

OBJECTION TO REFEREE'S RECOMMENDED ORDER (DENOVО REVIEW)

Use this form if you are objecting to a referee's recommended order. You must fill in each blank of the forms using black or blue ink only. Please be advised that a copy of the transcript must be obtained from the Friend of the Court office.

1. A party may obtain a judicial hearing on any matter that has been the subject of a referee hearing and that resulted in a statement of findings and a recommended order by filing a written objection and notice of hearing **within twenty-one (21) days** after the referee's recommendation for an order that is served on the attorneys for the parties, or the parties if they are not represented by counsel.
2. The objections must include a clear and concise statement of the specific findings or application of law to which an objection is made. Objections regarding the accuracy or completeness of the recommendation must state with specificity the inaccuracy or omission.
3. Objections should be based on good reasons. If your objection is made without grounds, is unreasonable or 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.
4. After you fill out the objection, you must complete the portion of the form entitled "Notice of Hearing." In order to obtain a hearing date you will have to call the Judge's Court Administrator to schedule the hearing and obtain a hearing date. The court administrators can be reached at the following: Monday & Wednesdays at (989) 831-7363 and Tuesday, Thursday & Friday at (989) 831-7343. Once the objection is completed and the hearing date obtained, you must file the objection with the Court and serve a copy on the other party. A Proof of Service is also required for both the other party and the Friend of the Court office. Read the instructions for this specificity and use the checklist to ensure you have completed the process as required.
5. On the portion entitled "REQUEST FOR TRANSCRIPT," please contact the Friend of the Court office at (989) 831-7332, or in writing, to find out how to obtain and pay for your copy. You will need to contact the FOC **PRIOR** to filing the request to find out the approximate cost as a deposit is required before the transcript will be started. **NOTE: This must be requested in writing and paid for within the twenty-one (21) days allowed. Also, you must pay by cash or money order. No Personal Checks allowed.**

OBJECTION TO REFEREE'S RECOMMENDED ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU...

- | | |
|--|------------------------------|
| 1. Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. Make all necessary copies? | YES <input type="checkbox"/> |
| 3. File the objection form with the clerk's office? | YES <input type="checkbox"/> |
| 4. Mail (serve) a copy of the objection to the other party and to any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? | YES <input type="checkbox"/> |
| 5. Return to the clerk's office after you mailed the objection and notice of hearing to the other party and completed the certificate of mailing? | YES <input type="checkbox"/> |
| 6. Keep one copy of the objection and notice of hearing form for yourself? | YES <input type="checkbox"/> |
| 7. Give two copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

You must attend the hearing on the objection.

If you cannot answer "yes" to all the above steps, a hearing on your objection may be delayed or your objection may be dismissed.

By using this form packet you are representing yourself in a court action. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you what you want.

If you have any questions about the steps in the process, refer to pages 3 through 5 of this booklet for details.

INSTRUCTIONS FOR USING FORM FOC 68 OBJECTING TO A REFEREE'S RECOMMENDED ORDER

»»FILING AN OBJECTION

If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days, from the date of service of the referee's recommendation to file an objection, and request a de novo (new) hearing before the judge.

1. Fill out the Objection to Referee's Recommended Order form.

Use the instructions on page 6. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the friend of the court office to find out who to contact about getting a hearing date. Then contact the person or office as directed by the friend of the court office. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge who will be hearing the motion.

Make at least five copies of the form after you have filled it out.

2. File the form with the county clerk.

Take the original and five copies of the form to the county clerk in the county where your case is located.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the objection and any attachments for the court file and the friend of the court. Then the clerk will return four copies and remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One copy of FOC 68 (with any attachments) - for you
- One copy of FOC 68 (with any attachments) - for the other party
- One copy of FOC 68 - for proof of service to the court
- One copy of FOC 68 - for proof of service to the friend of the court

»»SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the objection and notice of hearing on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the objection and hearing date at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-call mail.

What you need for service:

One copy of FOC 68 (with any attachments) - for the other party

Two copies of FOC 68 - for proof of service

Any additional copies of FOC 68 - (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy with attachments to the other party. If there is a custodian or guardian, mail one copy and the attachments to him/her. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection and notice of hearing and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Attend the hearing.

You must attend the hearing on the objection.

»»INFORMATION ABOUT ATTENDING THE HEARING

Bring a copy of the referee's recommended order and the packet for either Order Regarding Support (form FOC 10/52), Order Regarding Parenting Time (form FOC 67), or Order Regarding Custody, Parenting Time, and Support (form FOC 89) with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your objection. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. If you are responsible for preparing the order, bring all copies of your order form.
6. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.

7. When you are called, be prepared to state:

- 1) your name.
- 2) that you are representing yourself.
- 3) that you are objecting to a referee's recommended order.
- 4) the facts or reasons for your objection (**bring any supporting papers with you**).
- 5) whether you have witnesses in court who are willing to testify.

Answer the judge's questions clearly and directly. If the judge wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

8. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
9. After the judge makes a decision, the party who requested the hearing is responsible for preparing the order even if it is not what was asked for. Follow the instructions for packet FOC 53 or FOC 54.

**INSTRUCTIONS FOR COMPLETING
"OBJECTION TO REFEREE'S RECOMMENDED ORDER"**

Use this form if you are a party to an action and you have received a copy of a referee's recommended order that you disagree with. By completing this form and filing it with the court, you are asking for a new hearing before a judge. You must fill out this form and file it with the county clerk within 21 days after service of a copy of the referee's recommended order.

Please print neatly. After filling in the form, you will need to make at least five copies.

Items A through F must be completed before your objection can be filed with the court. Please read the instructions for each item. Then fill in the correct information for that item.

- (A)** Copy the "Case No." and "Judge" name from the referee's recommended order onto this form.
- (B)** See the court papers mentioned above to fill in the "Plaintiff" and "Defendant" boxes and, if applicable, the "Third Party" box. Copy your names from these court papers onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this response form.

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 disagree with the referee's recommended order.
- (E)** Write in today's date and sign your name. Now contact the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.
- (F)** Once you get a hearing scheduled, fill in the full name of the judge who will be hearing this objection, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

Now go to the county clerk's office with the original and five copies of this form. The clerk will keep the original and one copy and return four copies to you.

Read pages 3 and 4 of this booklet for details on mailing this form to the other party.

- (G)** On the date you mail one copy to the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies. Read page 4 of this booklet for details.

What happens next:

- You must attend the hearing on the date and time stated in the "Notice of Hearing" part of the form. For more information about the hearing, see pages 4 and 5 of this booklet.

8th Montcalm	STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	OBJECTION TO REFEREE'S RECOMMENDED ORDER	CASE NO. and JUDGE (A)
Court address FRIEND OF THE COURT, 629 N STATE ST., PO BOX 305, STANTON, MI 48888		Court telephone no. (989) 831-7332	
(B) Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party <div style="border: 1px solid black; height: 100px; width: 100%;"></div>		Defendant's name, address, and telephone no. <input type="checkbox"/> moving party <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
Third party's name, address, and telephone no. <input type="checkbox"/> moving party <div style="border: 1px solid black; height: 100px; width: 100%;"></div>			

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 _____
Date and time _____ Location _____

If you require 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 served a copy of this objection on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 3.203. I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

(G)

Date _____

Signature of objecting party _____

STATE OF MICHIGAN
FRIEND OF THE COURT
MONTGOMERY COUNTY

REQUEST FOR TRANSCRIPT

FILE NO.

Friend of the Court, 629 N. State St., PO Box 305, Stanton, MI 48888

ph. (989) 831-7332

In the matter of: _____

Transcripts of hearings are prepared upon the written request by a party. At the time of the request, the court reporter will estimate the cost of the transcript (NOTE: this is only an estimate as the exact number of pages cannot be determined until completion of the transcript) and an estimate as to the time it will take to complete the transcript. Once an estimate has been given, a deposit in the amount of that estimate will need to be paid before the transcript is started. You may request that a transcript be completed by a particular date and every attempt will be made to provide the transcript by the date requested; however, the transcripts are prepared in order that they are received. If there is a request for an expedited transcript, an additional fee will be required. Transcripts will be sent electronically unless a hard copy is specifically requested for pick up at the office or can be mailed if postage is paid by the party.

I hereby request a transcript(s) be prepared regarding the case listed above.

Date of Hearing: _____

Time of Hearing: _____

Estimated Length of Hearing: _____

I request that the transcript be completed before: _____.

Date

*I acknowledge that the cost of the transcript will be \$3.75 per original page and \$1.80 per page for the copies, for a total of \$5.55 per page with a minimum charge of \$50.00 for the original and \$1.80 per page for the copies.

*I acknowledge that the entire cost of the transcript will be payable prior to receipt of the transcript.

*I acknowledge that once a deposit has been made and the transcript has started, there will be no refunds.

*I acknowledge that I will be notified after completion of the transcript and will pay the remaining cost of the transcript before the transcript is delivered to me.

Date

Signature

Name/printed

Phone number

Email address

Do not write below this line – for Court use only

Estimated total cost: _____

Estimated completion time: _____

Deposit required: _____

Deposit paid: _____

Expedited Fee: _____

Received by: _____

Date: _____

Total transcript cost: _____

CASH, MONEY ORDER OR CASHIER'S CHECK ONLY

Less deposit paid: _____

PAYABLE TO: STACEY RABY

Balance due/refund: _____

***WILL ACCEPT ATTORNEY CHECKS**