

MECOSTA COUNTY FRIEND OF THE COURT
49TH Circuit Court, 400 Elm, PO Box 508, Big Rapids MI 49307
Telephone 231-592-0115, Fax 231-592-0187

OBJECTION TO REFEREE'S RECOMMENDED ORDER

Use this form if you are objecting to a referee's recommended order. If your hearing was held before a referee you have 21 days to file an objection and request a de novo hearing before the Judge.

You must state your objection in writing and obtain a judicial hearing before the Judge assigned to your case. This must be filed within 21 days from the date the order was mailed to you. Objections shall include a clear and concise statement of specific errors of law or clearly erroneous findings of fact made at the Referee level. Matters not specifically objected to will not be considered by the Court. If your objection is made without grounds or is only intended to delay the entry of an order, the Court can require you to pay the court costs and/or attorney fees to handle your objection.

YOU MUST ATTEND THE HEARING ON THE OBJECTION:

By using this form packet you are representing yourself in a court action. You must follow the instructions. If you fail to do even one of the required steps your actions may be dismissed.

INSTRUCTIONS FOR OBTAINING A TRANSCRIPT: (REQUIRED)

Before an objection will be heard in front of a Judge, you must get a transcript of your referee hearing. The request for a transcript must be made in writing to the Friend of the Court office. The Friend of the Court will write you a letter and tell you how much the transcript will cost. If payment in full is not received at least 2 weeks prior to the scheduled hearing, the objection will be deemed withdrawn and the hearing will be cancelled. Transcripts must be submitted to the court prior to the scheduled de novo hearing.

FORM INSTRUCTIONS: (You must print clearly)

- A. Copy the case number from the referee's recommended order onto this form.
- B. Complete the "plaintiff" and "defendant" boxes exactly as listed on the recommended order. You are the 'moving party'. Once you have written the names where they belong, check the box 'moving party' in the same box as your name.
- C. Write in the date the recommended order was signed by the referee. The date will be at the bottom of the order.
- D. Explain in as much detail as possible why you believe there was an error of law or clearly erroneous finding of fact.
- E. Write today's date and sign your name. Then contact the assignment clerk of the Judge assigned your case at 231-592-0135 for a hearing date. Fill in the form with the information you get about the hearing date, location of the hearing and name of the judge who will be hearing the motion.
- F. Complete the Certificate of Mailing on the date that you are filing this objection and mailing it to the other party. This should be completed on the same day.
- G. You will need to make 3 copies of the completed form. File the original with the County Clerk, a copy to the other party, a copy to the Friend of the Court office and retain a copy for yourself. A reminder, this must be done within 21 days or the recommended order will be entered. The other party must be served with the objection and hearing date at least 9 days (excluding holidays) before the hearing date. Serve the papers by mailing them to the other party by regular, first class mail.

INFORMATION ABOUT ATTENDING THE HEARING:

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules that an attorney would.
2. Bring all supporting documents you have and/or any witnesses who are willing to testify. If you feel you need to order someone to attend this hearing follow the procedures in Michigan Court Rule 2.506 or consult with an attorney.
3. You should appear 10-15 minutes early. Please do not interrupt any hearing in progress. You should wait for your case to be called. Be prepared to spend most of the morning or afternoon in court.

49th CIRCUIT COURT - FAMILY DIVISION

Honorable Marco S. Menezes

Family Court Judge



MECOSTA COUNTY
Mecosta County Courthouse
400 Elm Street
Big Rapids, MI 49307
Phone: (231) 592-0135
Fax: (231)-592-0191

OSCEOLA COUNTY
Osceola County Courthouse Annex
410 West Upton
Reed City, MI 49677
Phone: (231) 832-6127
Fax: (231) 832-6181

POLICY ON DE NOVO JUDICIAL HEARINGS FOLLOWING OBJECTIONS TO FOC REFEREE RECOMMENDATIONS

The following policy is adopted by the Family Division of the 49th Circuit Court, pursuant to MCL 552.507 and MCR 3.215, in order to preserve the resources of litigants and of the Court:

1. **Request for De Novo Hearing:** Following referee hearings in domestic relations matters, a party wishing to object to any recommendation made by the Referee shall, within 21 days after the recommended interim order is served on the parties, file written objections with the Court, and request a judicial hearing.

a. Service: The objecting party shall serve copies of written objections on the opposing party and on the Friend of the Court.

b. Contents: Objections shall include a clear and concise statement of specific errors of law or clearly erroneous findings of fact made at the Referee level. Matters not specifically objected to will not be considered by the Court. Objection forms shall be made available at the FOC office.

c. Transcripts: The objecting party shall contact the office of the Friend of the Court to request preparation of a transcript of the referee hearing. The transcript shall be submitted to the court for review prior to the scheduled *de novo* hearing. Unless waived by the court pursuant to paragraph 3, the costs of transcription shall be paid in full by the objecting party before the transcript is prepared. If payment in full is not received at least 2 weeks prior to the scheduled judicial hearing, the objection will be deemed withdrawn and the hearing will be cancelled.

d. Pre-Hearing Conference: Upon request, the Court may schedule a pre-hearing conference, as necessary to advance the purpose of this policy.

2. **Scope and Form of Review:** The Court will consider the written objections and Referee hearing transcript and determine the scope and form of its *de novo* review. Depending on the circumstances of each case, the court's review and decision may:

a. Be based entirely upon the record of the referee hearing (including any memoranda, recommendations or proposed orders by the referee); or

b. Be based in part on the entire record of the referee hearing, supplemented by relevant new evidence that was not introduced at the referee hearing. Requests to supplement the

record shall be made by verified motion filed with the written objections, establishing that the proposed new evidence was not available at the time of the referee hearing. On a sufficient showing, a “live” judicial hearing will be scheduled to supplement the record with such new evidence; or

c. Be based entirely upon evidence presented at a “live” judicial hearing.

3. Transcription Costs. Indigence: If the party seeking review prevails, the cost of the transcript will be apportioned equally between the parties; if he/she fails to change the outcome of the Referee hearing, the cost is completely paid by the party who sought the judicial hearing. On a showing of indigence, the Court may waive the transcription costs incurred or apportioned to any party.

4. Frivolous Objections: If the court determines that an objection is frivolous or has been interposed for the purposes of delay, the court may assess reasonable costs and attorney fees. MCR 3.215(F)(3).

TRANSCRIPT REQUEST

Date: _____

Docket Number: _____

I, _____, request a transcript* from the
(Print Name Here)
Referee Hearing that took place on: _____.
(Date of Hearing)

Signature

Current Mailing Address:

Street: _____ Apt: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

*There is a fee for the transcript and you will be contacted by the Friend of the Court with the cost. After the fee is paid, we will process your transcript request. You will not be able to get an objection hearing in front of the Judge without this transcript.

********For office use only********

Referee estimated time: _____

Recorder contacted: _____

Letter sent to client: _____

Payment received: _____

Given to recorder: _____

DATE STAMP

Approved, SCAO

Original - Court
1st copy - Moving party
2nd copy - Objecting party

3rd copy - Friend of the court
4th copy - Proof of service
5th copy - Proof of service

STATE OF MICHIGAN
49TH JUDICIAL CIRCUIT
MECOSTA COUNTY

**OBJECTION TO
REFEREE'S RECOMMENDED ORDER**

(A) CASE NO.

Court address

400 ELM ST, BIG RAPIDS, MI 49307

Court telephone no.

(231) 592-0135

(B)

Plaintiff's name, address, and telephone no. moving party

Third party's name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

I object to the entry of the referee's recommended order dated **(C)** _____ and request a de novo review by the court. My objection is based on the following reason(s):

(D)

(E)

_____ Date

_____ Moving party's signature

_____ Name (type or print)

NOTICE OF HEARING

(F)

A hearing will be held on this objection before _____ Judge
on _____ at _____ at MECOSTA COUNTY COURTHOUSE
Date Time Location

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this objection and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(G)

_____ Date

_____ Signature of objecting party