


THIRTY-FIFTH JUDICIAL CIRCUIT OF MICHIGAN
OFFICE OF FRIEND OF THE COURT
COUNTY OF SHIAWASSEE
COURTHOUSE
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P.O. BOX 121
CORUNNA, MICHIGAN 48817
Phone: 743-2397

Circuit Judge
GERALD D. LOSTRACCO

Friend Of The Court
LOUIS J. BELZER

MEMORANDUM

TO: Shiawassee County Bar Members

FROM: Louis J. Belzer
Friend of the Court 

DATE: September 11, 1997

RE: Pre-Judgment Friend of the Court Hearings
Circuit Court Administrative Order 1993-009

RECEIVED SEP 12 1997

Pursuant to the directive of Judge Lostracco, all Pre-Judgment Friend of the Court hearings in matters involving children will be scheduled within ten (10) working days of the request for the same to this office. I realize that this may present some scheduling difficulties. We will try to accommodate any conflicts that you may have with other matters so long as it is within the ten working day time span from request for hearing. Any hearing set beyond that time frame will require a signed stipulation by both parties or their counsel.

Hopefully this will not cause too much disruption in your practice of domestic relations matters.

PREJUDGMENT
FRIEND OF THE COURT
HEARINGS

ADMINISTRATIVE ORDER
1993-009

SUBJECT MATTER

All pre-judgment Domestic Relations matters shall be subject to a Friend of the Court hearing prior to the entry of an Ex-Parte or Temporary order. A hearing shall be conducted in pre-judgment disputes on the issues of:

1. Custody of a minor child(ren)
2. Interim/temporary child support
3. Parental visitation
4. Temporary spousal support
5. Attorney fees
6. Temporary protective orders (except property issues)
7. Other matters as referred by the Circuit Court

PROCEDURES

Friend of the Court hearing shall be held upon the motion of any party to an action wherein a dispute exists as to one or more of the issues designated above. The moving party shall schedule the hearing at the Friend of the Court office and serve notice upon all parties to the action. A Friend of the Court hearing shall be held in all domestic relations actions prior to entry of an Ex-Parte or Temporary Order unless the Order is entered upon stipulation of all the parties and, if child support is appropriate, that child support be set in conformity with the Michigan Child Support Guidelines.

The Friend of the Court hearing will be held in the Friend of the Court office at a time and date scheduled by the Friend of the Court office. This will normally be within ten (10) days of the request for a hearing. Hearings will be adjourned at the discretion of the Friend of the Court hearing officer for good cause or upon stipulation of the parties. The parties and their respective counsel (if represented) shall be present.

The hearing will be conducted in a manner comparable to motion practice. Statements of non-parties shall be considered if submitted to the Friend of the Court office at least one day prior to the hearing in the form of affidavits and/or reports or otherwise in the discretion of the hearing officer. The statements to be considered and discussions to be held shall be limited to matters relevant to the issues set forth in the pleadings of the parties and as set forth in paragraph SUBJECT MATTER above.

Upon completion of the Friend of the Court Hearing, the hearing officer will make a recommendation as to those issues properly raised in the hearing. Based upon that recommendation, any party to the action may enter a Temporary Order by stipulation in accordance with MCR 3.207(C)(2) or seek an Ex-Parte Order in accordance with MCR 3.207(B) based upon the written Friend of the Court recommendation. All Temporary and Ex-Parte Orders shall be submitted to the Friend of the Court office for review and approval prior to entry of the Order.

Dated: 9/29/93

Gerald D. Lostracco
Gerald D. Lostracco
Circuit Court Judge