

This administrative order is issued in accordance with Michigan Court Rule 3.218, Access to Friend of the Court Records, effective October 1, 2003. The purpose of this order is to allow reasonable access to Friend of the Court files. Previous administrative order, 1998-5, Access to Friend of the Court Records, is rescinded effective immediately.

- A. For purposes of clarification, the general definitions from MCR 3.218 follow:
1. "records" means paper files, computer files, microfilm, microfiche, audio tape, video tape, and photographs;
 2. "access" means inspection of records, obtaining copies of records upon receipt of payment for costs of reproduction, and oral transmission by staff of information contained in Friend of the Court records;
 3. "confidential information" means
 - a. staff notes from investigations, mediation sessions, and settlement conferences;
 - b. Family Independence Agency protective services reports;
 - c. formal mediation records;
 - d. communications from minors;
 - e. Friend of the Court grievances filed by the opposing party and the responses;
 - f. a party's address or any other information if release is prohibited by a court order;
 - g. except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential; and
 - h. all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 *et seq.*, which include:
 - (1) information regarding the administration of programs which provide assistance or services based on need (e.g., Family Independence Payment (FIP) certification and decertification forms, or Medicaid or Food Stamp documentation;
 - (2) Michigan Department of Labor records, which include wage and claim information obtained through the Absent Parent/Labor Department (APL) File Match System and stored on the Michigan Child Support Enforcement System;
 - (3) Federal tax offset information, including federal tax intercept information that is stored in the Michigan Child Support Enforcement System;
 - (4) Michigan Department of Labor wage and claim information pursuant to the Michigan Employment Securities Act, which includes unemployment or employment records and which is stored on the Michigan Child Support Enforcement System.

DO NOT REQUEST CONFIDENTIAL INFORMATION FROM THE FRIEND OF THE COURT

B. Oakland County Friend of the Court records.

1. The records of the Oakland County Friend of the Court are stored as electronic images. Searching this filing system requires the assistance of a Friend of the Court staff person. Correspondence and various other documents sent to the Friend of the Court prior to June 1, 1991, may no longer be in the Friend of the Court files.
2. All court orders and pleadings must be accessed at the Oakland County Clerk's Office to ensure certified copies are obtained. Friend of the Court staff are directed not to display or reproduce items available at the Clerk's Office.
 - a. Circuit Court files may be inspected by the public unless access is restricted by court rule, statute, or an order sealing a court record. Copies of documents may be obtained subject to MCR 8.105(C).
 - b. Circuit Court and/or Friend of the Court records are not subject to Freedom of Information Act requests. MCL 15.232(b)(v) specifically exempts the judiciary from the Freedom of Information Act.
3. Any individual or agency that is denied access to Friend of the Court records or confidential information may file a motion for an order of access with the judge assigned to the case.
4. 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 MCR 3.218.

C. Procedure for Individual Access to Friend of the Court Records.

1. The following individuals may have access to Friend of the Court records, other than the confidential records listed above in Section 3.
 - a. A party;
 - b. Third-party custodian;
 - c. Guardian;
 - d. Guardian ad litem or attorney for a minor;
 - e. Lawyer guardian ad litem;
 - f. Attorney of record.
2. 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. An individual wishing to access Friend of the Court records shall file an **Access to Friend of the Court Records Request Form** 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 eligibility for access pursuant to section C, above.
 - b. Within five working days of the receipt of the request, the Friend of the Court or designated employee shall determine if the request for records other than audio tape records will be honored or denied, in full or in part. A response will be provided for requests to access audio tape records within 10 working days.
 - c. Upon making a determination, the Friend of the Court or designated employee shall notify the person requesting access to records and shall 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 on the **Access to Friend of the Court Records Request Determination Form**.
3. 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.
 4. Costs for reproducing records is \$1.00 per page.

D. Procedure for Agency Access to Friend of the Court Records.

1. The agencies authorized in MCR 3.218, including auditors from state or federal agencies, the prosecuting attorney, personnel from the Office of Child Support or the Family Independence Agency and the Michigan Attorney General, may have access to Friend of the Court records, which includes confidential records, in order to perform their assigned duties as prescribed by law.
2. 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 its request in the customary manner for an audit of the type being conducted.
 - b. Within five working days of receipt of the request or ten working day for requests to access audio tape records, 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 and 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.

E. Procedure for Citizen Advisory Committee Access to Friend of the Court Records.

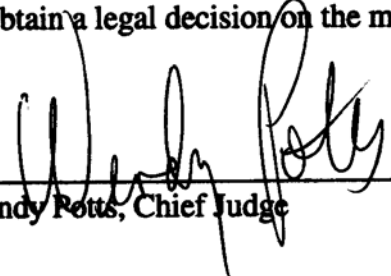
1. The Citizen Advisory Committee shall have access to Friend of the Court grievances and may have access to information other than confidential information necessary to carry out its duties.
2. The Citizen Advisory Committee shall have access to confidential information sufficient to carry out its duties 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.
3. 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 Friend of the Court to carry out responsibilities as defined by statute, court rule, or the SCAO Friend of the Court 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 requesting information from the Friend of the Court, the Citizen Advisory Committee shall submit a written request in letter format to the Chief Circuit Court Judge, with a copy to the Friend of the Court. The Citizen Advisory Committee shall not request information regarding a Friend of the Court employee, including personnel information and information regarding employee disciplinary matters.
 - (2) The Citizen Advisory Committee shall 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 specify how it wants to receive the information (e.g., in the Friend of the Court office, at a committee meeting or by obtaining copies).
 - (3) 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 on SCAO form 72a.
 - (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.
 - (a) 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.

- (b) 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.
- (c) 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.
- (d) 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.

Effective Date: 11/2/04

Date: NOV 04 2004



Wendy Potts, Chief Judge

STATE OF MICHIGAN SIXTH JUDICIAL CIRCUIT OAKLAND COUNTY	REQUEST TO ACCESS FRIEND OF THE COURT RECORDS AND DECISION	DOCKET ID:
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Friend of the Court Address and Telephone Number

OAKLAND COUNTY FRIEND OF THE COURT
 PO BOX 436012
 PONTIAC MI 48343-6012

PHONE # 248-858-0424

 Plaintiff's Name

vs.

 Defendant's Name

**Name and Mailing Address of Person Requesting
 Access to Records**

Telephone number(s) where you can be contacted during
 Friend of the Court normal business hours.

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1. I certify that on this case I am:

- a party a third party custodian a guardian guardian ad litem
 an attorney of record

2. I am interested in the following records: (Describe Briefly) _____

3. I would like the assistance of Friend of the Court to obtain a list of all document images stored on this case. (Flat charge of \$.50 regardless of number of pages.)

I have reviewed the list of document images and have identified those I wish to have assembled for my viewing.

I have reviewed the list of document images and have identified those I wish to have printed and sent to me. (Payment of \$1.00 per page required.)

 Date

 Signature

STATE OF MICHIGAN 6TH JUDICIAL CIRCUIT OAKLAND COUNTY	DECISION ON REQUEST TO ACCESS FRIEND OF THE COURT RECORDS	CASE NO.
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Request granted in full

Request granted in part

Request denied

Reason for partial request or denial: _____

Requested access will be provided as follows: _____

Date

Time

Details

Send \$_____ for copying costs to OAKLAND COUNTY FRIEND OF THE COURT,
PO Box 436012, Pontiac MI 48343-6012

Date

Signature of FOC representative

Any person denied access to Friend of the Court records or confidential information may file an action for an order of access with the Judge assigned to the case or with the Chief Judge if there is no assigned Judge. Contact the office of the Friend of the Court for further information.