

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

Administrative Order 2017-05

**ACCESS TO FRIEND OF THE COURT RECORDS**

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At a session of said Court, held in the Kent County Courthouse  
in the City of Grand Rapids, in said County on  
October 10, 2017

Present: Hon Donald A. Johnston  
Chief Circuit Judge

**Rescinds Local Administrative Order 2014-03**

**IT IS ORDERED:**

This administrative order is issued in accordance with Michigan Court Rule 3.218, Friend of the Court Records; Access. 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. Friend of the Court "staff notes" are defined as confidential under the court rule and will not be included in the records available for access. This includes MiCSES case notes as well as other written notes from investigations, mediations and settlement conferences. The Friend of the Court employee shall delete the social security number as well as the address and employment information of any party whose address is flagged confidential by the domestic violence indicator in MiCSES before the records may be reviewed.
2. Procedure for Individual and/or Attorney of Record 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 office. 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 eligibility for access as listed in MCR 3.218. The request will be forwarded to the lead worker in the Imaging Department. In the absence of that lead worker, the imaging supervisor will process the request.

Attorney of Record: If an attorney submits the request, the lead worker in Imaging will verify that the attorney is a current attorney of record for one of the parties. If the attorney is not a current attorney of record, the lead worker will forward the case to the staff attorney within two days of receipt. The staff attorney will notify the attorney requesting access that the information will not be released without an appearance. If the attorney's request to access a file is received directly by the staff attorney, he/she will verify that the attorney is the current attorney of record and notify the lead worker in Imaging within two days of receipt.

- b. When access is granted: If the entire FOC file is requested, the lead worker will remove any documents that are not to be sent, redact information as needed and scan and copy the documents to a CD. The contents of that CD will also be saved in the FOC MPP Directory. If the request is unclear, within two days of receipt by the FOC, the lead worker will ask the supervisor to address the discrepancy.
- c. ADR file: If an ADR file is requested, the lead worker in Imaging will provide a copy of the request to the staff attorney within two days of receipt of the request by the FOC. The staff attorney will obtain the ADR file, remove any documents that are not to be sent to the client, redact information as needed, and place the file in the bin on the lead worker's desk within five days. The lead worker will then scan and copy the documents to a CD within three days. The contents of that CD will be saved to the G drive and the Administrative Supervisor will be notified to move that file to the MPP drive.
- d. Once the CD is ready, the lead worker in Imaging will contact the requesting party by phone to inform that it is ready. The CD will be stored in PPD. If the CD is not picked up within 30 days, PPD staff will send a letter to the requesting party that the CD will be destroyed if not picked up within two days. The CD will be destroyed if not picked up within one week.
- e. The cost will be \$10.00 per file in accordance with the Court's local administrative order as required by MCR 8.119(J)(4)(b). If the person only wants specific documents, photo copies will be made and sent out after the person pays the \$1.00 per page copying charge in accordance with the Court's local administrative order as required by MCR 8.119(J)(4)(b). Postage costs: If a CD is mailed, it must be sent to the

requester as certified/return receipt requested and additional costs for mailing may be added. The person will be alerted to these costs before they mail their payment.

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 its 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 (CAC) 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 CAC may be given access to confidential information related to a grievance if the Court so orders, upon 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.

CAC 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 (not including general information available to the public concerning Friend of the Court operations) 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 CAC should submit a written request in letter format to the Chief Judge, with a copy to the Friend of the Court. The CAC should give a description of the information requested and also specify how it wants to receive the information (e.g. in the Friend of the Court office, at a committee meeting, obtaining copies).
- 2) Upon receipt of the request, the Chief Judge will approve or deny the request and send a letter to the CAC, 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.

The CAC should wait a sufficient amount of time to allow the Friend of the Court or designated employees to comply with the request.

b. Requests for case records and other information pertaining to a party who has filed a grievance with the CAC. MCL 552.504b(1)(a):

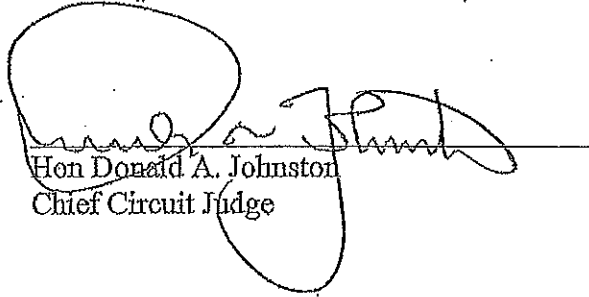
- 1) The CAC should submit a request in writing.
- 2) Within five working days of receipt of the request, the Friend of the Court or designated employee shall determine if the request will be approved. If the Friend of the Court determines that the request may be for confidential information, the Friend 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 CAC 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 CAC 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 (for example a person's whereabouts, employer, etc.) must be removed before the records are made available pursuant to MCR 3.218.

Date:

10/10/17



Hon Donald A. Johnston  
Chief Circuit Judge