

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

711.3 Publication or availability of record of proceeding; placement of individual in physical danger; violation as misdemeanor; exemption; “stalking” defined.

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

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

(3) A court officer, employee, or agent who divulges, uses, or publishes, beyond the scope of his or her 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.

(4) 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.

(5) As used in this section, “stalking” means that term as defined in sections 411h and 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

History: Add. 2000, Act 111, Imd. Eff. May 24, 2000.