

# Legislative Analysis



## PROHIBIT INCLUSION OF PERSONAL IDENTIFYING INFORMATION IN CERTAIN COURT FILINGS

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### House Bill 4794

Sponsor: Rep. Jennifer Haase

### House Bill 4795

Sponsor: Rep. Deb Kennedy

### House Bill 4796

Sponsor: Rep. Barb Byrum

Committee: Judiciary

Complete to 5-28-09

## A SUMMARY OF HOUSE BILLS 4794-4796 AS INTRODUCED 4-2-09

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

Under House Bills 4794-4796, "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 4794 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. The bill also specifies that the court could order that a document that did not comply be included in the case file if the personal identifying information were redacted.

House Bill 4795 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. The bill also specifies that the court could order that an order of filiation or other document that did not comply be filed in the case file if the personal identifying information were redacted.

House Bill 4796 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. The bill also specifies that the court could order that an order or other documents that did not comply be filed in the case file if the personal identifying information were redacted.

#### **FISCAL IMPACT:**

House Bills 4794-4796 would have no fiscal impact on the judiciary.

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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.