Thirty-Seventh Judicial Circuit of Michigan

ALLEN L. GARBRECHT, Chief Judge
JAMES C. KINGSLEY
STEPHEN B. MILLER
GARY K. REED, by assignment
CONRAD J. SINDT
Circuit Judges

JEFFREY S. ALBAUGH
Circuit Court Administrator
269-969-6523

MICHAEL BOLTZ
Family Division Administrator
269-969-6812

Administrative Order C37-2011-04
Effective June 1, 2011.

SUBPOENAS FOR FRIEND OF THE COURT CUSTODY AND PARENTING TIME INVESTIGATORS

This Administrative Order is issued to maximize Friend of the Court (FOC) resources and to consider the recent amendments to the Michigan Rules of Evidence, MRE 1101(b)(9), allowing for the admission of reports submitted by the Friend of the Court pursuant to MCL 552.505.

THE COURT FINDS AS FOLLOWS:

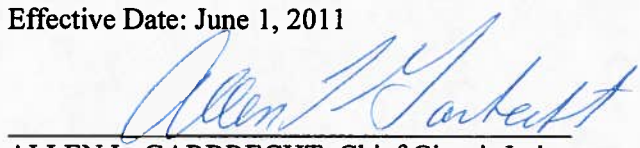
1. The Friend of the Court investigates child custody and parenting time disputes when ordered by the court. MCL 552 .505(1)(g).
2. At the conclusion of an investigation, the Friend of the Court investigator submits a written report to the court and parties.
3. Subpoenas requiring the FOC investigator to appear for custody and/or parenting time hearings require the investigator to devote several hours to preparation and court time.
4. Due to limited Friend of the Court resources, it is necessary to maximize office and personnel efficiencies in order to produce meaningful and timely investigation reports.
5. Testimony by a Friend of the Court investigator is cumulative to the admissible written report and nonessential to the presentation of a custody or parenting time case.
6. Friend of the Court reports are admissible pursuant to MRE 1101(b)(9). Parties wishing to dispute information contained in the report must present direct evidence disputing the issue.
7. In the event that the Court directly requests the presence of an investigator, the investigator will be present at the hearing.
8. Friend of the Court investigators are employees of the 37th Judicial Circuit Court.
9. The State Court Administrative Office issued a recommendation (as a result of a management assistance project which reviewed the office's custody and parenting time processes) recommending the court use MRE 1101(b)(9) to introduce investigative reports in lieu of staff testimony (recommendation 4.2.2.l.)

THE COURT ORDERS AS FOLLOWS:

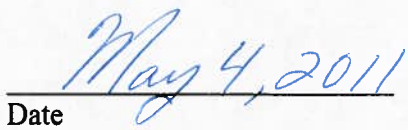
1. As of the effective date of this order, the 37th Judicial Circuit Court will no longer enforce subpoenas against its own employees, specifically, Friend of the Court investigators. The FOC will return the subpoena and any accompanying fee submitted to the issuing party/attorney with a copy of this administrative order.
2. Should the assigned judge or referee require the presence of the investigator at a hearing or pre trial conference to provide further information to the judge or referee concerning

the report, the court will provide as much advance notice as possible of the date and time for appearance by notifying the investigator or Deputy Friend of the Court in writing or by email.

Effective Date: June 1, 2011



ALLEN L. GARBRECHT, Chief Circuit Judge



Date