



STATE OF MICHIGAN
**Department of
Human
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February 19, 2014

Larry S. Royster, Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2013-04; Proposed amendments to MCR 3.705

Dear Mr. Royster:

I am writing on behalf of the Michigan Domestic & Sexual Violence Prevention & Treatment Board (MDSVPTB) to offer comments in support of proposed amendments to MCR 3.705. The amendments would incorporate provisions of 18 USC 2265(d)(3) that prohibit publication on the Internet of information likely to publicly reveal the identity or location of a party protected by a personal protection order. Courts' PPO files would still be a matter of public record under the proposed amendments, so that members of the public may still access information about a PPO case by going to the issuing court and requesting a hard copy.

The MDSVPTB supports the proposed amendments, which incorporate into the Michigan Court Rules an important federal protection for individuals who are protected by PPOs. Publication of a protected party's locating or identifying information contained in a PPO petition or order can endanger that party, for example:

- If a PPO petitioner fears retaliatory violence when the respondent is served with the petition and order, the petitioner's ability to safety plan may depend on maintaining control over the timing of notice to the respondent. If the respondent discovers the PPO petition or order in an online search of court records before it is served, the petitioner can be surprised by an unexpected retaliatory response.
- Protected parties who are in hiding from their abusers may have difficulty keeping their locations confidential if PPO records are easily accessible online. Even if the protected party's address is suppressed in the court records, the location of the issuing court can give an abuser clues to that party's location.

Public online access to PPO records can also be a gross invasion of privacy, making some individuals reluctant to access this form of protection.

- Prospective employers or landlords who see that an individual has petitioned for a PPO may take actions prejudicial to the individual based on fears about violence on their premises or places of business.
- Some petitioners may be ashamed for friends or family members to see that they have requested protection from the court.

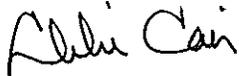
- Public online access to PPO records may make parties vulnerable to harassment or exploitation from malicious individuals who are not parties to the PPO action.

In supporting the proposed amendments, the MDSVPTB recognizes that some abused individuals may be named as respondents in PPO actions brought by their abusers as a tactic of coercive control. Online access to the court's PPO files may be helpful to some abused individuals in this situation, alerting them that the abuser has initiated a PPO case. On the other hand, public online access to PPO records in these cases may label the abused individual as an abuse perpetrator, with resulting negative consequences to their personal relationships, or efforts to obtain work or housing. Thus, the MDSVPTB believes that the benefits of the proposed amendments outweigh the inconvenience of requiring that PPO records be accessed in hard copy at the court.

MDSVPTB members also suggest that the court consider deleting the phrase "Pursuant to 18 USC 2265(d)" from the first line of proposed added subrule (C). This deletion will prevent the text that follows from becoming confusing or obsolete if the U.S. Congress amends the referenced U.S. Code section so that it is inconsistent with the rest of the subrule.

As the court system moves forward with plans for electronic access to records, the MDSVPTB much appreciates its attention to the unique safety and privacy needs of survivors of domestic violence, sexual assault, and stalking. Any questions about the Board's position supporting the amendments or its suggested changes can be addressed to Mary Lovik, lovikm@michigan.gov.

Sincerely yours,



Debi Cain
Executive Director, MDSVPTB

CC: MDSVPTB members; Karyn Ferrick