Dear PBSA Member,

PBSA has been working with the Michigan State Court Administrator’s office for the last several weeks regarding a rulemaking that will remove date of birth from court records. Late last week, we were informed that they were not planning to change or modify the rule and had identified July 1st as their implementation date.

Unless we are able to persuade the them otherwise, effective July 1st, Michigan will implement  new court rules that will remove date of birth from court records. Clerks will also not verify a DOB verbally on a court record or limit a search of their records using DOB. As you know, access to a full DOB is often a minimum requirement needed in order to confirm a record as a match to a candidate during a background check. We need your immediate help to stop these rules going into effect.

The updates are to Rule 1.109, paragraph 10, subparagraph (a), which states:

*"…The clerk of the court is required to redact protected personal identifying information before providing direct access to the document via the internet, such as through the court’s website."*

And to Rule 8.119, paragraph (H):

*"…If a public document prepared or issued by the court contains protected personal identifying information, the information must be redacted before it can be provided to the public, whether the document is provided via a paper or electronic copy, direct access via a publicly accessible computer at the courthouse, or direct access via the internet, such as on the court’s website…"*

We have already seen some counties throughout the state begin implementing these new procedures -  Ionia, Macomb and Van Buren counties. This is extremely cumbersome and in some instances one cannot verify that a court record does belong to the individual being investigated.

The Michigan State Court Administrator’s Office leadership offered a possible solution that courts would be able to provide DOB verification on records if the researcher could provide a signed release form at the point of request. This is a problematic option for our industry as many local researchers do not have direct access to these release forms. And it may be that a standard authorization to obtain a consumer report will not satisfy a requirement to obtain consent to the courts’ release of date of birth. As PBSA members know, it will be impossible to be consistent with this process and the best case is that it will greatly increase processing costs, turnaround times, and will further burden court clerks.

Our ask of you – we need engagement from any members who have clients in Michigan or ever complete background checks on individuals who live or have lived in Michigan to help. This probably means you!

First, we are asking you to immediately contact your Michigan customers to explain the situation to them, and ask them to contact the list of people set out below. With this alert, we’ve included a sample letter that they can use.

Second, we are asking you to do the same and have included letters to the court from both employment and tenant screening perspectives.

The officials to contact are listed in another document that we’ve included with this alert.

The attached letter can be shared with clients to complete and send on to the list of contacts and the points within can be used by clients who wish to reach out by phone.   
  
Please contact as many of these officials as you can at your earliest convenience, **no later than Tuesday, June 15th**.