

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

In re: Friend of the Court Investigation Expenses

Local Administrative Order: 2011-12

Rescinds Local Administrative Order 2011-4.

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 August 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 to organize or gather information needed to fulfill the office’s duties under MCL 552.505(1)(G).

“Office” means the Macomb 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.

“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, or an order stipulating to an investigation, or a court finding that a party requested an investigation.

2. Charges for Expenses

a. 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 cause.

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

<u>Expense:</u>	<u>Amount</u>
Full Custody Investigation and Report	\$500.00
Full Parenting Investigation including Change of Domicile Report	\$500.00
Full Parenting Time Investigation and Report	\$300.00
Home Inspection and Report	\$250.00
Combined Investigation and Report	\$500.00
Investigation and Report – Court Waives or Suspend Fees Due to Inability to Pay or Indigence	\$ 0.00
Investigation and Report – Reduced Rate for Limited Ability to Pay	As Ordered

- c. Unless the Court otherwise orders a party to pay an amount prior to the office starting an investigation, the office shall bill both parties half of the charged expense immediately after receiving the order for investigation, or any time prior to thirty days following entry of an order that resolves the disputed matter if the office discovers that a party requested an investigation.

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

- d. Unless a party disputes the amount charged on a case, the office shall presume that its charges do not exceed actual expenses.

If a party, who has paid the billed amount, requests confirmation that the charges exceed the office's actual expenses on a case, the office shall provide an itemized statement showing actual expenses. If the amount collected exceeds the actual expenses that the office can document for a case, the office shall refund the difference.

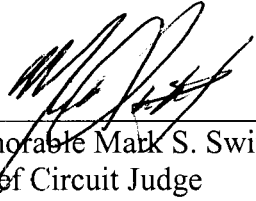
3. Payments and Refunds

- a. The Friend of the Court shall receive and process payments for amounts charged pursuant to MCL 552.505(3).
- b. To be considered timely, a party must pay as ordered in a case or within ten (10) days of the office providing a bill for its expenses.
- c. The office shall return any amount collected that exceeds its total expenses.

- d. The office shall notify the court if a party fails to pay the amount charged and is over ten (10) days past-due by submitting a motion and order to show cause to require that party to appear before the court, so the court can take additional action in that case.

This Order is effective immediately upon approval of the State Court Administrator's Office.

Dated: 11-10-11



Honorable Mark S. Switalski
Chief Circuit Judge

STATE OF MICHIGAN 16 TH JUDICIAL CIRCUIT COURT MACOMB COUNTY FAMILY DIVISION	ORDER OF REFERRAL TO THE FRIEND OF THE COURT FOR CUSTODY/ PARENTING RECOMMENDATION	Case No.
--	---	----------

Court Address: 40 North Main Street, Mt. Clemens, MI 48043

(586) 469-5150

Plaintiff Name(s)	v	Defendant Name(s)
Plaintiff's Atty, P#		Defendant's Atty, P#

The parties, having raised the issue of custody/parenting time on ___/___/___ by motion status conference settlement conference other _____, and the Court, being otherwise fully advised;

IT IS HEREBY ORDERED:

1. This case is referred to the Friend of the Court for investigation/recommendation re:
 Custody Parenting Time Change of Domicile Home Inspection.
2. The Friend of the Court shall conduct an investigation and submit its recommendation to the Court, with copies to counsel of record or the parties (if unrepresented).
3. Pursuant to MCL 552.505(3), the following investigation fee is assessed:
 \$_____ No Fee

FEE SCHEDULE:

Custody	Parenting	Change of Domicile	Home Inspection	*Combined Investigation
\$500.00	\$300.00	\$500.00	\$250.00	\$500.00

*Combined investigation involves two or more issues (i.e. Custody, Parenting Time).

4. The investigation fee shall be paid by the parties as follows: ____% Plaintiff ____% Defendant.
5. The investigation fee shall be paid within **10 days** ____ **days**.
 *Payment in the form of cash, credit card, money order or check (made payable to "Macomb County Friend of the Court") shall be made to the *Friend of the Court – Attention: Investigation Unit, 40 North Main Street, Mt. Clemens, MI 48043.*
6. **ACTION (I.E. MOTION TO ADOPT/OBJECT TO RECOMMENDATION, CONSENT ORDER, ETC.) MUST BE TAKEN WITHIN 21 DAYS OF SUBMISSION OF THE FRIEND OF THE COURT'S RECOMMENDATION, OR THE ORIGINAL MOTION/PETITION WILL BE DISMISSED.**
7. Other:

_____ Date	_____ Judge
_____ Plaintiff's Attorney	_____ Defendant's Attorney
_____ Plaintiff	_____ Defendant