

ADDRESS CONFIDENTIALITY PROGRAM ACT (EXCERPT)

Act 301 of 2020

780.855 Address confidentiality program; creation; eligibility; application; duties of attorney general; certification of program participant; renewal or cancellation; minor; participation card; applicability to custody or parenting order.

Sec. 5. (1) Subject to section 19(4), the address confidentiality program is created in the department of the attorney general.

(2) Except for an individual described in subsection (13), the following individuals are eligible to apply to the program and may submit an application, with the assistance of an application assistant or a victim advocate, for certification as a program participant by the department of the attorney general:

(a) If changing his or her residence, an individual who is 18 years of age or older or is an emancipated minor under 1968 PA 293, MCL 722.1 to 722.6.

(b) If changing the residence of a minor, a legal parent or the guardian of the minor appointed by a court.

(c) If the residence of a ward is changing, the guardian of that ward if the guardian is granted the power to apply by a court under section 5306 of the estates and protected individuals code, 1998 PA 386, MCL 700.5306.

(3) The application under subsection (2) must be filed with the department of the attorney general in the manner and form prescribed by the department of the attorney general and must contain the following:

(a) A notarized statement that meets 1 of the following requirements:

(i) If the applicant is an individual described under subsection (2)(a), a statement by that individual that disclosure of the address provided under subdivision (d) will increase the risk that he or she will be threatened or physically harmed by another person or that the individual is a victim of domestic violence, stalking, human trafficking, or sexual assault.

(ii) If the applicant is the legal parent of a minor or the guardian of a minor appointed by a court, a statement by that parent of a minor or guardian that disclosure of the address provided under subdivision (d) will increase the risk that the minor will be threatened or physically harmed by another person or that the parent or guardian, or the minor, is a victim of domestic violence, stalking, human trafficking, or sexual assault.

(iii) If the applicant is the guardian of a ward as provided under subsection (2)(c), a statement by that guardian that the disclosure of the address provided under subdivision (d) will increase the risk that the ward will be threatened or physically harmed by another person or that the ward is a victim of domestic violence, stalking, human trafficking, or sexual assault.

(b) A knowing and voluntary designation of the department of technology, management, and budget as the agent for the purposes of receiving mail and service of process.

(c) The mailing address, telephone number, and electronic mail address, if applicable, at which the department of the attorney general, the department of state, or the department of technology, management, and budget, may contact the individual, minor, or ward.

(d) The address of residence that the applicant requests not be disclosed.

(e) The signature of the applicant, the name and signature of the application assistant or victim advocate who assisted the applicant, and the date the application was signed.

(4) The application under subsection (2) may provide an option for an applicant to select the type of victimization the applicant believes warrants the need for participation in the program. The department of the attorney general may not consider information provided or withheld under this subsection in certifying a program participant.

(5) The department of the attorney general shall do all of the following after an individual, the parent or guardian of a minor, or a guardian of a ward files a completed application:

(a) Except as provided in subsection (6), certify the individual, minor, or ward as a program participant.

(b) Issue the program participant a unique identification number and a participation card.

(c) Classify each eligible address listed in the application as a confidential address.

(d) Provide the program participant with information concerning the manner in which the program participant may use the department of technology, management, and budget as the agent of the program participant for the purposes of receiving mail and service of process.

(e) If the program participant is eligible to vote, provide the program participant with information concerning the process to register to vote and to vote as a program participant under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(f) Provide the program participant with information concerning the procedure from which the program participant will receive a corrected operator's or chauffeur's license under section 310f of the Michigan

vehicle code, 1949 PA 300, MCL 257.310f, a corrected enhanced driver license or enhanced official state personal identification card under section 4 of the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.304, or a corrected official state personal identification card under section 2a of 1972 PA 222, MCL 28.292a.

(g) Provide the program participant with information regarding methods to protect a confidential address, including, but not limited to, information regarding the risks of disclosing the confidential address to other persons and the risks of using social media and other similar electronic technologies, including geotagging photographs; and other information that the attorney general determines would help the program participant protect his or her confidential address.

(6) An individual, minor, or ward must not be certified as a program participant if the department of the attorney general knows the confidential address provided in the application as described in subsection (3)(d) is an address that has been provided to the secretary of state for that individual, minor, or ward.

(7) A program participant shall update information provided in an application within 30 days after a change to that information has occurred by submitting a notice of change of information to the department of the attorney general on a form prescribed by the department of the attorney general.

(8) Unless the certification is canceled under section 9, the certification of a program participant is valid for 4 years from the date listed on the application under subsection (3), on the renewal application under subsection (10), or on the certification continuance application under subsection (11).

(9) The department of the attorney general may, with proper notice, cancel the certification of a program participant as provided under section 9.

(10) A program participant who continues to be eligible to participate in the program may renew the certification of the program participant. The renewal application must be on a form prescribed by the department of the attorney general and must meet the requirements under subsections (2) and (3). A renewal of certification of the program participant must not alter the unique identification number issued under subsection (5)(b).

(11) If a program participant certified as a minor becomes 18 years of age or older while his or her certification remains valid, the department of the attorney general shall mail a certification continuance application to that program participant. The certification continuance application must be on a form prescribed by the department of the attorney general, must meet the requirements under subsections (2) and (3), and must inform the program participant of his or her right to choose to continue or discontinue in the program. The program participant may continue certification as a program participant after becoming 19 years of age by completing the certification continuance application with the assistance of an application assistant or victim advocate and filing the application before the program participant becomes 19 years of age.

(12) An application submitted under this act and the information of a program participant described under section 15(1) is confidential, is not a public record, is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and may only be disclosed as authorized under this act.

(13) An offender who is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, is not eligible to submit an application and must not be certified as a program participant.

(14) The department of the attorney general shall create a participation card for the program. A participation card must contain the name and unique identification number of a program participant, and the designated address.

(15) The certification of a minor as a program participant does not prohibit a parent or guardian from voluntarily disclosing the minor's confidential address.

(16) The certification of a minor as a program participant does not amend or affect the enforceability of a custody or parenting time order issued by a court of competent jurisdiction, affect a parent's right to initiate a child custody action or use friend of the court services, or otherwise limit a court's authority in a child custody action.

History: 2020, Act 301, Imd. Eff. Dec. 29, 2020.