

**Public Policy Position
SB 0070 – SB 0075**

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,453 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 these items.

The Family Law Section has a public policy decision-making body with 22 members. On April 6, 2019, the Section adopted its position after a discussion and vote at a scheduled meeting. 10 members voted in favor of the Section’s position on SB 0070 – SB 0075, 4 members voted against this position, 2 members abstained, 6 members did not vote.

Support with Recommended Amendments

Explanation:

Senate Bills 70-75 create an Address Confidentiality Program within the department of the attorney general. The program would provide that victims of domestic violence, sexual assault, human trafficking or stalking who are accepted into the program can use the department of technology, management, and budget as their agent for receiving all mail and legal process. DTMB will relay the mail and legal papers to the participant so that their address may be kept confidential.

This program is necessary because internet search engines have become so powerful that once an address is revealed to any source it can be retrieved by a search engine. The Address Confidentiality Program provides a comprehensive solution to maintaining a confidential address, and provides a uniform solution across the state.

The Family Law Section supports this package of bills, and suggests several amendments to improve the bills. A similar package of bills was introduced last term. The last substitute version of SB 655 had a number of improvements that were left out of SB 70 when it was introduced. These should be restored to SB 70.

SB 70 should also clarify how initial service of process is accomplished on a program participant. The Family Law Section recommends amendments regarding service to clarify that DTMB is the agent for purposes of receiving mail and service of process for the participant, to increase the time to perfect service on the participant (to account for the additional time needed to relay mail to the participant) and to include record-keeping provisions. The sections on service in SB 70, page 9 lines 2-26, should be amended as follows:

(3) The department of technology, management, and budget shall, on each day the department... is open for business and on the same day as mail of a program participant is received, place all first-class, registered, or certified mail of a program participant that the department... receives an envelope or package and mail that envelope or package to the program participant at the mailing address the program participant provided on the application ... for that purpose.... The dept... is the agent of the program participant for purposes of receiving service by mail of court documents. Service of process on the program participant is perfected on the date the dept mails the document to the program participant plus an additional seven days.

(4) Upon receiving service of process on behalf of a program participant, the department... shall immediately forward on the same day as received, the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided on the application... for that purpose. The dept... is the agent of the program participant for purposes of receiving service of process. Service of process on the program participant is perfected on the date the dept mails the service to the program participant plus an additional seven days. The dept shall notify the program participant on the same day it receives service of process on behalf of the participant by calling, texting or sending an electronic message if the program participant provided a telephone number or electronic mail address on the application under section 5(3)(c).

(5) The dept... shall maintain in the program participant's file a record of all summonses, writs, notices, demands and processes served upon the dept for that participant, which shall include the date of such service and the dept's actions.

(5) (6) If a person intends to serve process on an individual and makes an inquiry with the department of the attorney general or the dept... to determine if the individual is a program participant, the dept... shall only confirm that the individual is or is not a program participant and if the individual is a program participant, shall provide the participant's unique number and designated address and must not disclose further information regarding the program participant.

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