Administrative Order 2014-03
43rd Circuit Court
This Order rescinds Administrative Order 2003-04

ACCESS TO FRIEND OF THE COURT RECORDS

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rule 3.218, Confidentiality and Access to Friend of the Court Records. The purpose of this order is to allow reasonable access to friend of the court records upon approval by the State Court Administrative Office.

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 file a form FOC 72, Request to Access Friend of the Court Records and Decision, with the friend of the court or designated employee. A written request for access to records made in a format other than the request form shall be accepted by the friend of the court if sufficient information regarding the request is provided. The person requesting access to records must verify his or her eligibility for access as listed in MCR 3.218.

   b. Within five working days of the receipt of the request, the friend of the court or designated employee shall determine if the request will be honored or denied, in full or in part.

c. Upon making a determination, the friend of the court or designated employee 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, the friend of the court or designated employee 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 the friend of the court in writing on agency letterhead. An auditor shall make his or her request in the customary manner for an audit of the type being conducted.

b. Within five working days of receipt of the request, the friend of the court or designated employee shall determine if the request will be honored or denied, in full or in part. In the absence of advance notice by an agency that is entitled to review the records, if the immediate review of records is necessary, the friend of the court or designated employee should make a person available for safeguarding 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 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 chief judge, with a copy to the friend of the court. 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 employees 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).

Upon receipt of the request, the chief judge will approve or deny the request and send a letter to the citizen 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 a request.

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 in writing.

2) Within five 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 the 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 the 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 with respect to 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 subject to an order of confidentiality must be removed before the records are made available pursuant to MCR 3.218.

6. Copying costs will be assessed in accordance with the court's local administrative order as required by MCR 8.119(J)(4)(b) for requests pursuant to paragraph 2.

Effective Date: 10/30, 2014

Honorable Susan L. Dobrich, Chief Judge Date

Michael E. Dodge 10/30/14

Honorable Michael E. Dodge, Judge, Circuit Court Date

Zimbra **carolb@cassco.org**

C43 2014-03 Access to Friend of the Court Records - Approved

From : Region5 Info <region5-info@courts.mi.gov> Wed, Nov 12, 2014 10:50 AM

Subject : C43 2014-03 Access to Friend of the Court Records - Approved

To : carolb@cassco.org, lisaw@cassco.org, sued@cassco.org

Cc : Region5 Info <Region5-Info@courts.mi.gov>

C43 2014-03 Access to Friend of the Court Records - Approved
Rescinds 2003-04

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Jill Booth
Region V Administrator
P.O. Box 30048
Lansing, MI 48909
517-373-8679

This message has been prepared on computer equipment and resources owned by the Michigan Supreme Court. It is subject to the terms and conditions of the Court's Computer Acceptable Use Policy.