



Berrien County Trial Court

Thomas E. Nelson, Chief Judge - Brian E. Ray, Administrator

Courthouse - 811 Port Street - St. Joseph, MI 49085

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www.berriencounty.org

Administrative Order 2015-01

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. All information in records subject to an order of confidentiality must be removed before the records are made available pursuant to MCR 3.218.
 5. 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 January 1, 2015

Date

1/6/15

Thomas E. Nelson, Trial Court Chief Judge