

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF MACOMB

In re Access to Friend of the Court Records

Administrative Order 1993-4

It having come to the Court's attention that an Administrative Order is needed to make reasonable regulations for responding to information requests under MCR 3.218(G); the Court having received a model administrative order from the State Court Administrative Office and being fully advised in the premises;

IT IS HEREBY ORDERED that, to provide reasonable access to Friend of the Court records, the following will hereafter be the policy of the Court as to information requests:

- I. FOR PURPOSES OF CLARIFICATION, THE GENERAL DEFINITIONS FROM MCR 3.218 FOLLOW:
 - A. **"Records"** means paper files, computer files, microfilm, microfiche, audio tape, video tape and photographs;
 - B. **"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;
 - C. **"Confidential information"** means:
 1. Staff notes from investigations, mediation sessions, and settlement conferences;
 2. Department of Social Services protective service reports;
 3. Formal mediation records;
 4. Communications from minors;
 5. Friend of the Court grievances filed by the opposing party and the responses;

6. A party's address or any other information if release is prohibited by a court order; and
7. 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 includes:
 - (a) Information regarding the administration of programs which provide assistance or services based on need (e.g., ADC certification and decertification forms, or Medicaid or Food Stamp documentation;
 - (b) Michigan Department of Labor records which include wage and claim information obtained through the Absent Parent/Labor Department (APL) File Match System. This includes report APL 013 and match results on magnetic tape.
 - (c) Federal tax offset information, including federal tax returns, Reports CS-100 or CS-012, as restricted by the Internal Revenue Service (Internal Revenue Code Section 6402); and,
 - (d) Michigan Department of Labor wage and claim information pursuant to the Michigan Employment Securities Act, which includes unemployment or employment records.

II. THE FOLLOWING INDIVIDUALS MAY HAVE ACCESS TO FRIEND OF THE COURT RECORDS, OTHER THAN THE CONFIDENTIAL RECORDS LISTED ABOVE IN SECTION 1:

- A. A party;
- B. Third-party custodian;
- C. Guardian ad litem or attorney for a minor;
- D. Attorney of record;

III. THE FOLLOWING INDIVIDUALS MAY HAVE ACCESS TO FRIEND OF THE COURT RECORDS WHICH INCLUDES CONFIDENTIAL RECORDS LISTED ABOVE IN SECTION I, PARAGRAPH 7, IN ORDER TO PERFORM THEIR ASSIGNED DUTIES AS PRESCRIBED BY LAW:

- A. Protective services personnel from the Department of Social Services conducting duties related to the investigation of alleged abuse and neglect;
- B. Prosecuting attorney and personnel from the Office of Child Support and Department of Social Services performing functions required by Title IV, part D of the Social Security Act, 42 USC 651 et seq.;
- C. Auditors from state and federal agencies performing audit functions; and,
- D. Personnel assigned to carry out IV-D program functions, including but not limited to consumer credit reporting, reporting ADC collections to the IV-A agency, and providing notice to employers to effect income withholding. Use and disclosure of any information for purposes other than carrying out IV-D program functions is prohibited pursuant to 45 CFR 303.21.

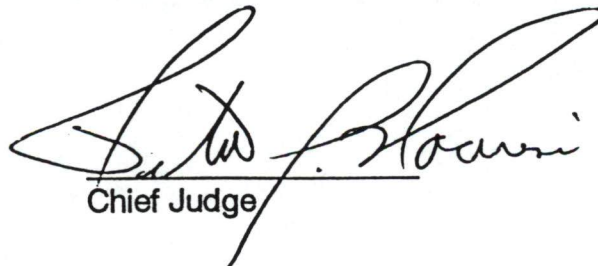
IV. PROCEDURE FOR REQUESTING ACCESS TO FRIEND OF THE COURT RECORDS

- A. A person 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 their eligibility for access as listed above in Section II.
- 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 of the decision 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 shall state the reasons for denial on the **Access to Friend of the Court Records Request Determination Form**.
- D. Files may only be reviewed under the immediate supervision of a staff member. No papers may be removed by the person examining the file, nor shall any notations be made upon any of the documents.

- E. The Friend of the Court may require the person seeking physical access to a Friend of the Court file which is voluminous to examine that file at a date and time and in a manner that does not interfere with the discharge of Friend of the Court functions. Access shall occur during normal business hours of the Friend of the Court. If an examination is not concluded by 4:45 p.m., the examination shall cease and the person shall return to conclude the examination during business hours another day.
- F. If a person requesting copies claims indigence, free copies will be provided if the person first obtains and shows the receptionist a current order waiving fees entered in the Macomb County Circuit Court pursuant to MCR 2.002.
- V. COSTS FOR COPYING RECORDS WILL BE ASSESSED AS FOLLOWS:
- A. The cost of copying paper files, computer printouts, microfilm or microfiche, audio tape, video tape, or photographs will be assessed at the reasonable cost of duplication. Photocopying costs shall be charged as determined by the Macomb County Board of Commissioners annually. Beginning October, 1994 the copy cost is 35 cents per page
- VI. Any person who 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, or if none, the Chief Judge.
- VII. 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.
- VIII. 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).

Dated:

Oct. 29, 1993


Chief Judge