

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
February 9, 2024**

***** Approved *****

Members Present:

Dr. NiCole Buchanan
Kristen Howard
Hon. Melissa Lopez Pope
Hon. Elizabeth Pollard Hines - Chairperson
Rebecca Shiemke
Matt Wiese
Kyla Williams

Staff Present:

Jess Averill
Tonya Avery
Michael Bobbitt, Board Secretary
Kathy Hagenian
Gail Krieger
Beth Nagel
Angela Povilaitis
Lore Rogers

Guests:

Stephanie Beyersdorf - State Court Administrator Office
Rachel Carr Shunk - Uniting Three Fires Against Violence
Heath Lowry - Michigan Coalition to End Domestic and Sexual Violence
Merkeb Yohannes - Michigan Coalition to End Domestic and Sexual Violence
Cherise Mitchell - YMCA West Central Michigan
Brenne Wade - Forensic nurse

WELCOME AND INTRODUCTIONS

E. Hines convened the February 9, 2024 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Grand Tower Building, Dempsey Room in Lansing, Michigan at 1:05 p.m.

BOARD CONSENT

Review of February 9, 2024 agenda and approval of November 3, 2023 meeting minutes.

MOTION: Moved by M. Pope to approve the February 9, 2024 agenda. Motion seconded by K. Howard. Motion carried.

MOTION: Moved by K. Williams to approve the November 3, 2023 meeting minutes as amended. Motion seconded by M. Pope. Motion carried.

CHAIR REPORT

Dr. Katie Gregory provided a presentation of her research work on SANE services in Michigan. She is a Professor of Ecological-Community Psychology at Michigan State University and the Director of the Michigan Victim Advocacy Network, (MiVAN). Dr. Gregory's research examines how medical, legal and

social service systems respond to survivors of sexual assault and more broadly survivors of gender-based violence. She spoke about a project through the College of Nursing related to an Ecology Resources and Services Administration grant on increasing access, recruitment, and retention of Sexual Assault Nurse Examiners (SANEs).

E. Hines provided an update on a Personal Protection Order (PPO) subcommittee which is comprised of Board members M. Pope, R. Shiemke, and herself. Staff members L. Rogers, G. Krieger, A. Povilaitis, and J. Averill are also on the subcommittee. One of the priorities of the subcommittee is to have PPOs served at no cost to a petitioner. The subcommittee viewed a webinar called "Tips for Good Service: Strategies for Successful Service of Civil Protection Orders" presented by the National Council of Family and Juvenile Court Judges. The subcommittee was able to meet with the lead presenter, Darren Mitchell, who works as a consultant to the National Council of Family and Juvenile Court Judges. He explained how other states are complying and implementing no cost service.

The Violence Against Women Act requires that service be done without the petitioner bearing the cost. Michigan has been able to comply because any person over the age of eighteen who is not a party can serve a PPO, which could be potentially dangerous to a friend or relative recruited to act in that capacity. The webinar revealed that almost every other state has passed laws that secure no cost service of civil protection orders for petitioners. The Board staff has discussed the issue with stakeholders and others. L. Rogers, J. Averill and A. Povilaitis created a survey for the Sherriff's Association to determine which agencies serve at no cost. Staff discussed next steps, including possible draft legislation language, with the Board.

STAFF REPORT

G. Krieger reported on the Child Advocacy Center (CAC) fund annual audit. An annual Child Advocacy Centers audit report is required for this funding. The audit was conducted successfully.

MOTION: by K. Howard to accept the financial statement and audit report for the Child Advocacy Centers fund. Motion seconded by R. Shiemke. Motion carried.

G. Krieger said both the CAC fund and the SANE fund come from the Justice Assistance Fund which is seeing a decrease in allocations, similar to the Crime Victim Rights Fund.

In April the issue was brought to the attention of the Board that the SANE fund is \$1 million short and other general funds committed to sexual assault are also short \$1 million. This shortage is due to lower fines and fees coming into the courts. The issue was raised internally and an additional \$2 million was included in the Governor's budget request. This will be a tremendous commitment to sexual assault if it makes it all the way through the process and will help ensure that some of the vital SANE funding sources will not have to be cut.

LEGISLATIVE REVIEW

A. Povilaitis reported on HB 5300 which would amend the Probate Code to streamline the process for individuals to legally change their names. Currently, when an individual wishes to change their legal name they must petition the court, show a sufficient reason for the proposed change, and demonstrate that the change is not sought with any fraudulent intent. Under current law, fraudulent intent is presumed if the petitioner has a criminal record, and the burden of proof is on the petitioner to rebut the presumption. Currently the court is required to schedule a hearing on the name change petition and order publication of the proceeding, unless one of the exemptions to publication is met. A petitioner who is over 22 years of age

must also have two complete sets of fingerprints taken at a local police agency and those fingerprints, along with the petition, must be forwarded to the Michigan State Police (MSP). MSP must compare those fingerprints with its records and forward a set of fingerprints to the Federal Bureau of Investigation (FBI) for comparison. MSP must then report to the court hearing the petition any information related to any pending criminal charges or a record of conviction for the petitioner. If the court enters an order to change the name of an individual with a criminal record, the court must forward the order to MSP and other entities.

HB 5300 eliminates the need for fingerprinting and having fingerprints compared by MSP and the FBI. Petitioners would have to self-indicate whether they have a criminal history. The bill would eliminate the presumption that there is a fraudulent intent if someone has a criminal history and eliminates the hearing requirement.

HB 5300 would also modify the existing process for publication of the proceedings and when the proceeding shall be confidential. A petition must state the reason why the petitioner or endangered person fears the publication or availability of the record of the proceeding. A presumption of good cause is created and is presumed if the petitioner or endangered individual is a victim of "an assaultive crime, domestic violence, harassment, human trafficking, or stalking" or "the petitioner or the endangered individual seeks to affirm their gender identity". The bill will allow survivors of domestic violence, sexual assault, and stalking to change their name more easily. If proceedings are not published and are confidential, it would reduce the chance that survivors will be found by their abuser.

Board members agreed that it was important to eliminate the fraudulent intent presumption for anyone with a criminal record and understood the reasoning eliminating the need for fingerprints in Section 1 of the bill. Board members suggested using ICHAT to confirm criminal history. Using ICHAT would remedy the fingerprinting concern expressed by some groups related to interacting with law enforcement and would be less expensive.

HB 5300 states there is a presumption of good cause in which there would be no publication and proceedings when an individual is a victim of an assaultive crime, domestic violence, harassment, human trafficking, or stalking or the petitioner or the endangered individual seeks to affirm their gender identity. Board members suggested also making all proceedings and documents confidential including the petition itself and adding participation in the Address Confidentiality Program as a good cause exception.

MOTION: Moved by R. Shiemke to adopt and support HB 5300 and the staff recommendations. Motion seconded by M. Pope. Motion carried.

MOTION: Moved by M. Pope to authorize the staff to communicate the following additional recommendations to the bill sponsors about HB 5300. Motion seconded by K. Williams. Motion carried.

Board Recommendations to HB 5300

- Include Address Confidentiality Program participants within the list of petitioners for whom good cause is presumed to have a confidential record and not to require publication of the hearing.
- Ensure that when there is good cause, that there is no publication of all proceedings, and that all court filings, including the petition itself, be confidential.
- Add a requirement for the petitioner to disclose whether they are or have been a respondent in a Personal Protection Order (PPO) case.
- Add a provision that conviction for prostitution or solicitation is not by itself grounds for denial of a name change. - Maintain the bill's deletion of the language currently in the statute that presumes fraudulent intent

when the petitioner has a criminal record.

- Consider some means of confirming criminal history, perhaps through the use of ICHAT. The Board recognizes the inconvenience, extra time and cost of fingerprinting and the fact that some individuals fear contact with law enforcement. However, in order to make the most informed decision, judges may wish to confirm a petitioner's criminal history (negative or positive) as they do before setting aside convictions. There are cheaper, more convenient ways to verify petitioners' criminal histories that do not involve fingerprinting or law enforcement such as ICHAT.

Senator Chang asked for the Board's position on HB 5148/5149 as they were recently referred to her committee. These bills would substantially modify the current way adult adoptees could obtain their birth certificate. HB 5148/5149 are currently in the Senate. Staff responded that based on the Board's general principles of ensuring privacy for survivors, the Board will be opposing these bills. The Board discourages the adoption of legislative provisions that compel public disclosure of survivors' identity or other sensitive personal information without survivor consent.

MOTION: Moved by R. Shiemke that Board members acknowledged they had an opportunity to review the House and Senate bills of interest to the Board's constituency that had been introduced since the November 3, 2023 Board meeting. Motion seconded by M. Wiese. Motion carried.

K. Hagenian presented on the issue of medical mandated reporting.

E. Hines asked to convene a subcommittee to examine the issue of medical mandated reporting more in depth and provide a recommendation back to the Board. Board members R. Shiemke and M. Pope volunteered to participate in the subcommittee.

MOTION: Moved by K. Howard to have a subcommittee review the issue of medical mandated reporting. Motion seconded by R. Shiemke. Motion carried.

BOARD ANNOUNCEMENTS

G. Krieger said staff are considering doing an offsite Board meeting in April or May at Avalon in Detroit. Avalon has opened a new space and it would give Board members an opportunity to tour the facility.

G. Krieger said information on Champion of Justice Award recipients will be sent to members.

On behalf of the Board and staff, E. Hines congratulated M. Yohannes and C. Thomas who have been appointed Interim Co-Executive Directors for the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV).

E. Hines offered congratulations and a fond farewell to R. Carr-Shunk who will be leaving Uniting Three Fires Against Violence (UTFAV) to join the National Strong Hearts Native Helpline.

M. Pope said the Nottawaseppi Huron Band of the Potawatomi (NHBP) is excited that a 2023 public service announcement on violence in indigenous communities has been nominated for an award.

PUBLIC COMMENT

S. Beyersdorf from the State Court Administrator Office said two court rules were adopted recently. The first court rule is regarding when a court has waived the filing fees or given a waiver of fees to a

petitioner for a name change then the court must pay for the publication for the name change. This court rule went into effect January 1st. The other court rule says a trial court must on the record let a defendant know that they have a right to speak at sentencing. The court must also address the victim who is present and allow them to be heard as well at the sentencing.

S. Beyersdorf said there was a webinar training on January 10th called "Helping You Sleep at Night: Identifying Intimate Partner Violence in Your Cases".

R. Carr-Shunk spoke about the launching of a cultural video series that was created from funding provided by DVS. All the videos are available on the UTFAV website and discuss how historical trauma and access to culturally specific practices impacts access to services and victimization. She said they are close to announcing the new leadership at UTFAV.

ADJOURNMENT

MOTION: Moved by K. Howard to adjourn the meeting. Motion seconded by N. Buchanan. Motion carried. The meeting ended at 3:48 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary