
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4712 (as reported without amendment)
Sponsor: Representative Sandra Caul
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to authorize the family court in each county to provide a domestic violence victim advocate to assist victims of domestic violence in obtaining a personal protection order (PPO). To provide that assistance, the court could use the services of a public or private agency or organization that had a record of service to victims of domestic violence. A domestic violence victim advocate could provide all of the following assistance: informing a victim of the availability of, and assisting the victim in obtaining, serving, modifying, or rescinding a PPO; providing an interpreter for a case involving domestic violence that included a request for a PPO; and informing a victim of the availability of shelter, safety plans, counseling, other social services, and generic written materials about Michigan law. A domestic violence victim advocate could not represent or advocate for domestic violence victims in court. The bill also specifies, however, that providing assistance as a domestic violence victim advocate would not violate the Act's prohibition against the unauthorized practice of law.

To the extent not protected by the immunity conferred in the governmental immunity Act, a person other than a court employee who provided assistance as a domestic violence victim advocate would be presumed to be acting in good faith and would not be liable in a civil action for damages for acts or omissions in providing assistance, except for acts or omissions that amounted to gross negligence or willful and wanton misconduct.

MCL 600.916 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on local units of government, which would depend on the number of counties that decided to provide a domestic violence victim advocate to assist victims of domestic violence.

Date Completed: 12-3-99

Fiscal Analyst: B. Bowerman