

Legislative Analysis



PROHIBIT PERSONAL IDENTIFYING INFORMATION IN COURT FILINGS CONCERNING DIVORCE, CHILD SUPPORT, PATERNITY, AND DOMESTIC RELATIONS

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House Bills 4521-4523

House Bill 6189

Sponsor: Rep. Barb Byrum

Committee: Intergovernmental, Urban, and Regional Affairs

Complete to 6-3-08

A SUMMARY OF HOUSE BILLS 4521-4523 AS INTRODUCED 3-22-07 AND HOUSE BILL 6189 AS INTRODUCED 6-3-08

The bills would amend various acts to prohibit the inclusion of personal identifying information in court filings that concern divorce, child support, paternity, and domestic relations.

Under House Bills 4521-4523, "personal identifying information" means that term as defined in Section 3 of the Identity Theft Protection Act of 2004 (MCL 445.63), except that personal identifying information would not include a person's name and address.

[Note: Under the Identity Theft Protection Act, "personal identifying information" is defined to mean a name, number, or other information that is used for the purpose of identifying a specific person or providing access to a person's financial accounts, including a person's name, address, telephone number, driver license or state personal identification card number, Social Security number, place of employment, employee identification number, employer or taxpayer identification number, government passport number, health insurance identification number, mother's maiden name, demand deposit account number, savings account number, financial transaction device account number or the person's account password, stock or other security certificate or account number credit card number, vital record, or medical records or information.]

A more detailed description of each bill follows.

House Bill 4521 would amend RS 84 of 1846 entitled "Of Divorce" (MCL 552.1 et al.) to prohibit an order or judgment entered in an action for divorce or separate maintenance (or any document attached to or filed in the case) from containing personal identifying information unless specifically required by state or federal law, rule, or regulation, or by a court order or rule. The bill specifies that this prohibition would not affect an obligation of a person to provide personal identifying information to the Friend of the Court, or another person.

House Bill 4522 would amend the Paternity Act (MCL 722.12) to prohibit an order of filiation (or any document attached to or filed in the case file with the order) from

containing personal identifying information unless specifically required by state or federal law, rule, or regulation, or by a court order or rule. The bill specifies that this prohibition would not affect an obligation of a person to provide personal identifying information to the Friend of the Court or another person.

House Bill 4523 would amend the Family Support Act (MCL 552.452) to prohibit a child or family support order (or any document attached to or filed in the case file with the order) from containing personal identifying information unless specifically required by state or federal law, rule, or regulation, or by a court order or rule. The bill specifies that this prohibition would not affect an obligation of a person to provide personal identifying information to the Friend of the Court or another person.

House Bill 6189 would amend the Eligible Domestic Relations Order Act (MCL 38.1702) to remove, from the definition of the term "eligible domestic relations order," the requirement that Social Security numbers be included in a court's order. Instead, the bill requires that the Social Security numbers of the participant and the alternate payee be sent to the retirement system in an attachment to the order. The bill specifies that the attachment is *not* to be filed with the court, but instead must be attached to the domestic relations order when it is sent to the plan administrator for approval.

The bill also revises the definition of "eligible domestic relations order" to require that an order contain names and last known addresses of the participant and alternate payee, eliminating the requirement that an order contain the names, addresses, *and Social Security numbers* of the participant and alternate payee.

FISCAL IMPACT:

House Bills 4521-4523 would have no identifiable fiscal impact on state or local government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.