

SCAO Accepted 2/11/94

**INTRODUCTORY:** The Court, having reviewed MCR 3.218, effective May 1, 1993, and having considered the decreasing level of budgeted funds to provide an increasing level of mandated services; the need to protect the integrity of the Friend of the Court records; the privacy and disclosure requirements under which many federal and state agencies provide information to the Friend of the Court; the need to prevent excessive and unreasonable interference with the discharge of the Friend of the Court functions; the need to allow reasonable access to the Friend of the Court records under MCR 3.218; and the authority under MCR 3.218(G) to adopt by Administrative Order, pursuant to MCR 8.112(B), a regulation to meet the above noted needs of the Court:

**IT IS ORDERED:**

1. **REASONABLE ACCESS RULE**

A. Pursuant to MCR.3.218(E), an attorney of record, a party, third-party custodian, guardian, guardian ad litem or counsel for a minor will be allowed access to Friend of the Court records as follows:

- 1) To inspect records;
- 2) To obtain copies of records upon receipt of payment for costs of reproduction;  
and
- 3) To obtain/receive verbal communication from Friend of the Court or his designee of Friend of the Court records.

B. Friend of the Court records include the paper files, computer files, microfilm, microfiche, audio tape and photographs related to the case other than/except:

- 1) Staff records/notes from
  - a. investigations,
  - b. mediation sessions (formal and informal), and
  - c. settlement conferences.
- 2) FIA Protective Services reports.
- 3) Formal mediation records.
- 4) Communications from minors, including Friend of the Court notes summarizing a minors oral communications.
- 5) A Friend of the Court grievance filed by another party and the responses.
- 6) A party's address if release is prohibited by a court order.
- 7) All other information, if release is prohibited by a court order.
- 8) 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. Or any other federal/state law or regulations, including all information received from the U.S. Internal Revenue Service which has not been independently corroborated by the Friend of the Court.
- 9) Access may be limited under application of MCR3.206(B).

2. **FAMILY INDEPENDENCE AGENCY/CHILD PROTECTIVE SERVICES REASONABLE ACCESS RULE**

Pursuant to MCR 3.218(C), Family Independence Agency (FIA) Protective Services personnel must be given access to Friend of the Court records related to the Friend of the Court case and which are also related to the investigation of alleged abuse and neglect. (NOTE: There is NO "confidential information exception" to the FIA/CPS Reasonable Access Rule.)

3. **IV-D REASONABLE ACCESS RULE**


Pursuant to MCR 3.218(D), Office of Child Support and other FIA staff, IV-D Auditors and Prosecuting Attorney must be given access to Friend of the Court records which are required to perform the functions required by the IV-D cooperative reimbursement program. (NOTE: There is NO "confidential information exception" to the IV-D Reasonable Access Rule.)

4. **REGULATIONS GOVERNING REASONABLE ACCESS TO FRIEND OF THE COURT RECORDS**

- A. A person wishing to access Friend of the Court records shall file a "REQUEST TO ACCESS FRIEND OF THE COURT RECORDS" with the Court Administrator/Friend of the Court or his designee(s). (See attached Friend of the Court form "REQUEST TO ACCESS FRIEND OF THE COURT RECORDS.")
- B. As soon as possible, **but no later than 12 WORK days of his/her receipt of a properly completed "REQUEST,"** the Court Administrator/Friend of the Court, or designee(s), shall determine if the request will be honored or denied, in full or in part.
- C. Upon making a determination, the Court Administrator/Friend of the Court or designee shall notify the requesting person of the determination and facilitate access if access has been granted. If access is denied, the Court Administrator/Friend of the Court or designee will state the reason(s) for access denial in the determination report. The determination will be reported on Friend of the Court form FOC#260A "DETERMINATION REPORT/REQUEST TO ACCESS FRIEND OF THE COURT RECORDS."
- D. All requests for access to Friend of the Court records under MCR 3.218 will be processed on the "REQUEST TO ACCESS FRIEND OF THE COURT RECORDS" (FOC#260) and will be forwarded immediately to the Court Administrator/Friend of the Court or his designee for review and processing. "REQUEST TO ACCESS FRIEND OF THE COURT RECORDS" (Form FOC#260) shall be available to persons at all Court offices.

THIS ORDER IS EFFECTIVE FEBRUARY 1, 1994.

Dated: January 14, 1994

  
CONRAD J. SINDT, P26033  
Chief Circuit Court Judge 9/17/97

## **Instructions for Completing Request to Access Court Records Form (FOC#260A)**

**Please be advised that you can access payment history information on the State's MiCASE website at: [www.michigan.gov/micase](http://www.michigan.gov/micase)**

At the very top on the right side, please enter the case number from which you are requesting information. If you do not know your case number, please use your Social Security Number.

Please enter your name and address at the top, and include any phone numbers on the right side.

Under #1, check the box that represents your relationship to the case-are you a party or an attorney or from an agency?

Under #2, describe what information you are requesting. Please be as specific as you can, as you will be paying for these printouts and you won't want to pay for information you don't need. If you did not enter your case number and you have more than one, please provide information as to which case you are referring.

Under #3, check whether you want to see the records, have an FOC employee read the information to you, or if you want printouts.

Please date and sign the form in the middle of the page.

**Please be aware that it can take 3-5 business days to get this form back letting you know if your request was granted or denied.**

If you have any questions, you may call the Calhoun County Friend of the Court Information Services Unit at (269) 969-6500.

Friend of the Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

FOC Telephone No. (269) 969-6500

FOC Fax No (269) 969-6564

Please list the telephone number(s) where the FOC can contact you between 8 am-5 pm.

PLEASE COMPLETE YOUR FULL NAME AND ADDRESS BELOW:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work ( ) \_\_\_\_\_

Home ( ) \_\_\_\_\_

Cell or Message Phone ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

1. I certify that I am: (PLEASE CHECK ONE)  OCS (Office of Child Support) personnel  personnel assigned to carry out IV-D program functions
- a party  a third party custodian  a guardian  a guardian ad litem  an attorney of record on this case
- DHS protective services personnel  a prosecuting attorney or agent  state or federal auditor

2. I am requesting access to the following records: (describe in detail what information you are requesting along with any necessary dates)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I would like  Copies or printouts of the requested FOC records upon payment to the Friend of the Court for copying fees **NOTE: requests for copies of court orders and legal filings must be made to the Circuit Court Clerk. Court orders and legal filings are not FOC records.**
- To personally inspect the requested records—you must state **specifically** which records you are asking to review **NOTE: Payment information is not available for personal inspection-you must request printouts or you may access a payment history on www.michigan.gov/micase**
- to have a Friend of the Court employee describe or read the requested information to me

I CERTIFY THAT THIS "REQUEST TO ACCESS FOC RECORDS" IS PURSUANT TO MCR 3.218 AND ADMINISTRATIVE ORDER.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

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DECISION ON REQUEST  GRANTED  GRANTED IN PART  DENIED

Please Note: \_\_\_\_\_

The address you have requested is marked confidential on the State computer system. Per Michigan Supreme Court Administrative Order 2002-3, the FOC is prohibited from releasing confidential addresses.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Any person 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 or with the Chief Judge if there is no assigned Judge.