

Act No. 206  
Public Acts of 2001  
Approved by the Governor  
December 27, 2001  
Filed with the Secretary of State  
December 27, 2001  
EFFECTIVE DATE: April 1, 2002

**STATE OF MICHIGAN  
91ST LEGISLATURE  
REGULAR SESSION OF 2001**

**Introduced by Senators Hammerstrom, Johnson, Bullard, Garcia, McCotter, Goschka, Peters, Young, Byrum, North, Stille, Bennett, Koivisto, Steil, Sikkema, Schuette, Van Regenmorter, Scott, DeBeaussaert, McManus, Gougeon, Dunaskiss, Miller, Hart, Murphy, Leland, Schwarz and Smith**

# **ENROLLED SENATE BILL No. 729**

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, and 2950k.

*The People of the State of Michigan enact:*

Sec. 2950h. As used in this section and sections 2950i, 2950j, 2950k, 2950l, and 2950m:

(a) "Foreign protection order" means an injunction or other order issued by a court of another state, Indian tribe, or United States territory for the purpose of preventing a person's violent or threatening acts against, harassment of, contact with, communication with, or physical proximity to another person. Foreign protection order includes temporary and final orders issued by civil and criminal courts (other than a support or child custody order issued pursuant to state divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other federal law), whether obtained by filing an independent action or by joining a claim to an action, if a civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

(b) "LEIN" means the law enforcement information network regulated under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(c) "NCIC protection order file" means the national crime information center protection order file maintained by the United States department of justice, federal bureau of investigation.

Sec. 2950i. (1) A foreign protection order is valid if all of the following conditions are met:

(a) The issuing court had jurisdiction over the parties and subject matter under the laws of the issuing state, tribe, or territory.

(b) Reasonable notice and opportunity to be heard is given to the respondent sufficient to protect the respondent's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided to the respondent within the time required by state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(2) All of the following may be affirmative defenses to any charge or process filed seeking enforcement of a foreign protection order:

(a) Lack of jurisdiction by the issuing court over the parties or subject matter.

(b) Failure to provide notice and opportunity to be heard.

(c) Lack of filing of a complaint, petition, or motion by or on behalf of a person seeking protection in a civil foreign protection order.

Sec. 2950j. (1) A valid foreign protection order shall be accorded full faith and credit by the court and shall be subject to the same enforcement procedures and penalties as if it were issued in this state.

(2) A child custody or support provision within a valid foreign protection order shall be accorded full faith and credit by the court and shall be subject to the same enforcement procedures and penalties as any provision within a personal protection order issued in this state. This subsection shall not be construed to preclude law enforcement officers' compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

Sec. 2950k. (1) A foreign protection order sought by a petitioner against a spouse or intimate partner and issued against both the petitioner and respondent is entitled to full faith and credit against the respondent and is enforceable against the respondent.

(2) A foreign protection order sought by a petitioner against a spouse or intimate partner and issued against both the petitioner and respondent is not entitled to full faith and credit and is not enforceable against the petitioner unless both of the following conditions are met:

(a) The respondent filed a cross- or counter-petition, complaint, or other written pleading seeking the foreign protection order.

(b) The issuing court made specific findings against both the petitioner and the respondent and determined that each party was entitled to relief.

(3) For purposes of this section, "spouse or intimate partner" means all of the following:

(a) Spouse.

(b) Former spouse.

(c) An individual with whom petitioner has had a child in common.

(d) An individual residing or having resided in the same household as petitioner.

(e) An individual with whom petitioner has or has had a dating relationship as that term is defined in section 2950.

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

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

(a) Senate Bill No. 753.

(b) Senate Bill No. 754.

(c) Senate Bill No. 757.

(d) Senate Bill No. 758.

(e) House Bill No. 5275.

(f) House Bill No. 5299.

(g) House Bill No. 5300.

(h) House Bill No. 5303.

(i) House Bill No. 5304.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Jay E. Randall*

Clerk of the House of Representatives.

Approved .....

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Governor.