

p 517-346-6300

December 21, 2011

p 800-968-1442

The Honorable Peter Pettalia

f 517-482-6248

State Representative

www.michbar.org

State Capitol

P.O. Box 30014

Lansing, MI 48909-7514

306 Townsend Street

Re: HB 4844 – Personal Protection Orders

Michael Franck Building

Lansing, MI

Dear Representative Pettalia:

48933-2012

At its November meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose HB 4844**. In its review, the Board considered recommendations from its Criminal Jurisprudence & Practice Committee, Civil Procedure & Courts Committee, Justice Policy Initiative, and the Family Law Section. All recommended opposition. The substance of the recommendations is provided below:

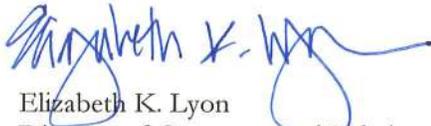
The bill would require that the issuance of a personal protection order be maintained in the system for ten years without considering the potential for improper issuance or issuance based upon unreliable or unsubstantiated allegations. This is concerning given that many personal protection orders are issue ex parte and subsequently terminated following a hearing. The amendments are drafted in a manner that does not rule out a requirement that even terminated orders would be retained in the system for ten years

There is a concern about the proposed public registry. The purpose of a personal protection order is to protect a specific individual and in some circumstances that individual's family. There is no judicial finding that the subject of the order is a danger to others thereby requiring some notification beyond the scope of those who requested and received the order.

Retention of the order on the publicly accessible system will have a long-term effect when the matter that required the personal protection order may be a temporary situation.

If you would like to discuss this position in further detail or have questions, please contact me directly at your convenience.

Sincerely,



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CC. Julie I. Fershtman, President
Nell Kuhnmuench, Governmental Consultant Services, Inc.