

HOUSE BILL No. 5661

March 11, 1998, Introduced by Reps. Wallace, Nye, Scranton, Baird, Richner, Dobb, Rocca, Cropsey, Curtis, Gilmer, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Bodem, Galloway, Geiger, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 916 and 2950b (MCL 600.916 and 600.2950b),
section 2950b as amended by 1994 PA 403, and by adding
section 2950c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 916. (1) ~~It is unlawful for any~~ A person ~~to~~ SHALL
2 NOT practice law ~~—~~ or ~~to~~ engage in the law business, ~~or~~
3 SHALL NOT in any manner whatsoever ~~to~~ lead others to believe
4 that he OR SHE is authorized to practice law or to engage in the
5 law business, ~~or~~ AND SHALL NOT in any manner whatsoever ~~to~~
6 represent or designate himself OR HERSELF as an attorney and
7 counselor, attorney at law, or lawyer, unless the person ~~so~~
8 ~~doing~~ is regularly licensed and authorized to practice law in
9 this state. ~~Any~~ A person who violates ~~the provisions of~~ this

1 section is guilty of contempt of the supreme court and of the
2 circuit court of the county in which the violation occurred, and
3 upon conviction is punishable as provided by law. This section
4 does not apply to a person who is duly licensed and authorized to
5 practice law in another state while temporarily in this state and
6 engaged in a particular matter.

7 (2) A DOMESTIC VIOLENCE ADVOCATE'S ASSISTANCE THAT IS PRO-
8 VIDED IN ACCORDANCE WITH SECTION 2950C DOES NOT VIOLATE THIS
9 SECTION.

10 Sec. 2950b. (1) ~~Before October 1, 1995, the~~ THE state
11 court administrative office shall develop and make available
12 forms for use by an individual who wishes to proceed without an
13 attorney. The forms shall include at least ~~petitions~~ A
14 PETITION for relief, A notice of hearing, and proof of service
15 for A personal protection ~~orders~~ ORDER under ~~sections~~ SECTION
16 2950 ~~and~~ OR 2950a. The forms shall be written in plain English
17 in a simple and easily understood format, and shall be limited,
18 if practicable, to 1 page in length. Instructions for the forms
19 shall be written in plain English and shall include a simple and
20 easily understood explanation of the proper method of service and
21 filing of the proof of service.

22 (2) The standard personal protection order ~~forms~~ FORM, at
23 a minimum, shall contain all of the information required under
24 ~~sections 2950(10) and 2950a(7)~~ SECTION 2950 OR 2950A.

25 (3) The state court administrative office shall develop and
26 make available standardized forms for use by individuals

1 restrained or enjoined without notice to move to modify or to
2 rescind a personal protection order and TO request a hearing.

3 (4) The court shall provide ~~the forms~~ A FORM prepared
4 under this section without charge. Upon request, the court may
5 provide assistance, but not legal assistance, to an individual in
6 completing ~~those forms~~ A FORM PREPARED UNDER THIS SECTION and
7 the personal protection order FORM if the court issues such an
8 order, and may instruct the individual regarding the requirements
9 for proper service of the order.

10 (5) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
11 1964 PA 170, MCL 691.1401 TO 691.1415, AN INDIVIDUAL OTHER THAN A
12 COURT EMPLOYEE WHO PROVIDES ASSISTANCE UNDER SECTION 2950C IS
13 PRESUMED TO BE ACTING IN GOOD FAITH AND IS NOT LIABLE IN A CIVIL
14 ACTION FOR DAMAGES FOR ACTS OR OMISSIONS IN PROVIDING THE ASSIST-
15 ANCE, EXCEPT ACTS OR OMISSIONS AMOUNTING TO GROSS NEGLIGENCE OR
16 WILLFUL AND WANTON MISCONDUCT.

17 SEC. 2950C. (1) THE FAMILY DIVISION OF THE CIRCUIT COURT IN
18 EACH COUNTY MAY PROVIDE A DOMESTIC VIOLENCE ADVOCATE TO ASSIST
19 VICTIMS OF DOMESTIC VIOLENCE IN OBTAINING A PERSONAL PROTECTION
20 ORDER. THE COURT MAY USE THE SERVICES OF A PUBLIC OR PRIVATE
21 AGENCY OR ORGANIZATION THAT HAS A RECORD OR SERVICE TO VICTIMS OF
22 DOMESTIC VIOLENCE TO PROVIDE THE ASSISTANCE. A DOMESTIC VIOLENCE
23 ADVOCATE MAY PROVIDE, BUT IS NOT LIMITED TO PROVIDING, ALL OF THE
24 FOLLOWING ASSISTANCE:

25 (A) INFORMING A VICTIM OF THE AVAILABILITY OF, AND ASSISTING
26 THE VICTIM IN OBTAINING, SERVING, MODIFYING, OR RESCINDING, A
27 PERSONAL PROTECTION ORDER.

1 (B) PROVIDING AN INTERPRETER FOR A CASE INVOLVING DOMESTIC
2 VIOLENCE INCLUDING A REQUEST FOR A PERSONAL PROTECTION ORDER.

3 (C) INFORMING A VICTIM OF THE AVAILABILITY OF SHELTER,
4 SAFETY PLANS, COUNSELING, OTHER SOCIAL SERVICES, AND GENERIC
5 WRITTEN MATERIALS ABOUT MICHIGAN LAW.

6 (2) NOTWITHSTANDING SUBSECTION (1), A DOMESTIC VIOLENCE
7 ADVOCATE SHALL NOT REPRESENT OR ADVOCATE FOR A DOMESTIC VIOLENCE
8 VICTIM IN COURT.

9 (3) PROVIDING ASSISTANCE IN ACCORDANCE WITH THIS SECTION
10 DOES NOT VIOLATE SECTION 916.

11 Enacting section 1. This amendatory act takes effect
12 September 1, 1998.