

## Report on Public Policy Position

**Name of committee:**

Domestic Violence Committee

**Contact Person:**

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**Bill Number:**

[HB 5324](#) (Calley) Family law; personal protection orders; personal protection order to be made mutual; require. Amends secs. 2950 & 2950a of [1961 PA 236](#) (MCL [600.2950](#) & [600.2950a](#)).

**Date position was adopted:**

December 4, 2007

**Process used to take the ideological position:**

Position adopted after an electronic discussion and vote.

**Number of members in the decision-making body:**

18

**Number who voted in favor and opposed to the position:**

11 Voted for position

0 Voted against position

2 Abstained from vote

5 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The bill, which would require Courts to make all Personal Protection Orders mutual, should be opposed for all the following reasons:

1. Michigan could lose federal funding under provisions of the Violence Against Women specifically for grants to encourage arrest if we cannot certify that Michigan law prohibits mutual protection orders. See 42 USC 3796hh.
2. Michigan protection orders will no longer be entitled to full faith and credit and will not be enforced across state lines. See 18 USC 2265.
3. Mutual orders wrongly blame the victim for the abuse rather than holding the abuser accountable and is based on a misconception of domestic violence.
4. Sends society the wrong message by trivializing abuse and confuses the community about who the victim is.
5. Would further empower the abuser by providing another tool to use against the victim.
6. Would keep domestic violence private.

7. Treats domestic abuse as minor and makes it difficult to determine the primary aggressor.
8. Confuses law enforcement leading to inappropriate responses.
9. Leads to dual arrests, which re-victimizes the victim.
10. Confuses children about who the real victim is and endangers them.
11. Jeopardizes immigration claims by battered immigrant victims under the federal Violence Against Women act.
12. Violates due process by failing to afford procedural due process to petitioners who would be restrained by the PPO.
13. Penalizes crime victims.
14. Eviscerates PPOs as a remedy to domestic violence. Victims won't petition for relief and won't call police. Violence will increase, undermining homicide prevention.
15. Eliminates judicial discretion to respond to violence.
16. Under current law, correlative PPOs, upon a proper showing, are not prohibited.

**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?2007-HB-5324>

**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:**

1. The bill would negatively impact court functioning by removing judicial discretion, severely limiting judicial use of PPOs as a remedy to respond to domestic violence, reducing funding to respond to domestic violence and limiting the effectiveness of PPOs in other states.
2. The bill would limit the availability of legal services to society by limiting an individual's ability to seek a PPO as a judicial remedy.