STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 APR 27 AM 9:24

EXECUTIVE ORDER

No. 2020-63

Temporarily suspending the expiration of personal protection orders

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

In addition to the orders I have issued to help mitigate the effects of COVID-19, the Michigan Supreme Court has issued similar orders. On March 18, 2020, the Michigan Supreme Court issued Administrative Order 2020-2, directing trial courts to limit access to courtrooms and other spaces to no more than 10 persons, including staff, and to practice social distancing and limit court activity to essential functions. On April 10, 2020, the Michigan Supreme Court issued Administrative Order 2020-7, which extended its authorization to trial courts to continue operations for essential functions but also maintain social distancing practices and restrictions on allowing more than 10 persons to gather. As a result of these orders, many interactions that would occur by face-to-face encounter have become exceedingly difficult, and in some cases nearly impossible, including proceedings designed to protect vulnerable individuals.

One of the safest places to be during the COVID-19 pandemic is at home, away from person-to-person contact with those that may be a vector for the disease. For some, however, home can also be a place of danger. COVID-19 and measures necessary to limit the spread of the disease have created difficulties in accessing legal resources, institutional support, and financial resources.

Today, concurrent with this executive order, the Michigan Supreme Court is issuing Administrative Order 2020-11, which extends personal protection orders that would otherwise expire before June 1, 2020 until July 21, 2020.

Consistent with the Michigan Supreme Court's actions during this period of heightened vulnerability, I find it necessary and reasonable to temporarily suspend the expiration of personal protection orders.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-11, all personal protection orders that would otherwise expire during the period from the date of the entry of this order through June 1, 2020 are extended, and now expire on July 21, 2020.

2. The court or law enforcement agency that entered the personal protection order in the law enforcement information network (LEIN) shall record the extension in LEIN, and, to the extent required by law, provide notice to the respondent of the extension.

3. At the time the court or law enforcement agency records the extension in LEIN, the court or law enforcement agency shall also inspect the LEIN entry to determine whether LEIN indicates that the personal protection order has been served on the respondent. If LEIN indicates that the personal protection order has been served, then the court or law enforcement agency shall modify the LEIN entry so that it indicates that the personal protection order has not yet been served on the respondent.

4. This order does not prohibit any objection to the extension of a personal protection order under the procedure described in Administrative Order No. 2020-11, bar any motion to modify or terminate a personal protection order, or prohibit a petitioner

from consenting to termination of a personal protection order.

5. The modification or termination of a personal protection order under Administrative Order No. 2020-11 shall be recorded in LEIN as required by law.

6. This order takes effect immediately upon issuance.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 27, 2020

Time: 9:30 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE