

**Public Policy Position
HB 5368**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,563 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Family Law Section has a public policy decision-making body with 21 members. On October 9, 2021, the Section adopted its position after a discussion and vote at a scheduled meeting. 15 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 6 members did not vote.

Oppose

Explanation:

The bill requires that, except as otherwise provided by law, a record in any court in the state must be open to the public and must not redact an individual's date of birth. This appears to be aimed at dates of birth for the reason of state agencies and/or business community being able to run background checks. The Section had obvious concerns, as this bill seems run counter to the direction in family court cases to protect individuals and the trend to not include birth dates in pleadings. Moreover, the wording of the bill could also be construed as including Verified Statements, which would make not only dates of birth public, but also parties' social security numbers and those of minor children. If dates of birth are critical to the interest of running background checks or other public interest, then family court, probate court, PPO, and juvenile court records should be excluded from the requirements of the bill.

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