



THE FORTIETH JUDICIAL CIRCUIT OF MICHIGAN

MICHAEL P. HIGGINS
Circuit/Family Judge

Lapeer County Complex Building
255 Clay St. • Lapeer, MI 48446
(810) 245-4817
FAX (810) 245-4700

40th CIRCUIT COURT ADMINISTRATIVE ORDER NO. 2011- 01

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

- a. "Expense" means any direct or indirect cost for an investigation or submitting a report.
- b. "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).
- c. "Office" means the Lapeer County Friend of the Court.
- d. "Report" means the work and expenses associated with preparing and submitting a written document regarding an investigation to the Court and parties.
- e. "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 case.
- b. If a party requests an investigation, the Office shall assess charges for expenses attributable to an investigation as ordered by the Court. Unless the Court orders another amount, the Office shall charge Three Hundred (\$300) Dollars per investigation. The Office shall not charge for its expenses when it is notified that the Court has waived or suspended fees because of inability to pay or indigence.

- c. Unless the Court orders a party to pay an amount prior to the Office starting an investigation, the Office shall bill the individual(s) as ordered by the Court for its expenses immediately upon starting an investigation, or any time within fourteen (14) days following entry of an order that resolves the disputed matter if the Office discovers that a party requested an investigation.
- d. Any bill provided pursuant to this order shall contain instructions on submitting a payment and specify when the payment is due. The Office shall submit a copy of the bill to the Clerk of the Court.
- e. Unless a party disputes the amount charged on a case, the Office shall presume that its charges do not exceed its actual expenses.
- f. 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 Clerk 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 fourteen (14) 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 as ordered by submitting a memorandum to the Court, so the Court can take additional action in that case.

Effective dated: June 1, 2011


Date: May 3, 2011

Date: May 3, 2011

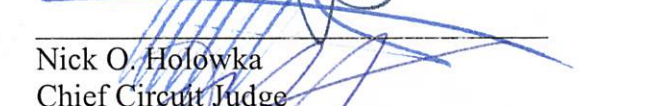
Date: May 3, 2011



 Michael P. Higgins
 Chief Family Court Judge



 Nick O. Holowka
 Chief Circuit Judge



 Justus C. Scott
 Chief Probate/Family Court Judge

Darlene Watkins

From: Region3 Info [region3-info@courts.mi.gov]
Sent: Monday, May 09, 2011 11:09 AM
To: Ann Snoblen; Darlene Watkins; Michael Higgins
Cc: Region3 Info
Subject: C40 2011-01 Approved

C40 2011-01 Approved
Friend of the Court Investigation Expenses

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

J. Bruce Kilmer
Region III Administrator
Michigan State Court Administrative Office
P.O. Box 750
Mt. Pleasant, MI 48804-0750
989-772-5934

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FAX COVER SHEET

Date: 5/3/2011 Fax No.: 989-773-0457
To: Bruce Kilmer, State Court Administrative Office (Sherrie)
Re: Administrative Order No. 2011
From: Judge Higgins, Lapeer County Circuit Court (Darlene)

DOCUMENTS	NUMBER OF PAGES*
Friend of the Court Investigation Expenses	2

COMMENTS:

Enclosed is the revised, signed Administrative Order No. 2011 ____, Friend of the Court Investigation Expenses for final approval. If you have any questions, please do not hesitate to contact us. If you don't see any problems with the Order, please forward it for approval.

Thank you,

Darlene Watkins
Administrative Assistant

TRANSMISSION VERIFICATION REPORT

TIME : 05/03/2011 11:41
NAME : LAPEER CIRCUIT COURT
FAX : 8102454700
TEL : 8102454817
SER.# : 000E0N443555

DATE, TIME	05/03 11:39
FAX NO./NAME	919897730457
DURATION	00:01:08
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Darlene Watkins

From: Sherri Swan [SwanS@courts.mi.gov]

Sent: Friday, April 29, 2011 1:23 PM

To: Darlene Watkins

Subject: LAO

Hey Dar. The LAO is good to go. Please fax me the signed version when you its done and I'll send through for approval.

Have a great weekend.
Sherri

5/3/2011