

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.1099dd Admission to family treatment court; preadmission screening; confidentiality of information obtained from screening and assessment.

Sec. 1099dd.

(1) A family treatment court shall determine whether an individual may be admitted to the family treatment court. An individual does not have a right to be admitted into a family treatment court. Unless the family treatment court judge and the prosecuting attorney, in consultation with any known victim in the instant case, consent, a violent offender must not be admitted into a family treatment court. An individual must not be admitted to a family treatment court if either of the following applies:

(a) The individual is currently charged with first degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316, or criminal sexual conduct in the first, second, or third degree in violation of section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d.

(b) The individual has been convicted of first degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316, criminal sexual conduct in the first degree in violation of section 520b of the Michigan penal code, 1931 PA 328, MCL 750.520b, or child sexually abusive activity in violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(2) To be admitted into a family treatment court, admission must be indicated as appropriate as a result of a preadmission screening, evaluation, or assessment with an evidence-based screening and assessment tool. An individual shall cooperate with and complete a preadmission screening, evaluation, or assessment, and shall agree to cooperate with any future evaluation or assessment as directed by the family treatment court. A preadmission screening, evaluation, or assessment must include all of the following:

(a) A complete review of the individual's criminal history, and a review of whether or not the individual has been admitted to, has participated in, or is currently participating in a problem-solving court. The court may accept verifiable and reliable information from the prosecutor or the individual's attorney to complete its review and may require the individual to submit a statement as to whether or not the individual has previously been admitted to a problem-solving court and the results of the individual's participation in the prior program or programs.

(b) A complete review of the individual's child protective services history.

(c) As much as practicable, a complete review of the individual's civil record, including any records pertaining to divorce, custody, personal protection order, and extreme risk protection order proceedings.

(d) An assessment of the family situation, including any nonrespondent parent and family support.

(e) An assessment of the risk of danger or harm to the individual, the individual's children, or the community.

(f) As much as practicable, a complete review of the individual's history regarding the use or abuse of any controlled substance or alcohol and an assessment of whether the individual abuses controlled substances or alcohol or is drug or alcohol dependent. As much as practicable, the assessment must be a clinical assessment.

(g) A review of any special needs or circumstances of the individual that may potentially affect the individual's ability to receive substance abuse treatment and follow the court's orders.

(3) The information received for an assessment under subsection (2) is confidential and must not be used for any purpose other than treatment and case planning.

(4) Except as otherwise permitted in this act, any statement or other information obtained as a result of participating in a preadmission screening, evaluation, or assessment under subsection (2) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

(5) The court may request that the department provide to the court information about an individual applicant's child protective services history to determine an individual's admission into the family treatment court. The department shall provide the information requested by a family treatment court under this subsection and as required under section 7(1)(g) of the child protection law, 1975 PA 238, MCL 722.627.

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