

Report on Public Policy Position

Name of Committee:

Domestic Violence Committee

Contact Person:

Rebecca Shiemke

E-mail:

rshiemke@lsscm.org

Bill Number:

[HB 6530](#) (Neumann) Civil procedure; personal protection orders; statewide personal protection order database; create. Amends secs. 2950 & 2950a of [1961 PA 236](#) (MCL [600.2950](#) & [600.2950a](#)) & adds sec. 2950n.

Date position was adopted:

November 1, 2010

Process used to take the ideological position:

Position adopted after an electronic discussion and vote

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

12 Voted for position

1 Voted against position

2 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Committee members raised several concerns with this bill including the following:

PPOs are often issued ex-parte, and sometimes terminated a short while later. The committee is concerned whether there will be an appropriate mechanism to remove the information timely if the order is terminated.

Sometimes abusers seek PPOs as a preemptive strike against a victim and as an intimidation tactic. The presence of a PPO against a victim on a publicly accessible website may have adverse consequences for victims who are seeking employment or housing if potential employers or landlords look at the site and see an entry indicating the victim is a respondent in a PPO. It may also tend to isolate victims from family members and other social contacts (e.g., faith community).

In small jurisdictions, it might be possible to figure out the petitioner's identity using information that is posted on the website, e.g., that the petitioner is listed simply as a spouse of the PPO respondent. The ability to identify the victim may have adverse consequences similar to those noted above. Some employers or landlords may not want to employ or rent to victims; the fact of being a victim may isolate the victim from social contacts and family members.

The State already has the LEIN system to enforce PPOs, and they are already a matter of public record that can be accessed through the courts. Even though PPOs are already part of public record, increased ease of access to this information could be a chilling effect for those seeking a PPO remedy, due to the concerns noted above and below.

A PPO could appear on the electronic register on the public website without the victim's knowledge before it is served properly, and victim might not have a safety plan yet, in the event that service triggers retaliation by the respondent. The standards for what information may go onto the public website are too vague and do not address the above safety concerns.

In addition to creating a public registry, the bill would allow minors age 12 and up to file a PPO without a next friend. Petitioning for a PPO is a complicated process and the committee raised concerns that a young teen would go into court without an adult to help with the process and assist with safety planning. Nationally, there is a movement to discourage the next friend provision because it often requires parental involvement which sometimes impedes the process; however, in Michigan a next friend for a minor age 14 or older does not have to be a parent, so this is less of a concern. See MCR 2.201(e)(2).

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2010-HB-6530>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys**
- The improvement of the functioning of the courts**
- ✓ **The availability of legal services to society**
- The regulation of attorney trust accounts**
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.**

Keller-permissible explanation:

If the bill passes, it may have a chilling effect on victims who may not wish to petition for a PPO if they will appear on a public registry.