



# Frequently Asked Questions

(And answers from the  
State Court Administrative Office  
Friend of the Court Bureau)

**FAQ 2019-01**

**December 19, 2019**

---

## **Friend of the Court Alternative Dispute Resolution**

This FAQ answers common questions and clarifies policy related to [SCAO Administrative Memorandum 2019-05](#), Implementing Friend of the Court Alternative Dispute Resolution Plans. If staff have any questions or would like additional information on Administrative Memorandum 2019-05 or MCR 3.224, please contact Tim Cole at [colet@courts.mi.gov](mailto:colet@courts.mi.gov) or 517 373-5975.

**1. Q. What if a person who provides ADR does not currently meet SCAO's ADR training and qualification requirements?**

- A. MCR 3.224(J) allows trial courts to request a waiver from SCAO for ADR training and qualification requirements. The chief circuit court judge must complete the waiver form for each ADR provider who does not meet SCAO training and qualifications. There are two situations when the chief judge would request a waiver. One is when the court seeks an exemption because a person who meets SCAO training and qualification requirements is not reasonably available and the proposed ADR provider has experience, training and qualifications equivalent to those established by SCAO. The other is when an ADR provider does not meet all the training and qualifications but will soon complete the requirements. If the SCAO approves the waiver, it may be conditioned on further training and qualifications or the proposed ADR provider may be approved subject to limitations on the type of ADR the person can provide. The waiver request form is available at: <https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/FOC/Documents/FOC-ADR-Exemp-App.pdf> and should be submitted to the appropriate SCAO Regional Administrator for approval.

**2. Q. Does observing or being observed during ADR training meet SCAO's observation qualifications?**

- A. Yes, individuals who attend ADR training and observe and are observed during simulated facilitative information-gathering conferences will meet SCAO's observation requirements.

- 3. Q. What FOC ADR training and advanced training will be available in the future?**

A. The Michigan Judicial Institute’s January 2020 training will qualify as training requirements under MCR 3.224. The training agenda is at:  
<https://mjieducation.mi.gov/documents/calendar-events/1132-2020-focs/file>.
- 4. Q. MCR 3.224 requires FOCs to complete reports after FOC ADR when parties reach an agreement and when they do not. Does that report have to be placed in the court file?**

A. Because the report may contain sensitive information, it should be placed in a nonpublic file.
- 5. Q. MCR 3.224 requires proper screening for the detection of PPOs, and protective orders. Would this include any PPOs and protective orders involving one of the parties, or just those between the parties?**

A. For purposes of screening and conducting ADR, the FOC office should focus on personal protection orders and protective orders between the two parties, and not those involving one of the parties and any third parties.
- 6. Q. With the implementation of MCR 3.224, may FOC offices still send referrals to community dispute resolution centers?**

A. Yes, FOCs can refer cases to community dispute resolution centers for mediation. If the parties are required to attend mediation, the court must enter an order for mediation.
- 7. Q. Will additional information be provided to the FOCs and the courts about implementing FOC ADR plans, training, and MCR 3.224 issues?**

A. Yes, SCAO will be updating this FAQ as it receives more questions from the courts.