a Juvenile Justice Mental Health Project. The Livingston County 44th Circuit Court - Juvenile Unit and Big Brothers/Big Sisters-Diversion Program utilize the POSIT (Problem Oriented Screening Instrument for Teenagers) in every delinquent matter before the 44th Circuit Court or participating in the Livingston County juvenile diversion program. Livingston County Community Mental Health has committed a staff person to provide community mental health services at the 44th Circuit Court. The goals of this Juvenile Justice Mental Health project are:

- To divert youth with serious emotional disturbance into less intensive involvement in the juvenile justice system through collaboration with the local Circuit Court-Family Division, Family Independence Agency (FIA), and other community stakeholders. Accountability for behavior should still be established through restorative justice methods.
- To provide models of juvenile justice diversion programs, which can be recommended to other providers in the state.
- To incorporate the principles of restorative justice into treatment for youth who have serious emotional disturbance.
- To link youth with serious emotional disturbance and their families to an array of community-based services.
- To prevent or reduce youth with serious emotional disturbance from further offenses and/or involvement with the juvenile justice system.
- To develop a statistical database regarding the prevalence of serious emotional disturbance within the juvenile justice population for community planning purposes.
- To further develop collaborative and coordinated efforts addressing the needs of "community kids."

(2) WELFARE AND SAFETY OF THE PUBLIC: permitting access to said records would strengthen the welfare and safety of the public by maximizing community mental health services as identified by the juvenile probation officer and the Community Mental Health therapist.

(3) THE INTEREST OF THE MINOR: permitting a designated Community Mental Health therapist access to said files would be in the best interest of the minor, hence the Community Mental Health therapist would have the ability to determine mental health concerns from the POSIT, pertinent information from within the court and confidential file and the juvenile probation officer. It is in the minors best interest to identify mental health needs at the earliest stage possible to stabilize serious emotional disturbances to prevent future criminal activity and provide safety to themselves or others.

(4) "Access" means visual inspection of materials, and oral transmission of information contained in materials.

(C) Limitations:


(1) Use. Access to the materials identified in subsection (A)(1) shall be only for the purpose of assisting the employees of the juvenile unit of the family division of this circuit and employees of the Livingston County Diversion program with identifying appropriate mental health services to benefit the minors' mental health. Persons who obtain access to information or materials pursuant to this order shall not release confidential or non-public information to persons other than employees of the family division of this court except upon order of the court.

(D) Effective.

(1) This order shall be effective September 1, 2000 until further notice of this court.

Date: _____

9/21/01



Hon. Susan L. Reck

Chief Judge of the Probate & 44th Circuit Courts