

MEMORANDUM

To: The Criminal Records Review Committee
From: Registers of Probate
Date: November 9, 2021
Re: Uses of Criminal History Record Information in Probate Courts

1. Question: Do the Probate Courts currently use public criminal history record information in making any appointments and decisions, and, if so, would it be important to continue to have access to that information years after the sentence has been completed? Yes, it would be important for the Probate Courts to continue to have access to criminal history record information.
2. Some Probate Courts routinely get criminal history records for all nominees for guardianship and conservatorship for adults and minors and also for name changes of adults and if something shows up in the record the Judge may ask the person about any criminal convictions.
3. In proceedings to change the name of an adult Probate Courts notify the State Bureau of Identification of the name change so that the criminal record is updated.
4. In adoption proceedings Probate Courts get the fingerprint background report, if there is something that is questionable as far as the adoption and best interest of the child, the Judge will/may order a home study.
5. Question: are there particular crimes for which it is imperative that the Probate Courts have access to conviction records? Possibly financial malfeasance and sexual abuse/assaults?
6. DHHS obtains background checks for child abuse.