

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

711.3 Publication or availability of record of proceeding; violation as misdemeanor; exemption from disclosure; definitions.

Sec. 3.

(1) In a proceeding under section 1 of this chapter, all of the following apply:

(a) If the court receives a petition that shows good cause, the court must order that no publication of the proceeding take place and that the record of the proceeding be confidential.

(b) A petition that shows good cause must state the reason or reasons why the petitioner or the endangered individual fears the publication or availability of the record of the proceeding, and the court must presume that a petition shows good cause if any of the following reasons are included in the statement:

(i) The petitioner or the endangered individual is a victim of an assaultive crime, domestic violence, harassment, human trafficking, or stalking.

(ii) The petitioner or the endangered individual seeks to affirm their gender identity.

(c) The court shall not require proof of an arrest or prosecution to find that a petition shows good cause.

(2) A court officer, employee, or agent that divulges, uses, or publishes, beyond the scope of the court officer's, employee's, or agent's duties with the court, information from a record made confidential under this section is guilty of a misdemeanor. This subsection does not apply to a disclosure under a court order.

(3) A confidential record created under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(4) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Domestic violence" means the occurrence of any of the following acts by a person that is not an act of self-defense:

(i) Causing or attempting to cause physical or mental harm to a family or household member.

(ii) Placing a family or household member in fear of physical or mental harm.

(iii) Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.

(iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(c) "Family or household member" includes any of the following:

(i) A spouse or former spouse.

(ii) An individual with whom the person resides or has resided.

(iii) An individual with whom the person has or has had a dating relationship.

(iv) An individual with whom the person is or has engaged in a sexual relationship.

(v) An individual to whom the person is related or was formerly related by marriage.

(vi) An individual with whom the person has a child in common.

(vii) The minor child of an individual described in subparagraphs (i) to (vi).

(d) "Gender identity" means an individual's gender-related self-identity, regardless of whether the self-identity is associated with the individual's assigned sex at birth.

(e) "Good cause" includes, but is not limited to, evidence that the publication or availability of the record of a proceeding under section 1 of this chapter could place the petitioner or another individual in physical danger, at an increased likelihood of physical danger, or at risk of unlawful discrimination or retaliation.

(f) "Human trafficking" means a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

(g) "Stalking" means that term as defined in sections 411h to 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h to 750.411i.

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