

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 729

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j,
and 2950k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2950H. AS USED IN THIS SECTION AND SECTIONS 2950I,
2 2950J, 2950K, 2950L, AND 2950M:

3 (A) "FOREIGN PROTECTION ORDER" MEANS AN INJUNCTION OR OTHER
4 ORDER ISSUED BY A COURT OF ANOTHER STATE, INDIAN TRIBE, OR UNITED
5 STATES TERRITORY FOR THE PURPOSE OF PREVENTING A PERSON'S VIOLENT
6 OR THREATENING ACTS AGAINST, HARASSMENT OF, CONTACT WITH, COMMU-
7 NICATION WITH, OR PHYSICAL PROXIMITY TO ANOTHER PERSON. FOREIGN
8 PROTECTION ORDER INCLUDES TEMPORARY AND FINAL ORDERS ISSUED BY
9 CIVIL AND CRIMINAL COURTS (OTHER THAN A SUPPORT OR CHILD CUSTODY
10 ORDER ISSUED PURSUANT TO STATE DIVORCE AND CHILD CUSTODY LAWS,

SB729, As Passed House, December 6, 2001

Senate Bill No. 729

2

1 EXCEPT TO THE EXTENT THAT SUCH AN ORDER IS ENTITLED TO FULL FAITH
2 AND CREDIT UNDER OTHER FEDERAL LAW), WHETHER OBTAINED BY FILING
3 AN INDEPENDENT ACTION OR BY JOINING A CLAIM TO AN ACTION, IF A
4 CIVIL ORDER WAS ISSUED IN RESPONSE TO A COMPLAINT, PETITION, OR
5 MOTION FILED BY OR ON BEHALF OF A PERSON SEEKING PROTECTION.

6 (B) "LEIN" MEANS THE LAW ENFORCEMENT INFORMATION NETWORK
7 REGULATED UNDER THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA
8 163, MCL 28.211 TO 28.216.

9 (C) "NCIC PROTECTION ORDER FILE" MEANS THE NATIONAL CRIME
10 INFORMATION CENTER PROTECTION ORDER FILE MAINTAINED BY THE UNITED
11 STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION.

12 SEC. 2950I. (1) A FOREIGN PROTECTION ORDER IS VALID IF ALL
13 OF THE FOLLOWING CONDITIONS ARE MET:

14 (A) THE ISSUING COURT HAD JURISDICTION OVER THE PARTIES AND
15 SUBJECT MATTER UNDER THE LAWS OF THE ISSUING STATE, TRIBE, OR
16 TERRITORY.

17 (B) REASONABLE NOTICE AND OPPORTUNITY TO BE HEARD IS GIVEN
18 TO THE RESPONDENT SUFFICIENT TO PROTECT THE RESPONDENT'S RIGHT TO
19 DUE PROCESS. IN THE CASE OF EX PARTE ORDERS, NOTICE AND OPPORTU-
20 NITY TO BE HEARD MUST BE PROVIDED TO THE RESPONDENT WITHIN THE
21 TIME REQUIRED BY STATE OR TRIBAL LAW, AND IN ANY EVENT WITHIN A
22 REASONABLE TIME AFTER THE ORDER IS ISSUED, SUFFICIENT TO PROTECT
23 THE RESPONDENT'S DUE PROCESS RIGHTS.

24 (2) ALL OF THE FOLLOWING MAY BE AFFIRMATIVE DEFENSES TO ANY
25 CHARGE OR PROCESS FILED SEEKING ENFORCEMENT OF A FOREIGN PROTEC-
26 TION ORDER:

SB729, As Passed House, December 6, 2001

Senate Bill No. 729

3

1 (A) LACK OF JURISDICTION BY THE ISSUING COURT OVER THE
2 PARTIES OR SUBJECT MATTER.

3 (B) FAILURE TO PROVIDE NOTICE AND OPPORTUNITY TO BE HEARD.

4 (C) LACK OF FILING OF A COMPLAINT, PETITION, OR MOTION BY OR
5 ON BEHALF OF A PERSON SEEKING PROTECTION IN A CIVIL FOREIGN PRO-
6 TECTION ORDER.

7 SEC. 2950J. (1) A VALID FOREIGN PROTECTION ORDER SHALL BE
8 ACCORDED FULL FAITH AND CREDIT BY THE COURT AND SHALL BE SUBJECT
9 TO THE SAME ENFORCEMENT PROCEDURES AND PENALTIES AS IF IT WERE
10 ISSUED IN THIS STATE.

11 (2) A CHILD CUSTODY OR SUPPORT PROVISION WITHIN A VALID FOR-
12 EIGN PROTECTION ORDER SHALL BE ACCORDED FULL FAITH AND CREDIT BY
13 THE COURT AND SHALL BE SUBJECT TO THE SAME ENFORCEMENT PROCEDURES
14 AND PENALTIES AS ANY PROVISION WITHIN A PERSONAL PROTECTION ORDER
15 ISSUED IN THIS STATE. THIS SUBSECTION SHALL NOT BE CONSTRUED TO
16 PRECLUDE LAW ENFORCEMENT OFFICERS' COMPLIANCE WITH THE CHILD PRO-
17 TECTION LAW, 1975 PA 238, MCL 722.621 TO 722.638.

18 SEC. 2950K. (1) A FOREIGN PROTECTION ORDER SOUGHT BY A
19 PETITIONER AGAINST A SPOUSE OR INTIMATE PARTNER AND ISSUED
20 AGAINST BOTH THE PETITIONER AND RESPONDENT IS ENTITLED TO FULL
21 FAITH AND CREDIT AGAINST THE RESPONDENT AND IS ENFORCEABLE
22 AGAINST THE RESPONDENT.

23 (2) A FOREIGN PROTECTION ORDER SOUGHT BY A PETITIONER
24 AGAINST A SPOUSE OR INTIMATE PARTNER AND ISSUED AGAINST BOTH THE
25 PETITIONER AND RESPONDENT IS NOT ENTITLED TO FULL FAITH AND
26 CREDIT AND IS NOT ENFORCEABLE AGAINST THE PETITIONER UNLESS BOTH
27 OF THE FOLLOWING CONDITIONS ARE MET:

SB729, As Passed House, December 6, 2001

Senate Bill No. 729

4

1 (A) THE RESPONDENT FILED A CROSS- OR COUNTER-PETITION,
2 COMPLAINT, OR OTHER WRITTEN PLEADING SEEKING THE FOREIGN PROTEC-
3 TION ORDER.

4 (B) THE ISSUING COURT MADE SPECIFIC FINDINGS AGAINST BOTH
5 THE PETITIONER AND THE RESPONDENT AND DETERMINED THAT EACH PARTY
6 WAS ENTITLED TO RELIEF.

7 (3) FOR PURPOSES OF THIS SECTION, "SPOUSE OR INTIMATE
8 PARTNER" MEANS ALL OF THE FOLLOWING:

9 (A) SPOUSE.

10 (B) FORMER SPOUSE.

11 (C) AN INDIVIDUAL WITH WHOM PETITIONER HAS HAD A CHILD IN
12 COMMON.

13 (D) AN INDIVIDUAL RESIDING OR HAVING RESIDED IN THE SAME
14 HOUSEHOLD AS PETITIONER.

15 (E) AN INDIVIDUAL WITH WHOM PETITIONER HAS OR HAS HAD A
16 DATING RELATIONSHIP AS THAT TERM IS DEFINED IN SECTION 2950.

17 Enacting section 1. This amendatory act takes effect
18 April 1, 2002.

19 Enacting section 2. This amendatory act does not take
20 effect unless all of the following bills of the 91st Legislature
21 are enacted into law:

22 (a) Senate Bill No. 753.

23 (b) Senate Bill No. 754.

24 (c) Senate Bill No. 757.

25 (d) Senate Bill No. 758.

26 (e) House Bill No. 5275.

SB729, As Passed House, December 6, 2001

Senate Bill No. 729

5

- 1 (f) House Bill No. 5299.
- 2 (g) House Bill No. 5300.
- 3 (h) House Bill No. 5303.
- 4 (i) House Bill No. 5304.