

Public Relations, Information, and Education

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Public Relations, Information, and Education

11-01 ANNUAL REPORT

A. Purpose

The chief judge should ensure that a comprehensive account of the activities of the court is prepared on an annual basis. Format for annual reports may vary but should include:

1. an explanation of court organization and operations,
2. a summary of court activities,
3. an accounting of public funds, and
4. a discussion of court priorities, goals, and objectives.

The annual report should serve as a foundation for good relations with the press, taxpayers, and county commissioners. A sense of integrity and accountability can be fostered by a full report on court activities.

B. Distribution

County officials, court staff, judges, and the regional administrator of the State Court Administrative Office should receive a copy of the report. For maximum impact, the report could be subsequently released to the local bar president, media (newspaper, radio, television), and county and school libraries. Copies should be available to the public in the court office. The media copies may also be accompanied by a press release highlighting any interesting or significant points.

11-02 MEDIA RELATIONS

The court, under the supervision of the chief judge, should develop a media plan and ensure that it is shared with all judges and court staff. The plan should specify the following.

- Who speaks for the court, when, and about what issues.
- Court staff can respond to routine media and public inquiries without first obtaining a judge's approval (for example, when a reporter calls to ask the time that a court hearing will begin).
- What is and is not public information.
- Court proceedings and files are considered to be open to the public absent good cause to the contrary.
- How the court will plan for and handle high-profile cases.
- The process for creating, approving, and distributing press releases or other public statements.
- Which judge or staff person is responsible for developing and maintaining a contact list of local media.
- What educational materials and guidelines (for example, AO 1989-1) the court will provide journalists, especially those covering the court for the first time.
- How the court will work with the media to publicize court policies or initiatives.

(MCR 8.116[D], MCR 8.119[F])

The chief judge should review the media plan and media contact list at least once a year with other judges and court staff.

The Michigan Supreme Court Office of Public Information offers a wide variety of resources on media relations, including guidelines for handling high-profile cases and preparing for media interviews. The office can be reached at 517-373-0129.

11-03 MEDIA IN THE COURTROOM

Administrative Order 1989-1 governs film or electronic media coverage in all Michigan courts. AO 1989-1 provides, “Film or electronic media coverage **shall** [emphasis added] be allowed upon request in all court proceedings,” subject to certain limitations. Those limitations include the following.

- Media must submit the request in writing to the clerk of the particular court “not less than three business days before the proceeding is scheduled to begin.” (Note: The court has discretion to waive the three-day requirement and grant the request on shorter notice.)
- Unless the judge orders otherwise, only two video cameras and two still cameras are allowed in the courtroom.
- Not more than one audio system for radio and/or television recording shall be permitted.
- The court shall provide for notifying the parties of the media request.
- No distractions, such as a flash for still cameras or noise from equipment.
- Shooting video or still photos must take place from a fixed location and be unobtrusive.
- Microphones are not permitted to pick up audio of attorney-client conversations, conversations among counsel or conferences at the judge’s bench.
- No film or electronic coverage of the jurors or jury selection process.
- Media must “dress and deport themselves in ways that will not detract from the proceedings.”

In addition, the judge has the authority to limit or even exclude cameras and recorders to keep order in the courtroom and to ensure the fair administration of justice.

See <http://courts.michigan.gov/supremecourt/Press/mediainfo.pdf> for the complete text of Administrative Order 1989-1.

Requests for film and electronic media coverage can be made with SCAO-Approved form MC 27, Request and Notice for Film and Electronic Media Coverage of Court Proceedings. Go to <http://courts.mi.gov/scao/courtforms/general/mc27.pdf> for a copy of the form.

11-04 PUBLIC INFORMATION

A. Friend of the Court Informational Pamphlet

1. Authority

The friend of the court informational pamphlet, in accordance with the model pamphlet developed by the State Court Administrative Office, Friend of the Court Bureau, must be provided by each local friend of the court office to the parties in a domestic relations matter at or near the commencement of each case. (MCL 552.505[1][c])

At the time a complaint is filed, or as soon as possible after the filing of a complaint, the prosecuting attorney or plaintiff's attorney is required to provide a copy of the friend of the court informational pamphlet to the plaintiff and defendant. (MCR 3.203[I])

2. Contents

The pamphlet is required to explain:

- a. the procedures of the court and the office,
- b. the duties of the office,
- c. the rights and responsibilities of the parties,
- d. the availability of and procedures used in domestic relations mediation,
- e. the availability of human services in the community,
- f. the availability of joint custody, and
- g. how to file a grievance regarding the office.

See also Section 4-04.

The *Model Friend of the Court Handbook* can be accessed on the SCAO website at http://courts.michigan.gov/scao/resources/publications/manuals/focb/focb_hbk.pdf.

B. Domestic Relations Public Information

Since 1987, the State Court Administrative Office (SCAO) has provided the public with information about domestic relations issues. The SCAO has published numerous brochures, manuals, and guidelines concerning domestic relations matters.

Some SCAO publications provide the *general public* with information about topics such as custody, parenting time, child support, and friend of the court operations. Meanwhile, other SCAO publications, such as the *Custody Guidelines* and *Michigan Child Support Formula Manual*, were developed specifically for *court users* to assist them with the administration, investigation, and enforcement of domestic relations matters.

The SCAO also publishes a quarterly newsletter, *The Pundit*, which provides *court users* the latest news about domestic relations matters. It can be accessed on-line at <http://courts.michigan.gov/scao/resources/publications/focbnewsletters/focbnews.htm>.

Various domestic relations brochures and pamphlets can also be accessed on-line at <http://courts.michigan.gov/scao/resources/publications/pamphlets/>.

The SCAO has developed a *Michigan Child Support Formula Manual*. It can be accessed at <http://courts.michigan.gov/scao/services/focb/mcsf.htm>.

See <http://courts.michigan.gov/scao/services/focb/focb.htm> for more domestic relations resources.

C. Pro Se Forms

The State Court Administrative Office has developed a number of forms and instruction materials designed specifically for use by the pro se litigant in the following areas: (1) personal protection, (2) garnishment, (3) small claims, and (4) child support, parenting time, and custody. Future developments will be considered. Forms are available on-line at <http://courts.michigan.gov/scao/courtforms/index.htm>.

D. Self-Help Center

In 2005, the State Court Administrative Office launched a “Self-Help Center” on the State Court Administrative Office website aimed at helping nonlawyers represent themselves in certain legal matters. Topics include “Going to Court,” “How to Find an Attorney,” “Types of Matters the Courts Handle,” “Resolving a Dispute without Going to Court” and “How to Find Legal Information.” The Self-Help Center provides an overview of the Michigan court system and describes the types of case handled by various state courts.

The Self-Help Center also provides links to Michigan laws and rules, court forms, and other resources. For some proceedings, detailed information is provided about how to complete forms and proceed with a case, including service of process, noticing requirements, preparing for and attending hearings, and preparing and serving orders. For

more information, see <http://courts.michigan.gov/scao/selfhelp/selfhelphome.htm>.

E. State Court Administrative Office Website

In general, the State Court Administrative Office website provides many court and public resources at <http://courts.michigan.gov/scao/>.

F. Developing Comprehensive Public Information Programs for Courts

The Michigan Supreme Court supports a number of events that courts can participate in as part of a comprehensive public information/education plan. These events include:

- Law Day (May).
- Juror Appreciation Month (July).
- Constitution Day (September).
- Michigan Adoption Day (November).
- Court Community Connections (twice a year; Supreme Court hears oral arguments at locations outside Lansing).
- Mock Trials (year-round, with state finals in March; judges and attorneys needed to coach local teams and assist in competitions).

For more information, contact the Supreme Court Office of Public Information at 517-373-0129.

In addition, the National Association for Court Management has produced a guide, *Developing Comprehensive Public Information Programs for Courts* (1996), which can be obtained on-line at <http://www.nacmnet.org/miniguide.html> or by writing to:

National Association for Court Management
300 Newport Avenue
Williamsburg, VA 23185-4147

11-05 CRIME VICTIM'S RIGHTS

A. Constitutional Authority

Crime victims, as defined by law, shall have the following rights, as provided by law.

1. The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
2. The right to timely disposition of the case following arrest of the accused.
3. The right to be reasonably protected from the accused throughout the criminal justice process.
4. The right to notification of court proceedings.
5. The right to attend trial and all other court proceedings the accused has the right to attend.
6. The right to confer with the prosecution.
7. The right to make a statement to the court at sentencing.
8. The right to restitution.
9. The right to information about the conviction, sentence, imprisonment, and release of the accused.

The Legislature may provide by law for the enforcement of this section. (Const 1963, art 1, § 24)

B. Crimes Committed by Adults

1. Authority

The Crime Victim's Rights Act creates rights for defined victims of crimes and their families. (MCL 780.751)

2. Purpose

The purpose of the act is to lessen the frustration and confusion experienced by victims with the criminal justice system. It provides for information to be given to victims within specified time frames as to the availability of emergency medical care, financial assistance, and continued help through the process by which the case is disposed.

3. Role of Law Enforcement Agencies and Prosecuting Attorney Offices

The courts are assigned responsibilities under only a few of the provisions of the act, with the performance of the majority of duties falling upon law enforcement agencies and prosecuting attorneys' offices.

Within 24 hours of the victim's contact with a law enforcement agency investigating a reported crime, the law enforcement agency must provide the victim with information concerning immediate needs such as medical and financial services. The prosecuting attorney's office is responsible for advising victims concerning procedural steps throughout the disposition of the case, all rights of the victim under the act, eligibility under the Crime Victim Compensation Act (MCL 18.351), and the right of the victim to present to the prosecutor his or her views on case disposition. (MCL 780.753)

4. Role of the Court

The chief judge must set a hearing on the prosecutor's motion for a speedy trial within 14 days in instances where the victim has suffered child abuse or criminal sexual conduct. (MCL 780.759) Ancillary rights during the course of trial and at disposition posttrial also attach to crime victims generally, including the victim's right to make an "oral impact statement" to the court concerning sentencing and the court's availability of restitution orders in favor of the victim at the time of sentencing. If full restitution is not ordered, the record shall indicate the reasons why. (MCL 780.765-780.766)

Within 48 hours after an arraignment for a serious misdemeanor, the court shall notify the prosecuting attorney of further proceedings. (MCL 780.816) See SCAO-Approved form DC 255, Notice to Prosecuting Official (Victim's Rights Act), at <http://courts.michigan.gov/scao/courtforms/misdcriminal/dc255.pdf>

C. Offenses Committed by Juveniles

1. Authority

The Crime Victim's Rights Act creates rights for defined victims and their families in all cases where a juvenile is accused of any of the offenses stated in MCL 780.781.

2. Purpose

The purpose of the act is to lessen the frustration and confusion experienced by victims with the criminal justice system. It provides for information to be given to victims within specified time frames as to the availability of emergency medical care, financial assistance, court procedure, and continued help through the process by which the case is disposed.

3. Role of Law Enforcement Agencies

Within 24 hours of the victim's contact with a law enforcement agency investigating a reported crime, the law enforcement agency must provide the victim with information concerning immediate needs such as medical and financial services, the address of the Crime Victim's Compensation Board, how to contact the prosecuting attorney, and advice that the victim can contact the law enforcement agency for the status of the case. (MCL 780.782)

4. Role of the Prosecuting Attorney's Office

The prosecuting attorney's office may request detention of a juvenile based on a victim's affidavit asserting acts or threats of physical violence or intimidation. The prosecuting attorney must offer the victim an opportunity to consult with the prosecutor regarding dismissal, waiver, trial, and disposition. The prosecutor may request an in-camera hearing to suppress information regarding the victim's address, place of employment or personal identification. Upon the victim's request, the prosecutor must also notify the victim of whether the juvenile has appealed, of the appeal process, of whether the juvenile has been released on bail, and of the time and place of appellate court proceedings, as well as the results of an appeal. (MCL 780.785, MCL 780.786, MCL 780.788, MCL 780.796)

5. Role of the Court

a. Notice of Detention Facility Phone Number

If a juvenile is detained, the court must advise the victim within 24 hours after the preliminary hearing of the phone number of the detention facility and tell the victim that she or he may contact the facility to determine whether the juvenile has been released. (MCL 780.785)

b. Notice Within 72 Hours of Complaint or Petition

Within 72 hours after the complaint or petition, the court must give each victim a written notice in plain English of:

- (1) a brief statement of the procedural steps in the processing of a juvenile case, including the fact that the juvenile may be waived to the criminal division of circuit court,
- (2) the victim's rights and procedures under Article II of the Crime Victim's Rights Act,
- (3) a convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights,

- (4) details and eligibility requirements under the crime victim's compensation law,
- (5) suggested procedures if the victim is subjected to threats or intimidation, and
- (6) the person to contact for further information.

(MCL 780.786)

c. Notice of Hearings

If the victim requests, the court must notify the victim of any scheduled court hearings in the case including adjournments. (MCR 6.931[C])

d. Speedy Trial

The court, upon motion of the prosecuting attorney for a speedy trial for a case described in 780.786a(1), shall set a hearing date within 14 days after the motion is filed. Notice shall be made pursuant to the Michigan Court Rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing. (MCL 780.786a[2])

e. Provision of Waiting Area

The court must provide a waiting area for the victim separate from the juvenile, the juvenile's relatives, and the juvenile's witnesses if such an area is available and its use is practical. If such an area is not available or practical, the court must provide other safeguards to minimize the victim's contact with the juvenile, the juvenile's relatives, and the juvenile's witnesses. (MCL 780.787)

f. Notice Regarding Location of Juvenile After Adjudication/Trial

If the victim requests, the court must make a good-faith effort to notify the victim before the juvenile is dismissed from court jurisdiction or transferred from a secure detention or treatment facility to a nonsecure residential treatment facility located in the county in which the victim resides. The Michigan Department of Human Services must do the same for state wards. If the victim requests, the court or the Michigan Department of Human Services shall give the victim immediate notice of the juvenile's escape from a secure detention or treatment facility. (MCL 780.798)

g. Ancillary Rights

Ancillary rights during the course of trial and at disposition posttrial also attach to crime victims generally, including the victim's right to make an oral impact statement to the court concerning disposition and the court's availability of restitution orders in favor of the victim at the time of sentencing.

(See MCL 780.785-780.799, MCR 6.931[C])

11-06 ADOPTION SUPPORT GROUPS

A. Authority

Pursuant to 1990 PA 175 and 1996 PA 374, circuit courts are required to provide parties to an adoption with a copy of a list of adoption support groups in certain circumstances. (MCL 710.26[3], MCL 710.68a[2][b])

B. Responsibilities

1. Before or at Time of Hearing

Before or at the time of the hearing on the adoption petition, the court shall provide the adoptee, if he or she is 14 years old or older, and the adoptive parents with a list of adoption support groups. This subsection also applies to a stepparent adoption and the adoption of a child related to the petitioner within the fifth degree by marriage, blood, or adoption. (MCL 710.26[3])

2. When Contacted

If the Department of Human Services, a child placing agency, or the court is contacted by an adoptee, adult biological sibling, biological parent, or adoptive parent within 14 days after the date of the contact, it shall provide the adoptee, adult biological sibling, biological parent, or adoptive parent with all of the following:

- a. a copy of the information pamphlet described in subsection (1),
- b. a list of adoption support groups, and
- c. information about the provisions described in this section and sections 27a, 27b, 68 and 68b.

(MCL 710.68a[2])

Each court should develop a list of available adoption support groups in Michigan and update the list at regular intervals. Multiple copies should be available at the court to provide to those individuals specified in the act.

11-07 ACCESS, GENDER, AND RACIAL/ETHNIC ISSUES

For information on access, gender, and racial/ethnic issues in the courts, see the Self-Help Center at <http://courts.michigan.gov/scao/selfhelp/intro/questions.htm>.