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- 2011-05
Effective June 1, 2011

FRIEND OF THE COURT INVESTIGATION EXPENSES

IT IS ORDERED:

This administrative order is issued in accordance with MCL 552.505(3) and SCAO Administrative Memorandum 2010-05 Standards for Charging Friend of the Court Investigation Expenses, effective June 1, 2011. The purpose of this order is to implement charges pursuant to MCL 552.505(3) upon approval by the State Court Administrative Office.

1. Definitions

"Expense" means any direct or indirect cost for an investigation or submitting a report.

"Investigation" means the work done on a case following a referral order to organize or gather information needed to fulfill the office's duties under MCL 552.505(1)(g). *Note: for purposes of this order, investigation does not include work related to determining child support amounts.*

"Office" means the Calhoun County Friend of the Court.

"Report" means the work and expenses associated with preparing and submitting a written document regarding an investigation to the court and parties.

"Referral Order" means SCAO-approved form FOC 12 that refers a custody or parenting time investigation to the office entered after this order becomes effective, and clearly specifies whether the referral is based on a party's request or is at the court's initiative.

"Request" means an express statement by a party or party's attorney asking for an investigation, whether made in a document submitted to the office or court, a statement made on the record, a stipulation, or a court finding that a party requested an investigation.

2. Charges for Expenses

Calhoun County Justice Center
161 E. Michigan Ave.
Battle Creek, MI 49014-4066
The Court is an affirmative-action, equal-opportunity employer.

a. The office shall open an investigative file upon receipt of a Referral Order that specifies whether the order is based on a request of a party or the court's own initiative. When the office receives a referral for an investigation and cannot determine whether a party requested it, the office shall notify the issuing Court.

b. If a party requests an investigation, the office shall assess charges for its expenses according to the following schedule:

Expense:	**Amount**
Investigation involving custody, parenting time, or both	$500.00

c. Unless the court orders otherwise, upon opening an investigative file and determining that a party requested an investigation, the office shall bill both parties half of its expense from the above schedule. For individuals whom the court has determined as indigent or unable to pay and ordered its fees waived or suspended in a case, the office shall similarly waive or suspend reimbursement of investigation expenses from that individual.

d. Upon billing an amount to a party, the office shall provide a copy of its invoice to the party via regular mail to the party's last known mailing address and provide a copy to the attorney of record. The office shall also submit a copy to the Circuit Court Clerk's Office and to the Court Accounts Receivable Unit.

   Any bill provided pursuant to this order shall contain instructions on submitting a payment and specify when payment is due.

e. Because charges are based on this order, any communication regarding challenges to the amounts charged should direct that individual to bring the proper motion for the court to determine whether actual expenses exceed the amounts charged. Communications regarding claims of an inability to pay the amount billed should suggest that the person petition the court for waiver of fees and costs. Party requests for additional time to pay should be referred to the Court Collections Unit.

f. The office shall maintain sufficient records to document the basis of its determination that a party has requested an investigation, and to determine whether the amount charged exceeds the office's expenses for that case.

g. Once the office opens an investigative file and mails an invoice, the court presumes that the office's expenses exceed the amount charged.

   If a party petitions the court to determine whether the charges exceed the office's actual expenses on a case, the office shall provide an itemized statement showing its

expenses based on rates established in Friend of the Court Policy approved by this Court. In the event of a challenge, the office shall modify the charges invoiced in the case to the amount the court determines were the actual expenses.

3. Payments and Refunds

   a. The Circuit Court Clerk's Office shall receive and process payments for amounts charged pursuant to MCL 552.505(3). The Court Collections Unit shall monitor invoices and payments, and pursue payment of past-due investigation expense balances.

   b. To be considered timely, a party must pay as ordered in a case or within 14 days of the office providing an invoice for its expenses.

   c. The office shall refund any amount collected in a case that exceeds its actual expenses for the case.

   d. The office shall not consider whether a party owes investigation expenses at any point during the investigation.

4. This order applies to custody or parenting time matters referred for custody and/or parenting time investigation by the Friend of the Court pursuant to MCL 552.505(1)(g) on or after June 1, 2011.

DATED: May 13, 2011

ALLEN L. GARBRECHT,
Chief Circuit Judge