

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

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[HB 4794](#) (Haase) Family law; child support; inclusion of personal identifying information in an order under the family support act; prohibit unless required by law. Amends sec. 2 of [1966 PA 138](#) (MCL [552.452](#)).

[HB 4795](#) (Kennedy) Family law; paternity; inclusion of personal identifying information in order of filiation; prohibit unless required by law. Amends sec. 2 of [1956 PA 205](#) (MCL [722.712](#)).

[HB 4796](#) (Byrum) Family law; marriage and divorce; inclusion of personal identifying information in judgment; prohibit unless required by law. Amends 1846 RS 84 (MCL [552.1](#) - [552.45](#)) by adding sec. 40.

Date position was adopted:

June 6, 2009

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

16 Voted for position

2 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

HB 4794 through 4796 seek to prevent identity theft by eliminating personal identifying information in domestic relations orders. The Family Law Section supports these bills. The Family Law Section also recommends two changes to the act. First, that it be amended to include other pleadings by inserting the following phrase after the words "filed with the order" in section 4 "or pleadings, motions, affidavits, or other papers required to be filed in

the court file”. The statute would then cover all pleadings put in the file and not just orders. The section would then read:

(4) An order under this section, or any document attached to or filed in the case file with the order, or pleadings, motions, affidavits, or other papers required to be filed in the court file, shall not contain personal identifying information unless specifically required by state or federal law, rule, or regulation, or by a court order or rule. This section does not affect an obligation of a person to provide personal identifying information to the friend of the court or another person.

We also propose adding the following section to the statute: “The clerk may refuse to file a paper offered for filing that does not conform to the requirements of this section. Upon discovery that a paper offered for filing does not conform to the requirements of this section, the clerk shall advise the person submitting the paper that it does not conform to the requirements of this section and will not be filed unless redacted. If redacted the paper will be filed if it otherwise complies with law and court rules and the paper will be deemed as filed on the day first received by the clerk’s office.”

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?2009-HB-4794>

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