



To: Jean Doss  
From: Rebecca Shiemke  
Re: HB 5296  
Date: January 21, 2020

On behalf of the family law task force of Michigan Poverty Law Program, I support HB 5296, but suggest possible amendments to fully effectuate its intent. The time when a survivor leaves the abuser, including filing a divorce complaint which signals the end of the relationship, can be a dangerous time. The bill would be helpful to domestic violence survivors filing divorce cases because it would provide survivors with a period of time to safety-plan before the defendant is served and learns about the action. Otherwise, the defendant could learn about the case from an attorney who reviewed the court website or filing and contacted the defendant even before the defendant was served with the pleadings.

The issues to consider include:

Expand the actions to which the bill applies.

- Right now, the bill is limited to filings of divorce complaints. Consider expanding it to all domestic relations actions as delineated in MCR 3.201(A), which includes separate maintenance, annulment, paternity, support and child custody.

Whether it should also apply to Personal Protection Order (PPO) filings.

- PPOs are governed by separate court rules, MCR 3.700 et seq. There is a rule in place now that prohibits courts from posting on a public website any information in a PPO action that would lead to identifying information about the petitioner. However, there may be reasons to include PPO actions in this bill since many survivors file PPOs at or near the same time as filing a divorce action. Consider whether limiting access to PPO files would also help survivors, or whether it's unlikely that PPOs would be linked to divorce actions.

Clarify the meaning of "made available to the public."

- The bill should specifically indicate that the prohibition applies to availability through a court's public websites as well as its paper files.
- It should also be clear that "public" includes attorneys. That may be the case, but it was a question.
- There may need to be a limited exception to disclosure of filings when an attorney is asking the court whether or not the other party has already filed an action, since two actions involving the same parties cannot be filed.

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Clarify date of service on defendant.

- The bill provides a compliant is not available “until the defendant has been served with or received notice of that complaint.” It’s not clear how that fact will be known to the court or the public. Rather, the bill could read that the compliant is not available “until a proof of service is filed with the court.”