

# HOUSE BILL No. 6212

June 5, 2008, Introduced by Rep. Calley and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending section 3 of chapter XI (MCL 711.3), as added by 2000  
PA 111.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XI

Sec. 3. (1) In a proceeding under section 1 of this chapter,  
the court may order for good cause that no publication of the  
proceeding take place and that the record of the proceeding be  
confidential. Good cause under this section includes, but is not  
limited to, evidence that publication or availability of a record  
of the proceeding could place the petitioner or another individual  
in physical danger, such as evidence that the petitioner or another

1 individual has been the victim of stalking or an assaultive crime.

2 (2) Evidence under subsection (1) of the possibility of  
3 physical danger must include the petitioner's or the endangered  
4 individual's sworn statement stating the reason for the fear of  
5 physical danger if the record is published or otherwise available.  
6 If evidence is offered of stalking or an assaultive crime, the  
7 court shall not require proof of an arrest or prosecution for that  
8 crime to reach a finding of good cause under subsection (1).

9 (3) IF A PETITION UNDER SECTION 1 OF THIS CHAPTER SEEKS TO  
10 CHANGE THE NAME OF A MINOR AND THE PARENTAL RIGHTS OF A  
11 NONCUSTODIAL PARENT OF THE MINOR HAVE BEEN RELINQUISHED BY CONSENT  
12 OR RELEASE UNDER CHAPTER X OR HAVE BEEN TERMINATED UNDER SECTION  
13 37, 39, OR 51 OF CHAPTER X OR UNDER CHAPTER XIIA, THE COURT SHALL  
14 NOT ORDER PUBLICATION UNDER SECTION 1(1) OF THIS CHAPTER.

15 (4) ~~(3)~~—A court officer, employee, or agent who divulges,  
16 uses, or publishes, beyond the scope of his or her duties with the  
17 court, information from a record made confidential under this  
18 section is guilty of a misdemeanor. This subsection does not apply  
19 to a disclosure under a court order.

20 (5) ~~(4)~~—A confidential record created under this section is  
21 exempt from disclosure under the freedom of information act, 1976  
22 PA 442, MCL 15.231 to 15.246.

23 (6) ~~(5)~~—As used in this section, "stalking" means that term as  
24 defined in sections 411h and 411i of the Michigan penal code, 1931  
25 PA 328, MCL 750.411h and 750.411i.