
ADMINISTRATIVE ORDER 2004-03

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

PUBLIC ACCESS TO FRIEND OF THE COURT RECORDS**IT IS ORDERED:**

1. The general definitions from MCR 3.218 concerning records, access, and confidential information apply to this order.
2. Procedure for Individual Access to Friend of the Court records.

The individuals authorized in MCR 3.218 may have access to Friend Of The Court records, other than confidential records. Individual requests for access to Friend of the Court records shall be addressed according to the following procedure:

- a. A person wishing to access Friend of the Court records shall use packet FD/FOC4022, Request for Access to Friend of the Court Records, with the Friend of the Court or designated employee. The person requesting access to records must verify his eligibility for access as listed in MCR 3.218.
 - b. Within five to ten (5 to 10) working days of receipt of the request, Friend of the Court shall determine if the request will be honored or denied, in full or in part.
 - c. Upon making the determination, Friend of the Court shall notify the person requesting access to records and shall immediately facilitate access if access has been approved, in full or in part. If access is denied, Friend of the Court will state the reasons for denial.
3. Procedure for Agency Access to Friend of the Court records.

The agencies authorized in MCR 3.218 may have access to Friend of the Court records, which includes confidential records, in order to perform their assigned duties as prescribed by law. Agency requests for access to Friend of the Court records shall be addressed according to the following procedure:

- a. An agency or employee of an agency designated in MCR 3.218, wishing to access Friend of the Court records, shall submit its request to Friend of the Court in writing on agency letterhead. An auditor shall make its request in the customary manner for the audit of the type being conducted.
- b. Within five to ten (5 to 10) working days of the receipt of the request, the Friend of the Court shall determine if the request will be honored or denied, in full or in part.
- c. If the immediate review of records is necessary, Friend of the Court should make a person available for the safeguarding of the contents of a file while the agency personnel are present.

4. Procedure for Citizen Advisory Committee Access to Friend of the Court records.

The Citizen Advisory Committee shall have access to Friend of the Court grievances and may have access to information other than confidential information, necessary to carry out its duties.

The Citizen Advisory Committee shall have access to confidential information sufficient to carry out its duties upon clear demonstration by the Citizen Advisory Committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well being of a child involved in the case.

Citizen Advisory Committee requests for access to Friend of the Court records shall be addressed according to the following procedure:

- a. Requests for information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau, MCL 552.504b(1)(b), and information regarding the administration of the Friend of the Court office, including budget and personnel information, MCL.552.504b (1)(C):
 - 1) When asking for information from the Friend of the Court, the Citizen Advisory Committee should submit a written request in letter format to the Presiding Judge of the Family Division, with a copy to the Friend of the Court.
 - 2) Upon receipt of the request the presiding judge of the family division will approve or deny the request and send a letter to the advisory committee, with a copy to the Friend of the Court. The letter should detail what access will be allowed and, if no access is granted, the reason for the denial of all or part of the request.
 - 3) The Citizen Advisory Committee should give a description of the information requested and wait a sufficient amount of time to allow the Friend of the Court or designated employee to comply with the request. The Citizen Advisory Committee should also specify how it wants to receive the information (e.g. in the Friend of the Court office, at a committee meeting, obtaining copies).
- b. Requests for case records and other information pertaining to a party who has filed a grievance with the Citizen Advisory Committee, MCL 552.504b(1)(a):
 - 1) The Citizen Advisory Committee should submit a request on SCAO form 72a.
 - 2) Within 5 working days of receipt of the request, the Friend of the Court or designated employee shall determine if the request will be approved. If the Friend of the Court determines that the request may be for confidential information, the Friend of the Court must determine whether to approve the request or to notify interested parties of the request and obtain court's approval to release the information.
 - 3) Upon making a determination that no notice is required, or after a court order granting access is effective, the Friend of the Court or designated employee shall notify the Citizen Advisory Committee and shall immediately facilitate access.

- 4) If notice is required, the Friend of the Court or designated employee shall notify the interested parties and the Citizen Advisory Committee and advise that they have 14 days from the date of the notice to submit written comments on the request to the judge assigned to the case.
 - 5) After the expiration of 14 days, the judge assigned to the case shall determine whether to approve the request, deny the request, or approve the request subject to terms and conditions to protect rights of a party or the well being of a child.
 - 6) When the judge assigned to the case determines that access is granted, the order shall state that the access shall be allowed seven days after the decision is ordered to allow interested parties to file motions respecting the decision. The judge's decision is an administrative decision, not a decision on the merits of the legal issues raised. Once the administrative decision is made, any party may file a formal motion to obtain a legal decision on the merits.
5. All information in records concerning the whereabouts of a person whose address is subject to an order of confidentiality must be removed before the records are made available pursuant to any request pursuant to MCR 3.218.
 6. Friend of the Court will provide copies at a cost of \$20.00 per file or \$4.00 per Court Order.

Effective Date: January 6, 2004



Mary Beth Kelly
Chief Judge

Dated: January 6, 2004