

INSTRUCTIONS FOR OBJECTION TO REFEREE HEARING AND
SCHEDULING A DE NOVO HEARING

**DO NOT FILL OUT THESE FORMS UNTIL YOU HAVE READ THE
INSTRUCTIONS VERY CAREFULLY.
TYPE OR PRINT CLEARLY WITH BLACK OR BLUE INK ONLY.**

This packet is provided by the Monroe County Friend of the Court to assist you in properly filing an objection to a Referee Recommended Order with the Circuit Court Clerk.

It is your responsibility to correctly file and serve all of the forms. **You have twenty-one (21) days from the date of mailing (as stated on the Referee Order to which you are objecting) to file and serve all of the forms. If you do not properly and timely file the appropriate paperwork, your right to contest the Referee Recommended Order will be denied.**

You have the right to seek legal counsel in any court proceeding. Neither the Friend of the Court nor the County Clerk's Office is allowed to provide legal advice or represent either party. Court appointed attorneys are **not** available. Further, neither the Monroe County Friend of the Court nor the Monroe County Clerk's Office can assist you in filling out these forms.

A proper objection to a Referee Recommendation and Recommended Order **voids** the Referee Recommended Order and a new hearing is scheduled before the Family Division Judge. **All** provisions of the Referee Recommended Order are canceled and the Court will hear the matter as if the Referee Hearing was not held.

Completing the Paper Work.

Objection to Referee Report and Recommended Order and Notice of De Novo Hearing (Form A)

1. The case number.
2. Plaintiff's name and address (the party who filed the original divorce or paternity complaint – not necessarily the party filing the objection). Check the box if this is the person filling the objection. Attorney's Name, if represented.
3. Defendant's name and address. Check the box if this is the person filling the objection. Attorney's Name, if represented.
4. The date of the Referee Hearing. If more than one hearing was held that day, clearly state which one or all that you object to.
5. The date the Referee Report and Recommended Order was mailed by the Friend of the Court.
6. Your objection. State the specific reason(s) why you object to the recommendation of the Referee
7. The date you completed and signed your objection.
8. Your signature attesting that all of the information is true.
9. Print or type the name of the person who signed #8.
10. The name of the Judge that is assigned to your case. You must know what Family Division Judge is assigned to your case (check with County Clerk if you are uncertain).
11. The day of the week the hearing will take place. You will need to contact the County Clerk's office to find out if the Judge is available at a particular date and time.
12. The date of the hearing Month, Numerical Day and Year. You will need to contact County Clerk's office to find out if the Judge is available at a particular date and time
13. The time of the hearing, including choosing AM or PM. You will need to contact the County Clerk's office to find out if the Judge is available at a particular date and time
14. The date in which you mailed a copy of the this Objection to Referee Report and Recommended Order and Notice of De Novo Hearing to the other party and any attorney.
15. Signature of the person mailing the Objection to Referee Report and Recommended Order and Notice of De Novo Hearing. This should be a competent adult who may have to testify in Court if there is a question about the mailing.

Praecipe for Motion (Form B)

This is necessary for the County Clerk's Office to place your objection on the Judge's Docket. If this is not filed your objection will **not** be heard.

1. The Judge's Name.
2. The day of the Hearing
3. The Month, Numerical Date and Year of the hearing.
4. The Name and phone number of the Plaintiff (the party who filed the original divorce or paternity complaint – not necessarily the party filing the objection).
5. The Name and phone number of the Defendant.
6. The time of the Hearing as follows:

Judge Costello, Jr.	8:45 am-Wednesday	Judge Lavoy	4:00 pm-Friday
Judge Hohman, Jr.	1:30 pm-Wednesday	Judge LaBeau	2:30 pm-Friday
Judge Moskwa	3:30 pm-Wednesday		
7. The Case Number.
8. Name of Plaintiff's Attorney (if represented). Check the box if this is the party filing the objection.
9. Name of Defendant's Attorney (if represented). Check the box if this is the party filing the objection.

Filing the Paper Work.

Make six (6) copies of the Objection to Referee Report and Recommended Order and Notice of De Novo Hearing.

- Original to be filed with the Monroe County Clerk, along with the Praecipe.
- A copy is to be filed with the Monroe County Friend of the Court.
- A copy is to be filed with the Judge. It must be marked "Judges Copy"
- A copy is mailed to the other party. Certified Mail is recommended, but is not required.
- A copy is mailed to the Plaintiff's Attorney (if represented).
- A copy is mailed to the Defendant's Attorney (if represented).
- A copy is retained for your records.

The Original, FOC copy and Judge's copy may be hand-delivered. The copies to the other party and his or her counsel must be mailed at least 9 days prior to the hearing.

GETTING READY FOR COURT

- **You must attend the hearing even if there is an agreement.** Be prepared for the hearing on your motion. Be there at least 10 minutes before the scheduled time of the hearing.
- You have the obligation to properly serve the other party or parties and their attorneys, if any, or your motion may be denied. A certified mail receipt signed by the other party is the preferred method of service.
- The other party, if present, will have a chance to speak. Do not interrupt the other party. Take notes and you will be given another chance to speak.
- You are representing yourself in a Court of Law. You are to conduct yourself and follow the same general Court Rules, Rules of Evidence and laws as an attorney would. Do not interrupt someone else while they are speaking.
- Make a written list of information which you feel is important for the Judge or Referee to know – this list may remind you to bring up the points you feel are important.
- Gather any papers and witnesses that you think will support your position and bring them to the hearing.
- If you feel the need to order someone to attend this hearing, follow the procedure in the Michigan Court Rule (MCR) 2.506 or consult a private attorney.
- The Judge, Referee, Friend of the Court and County Clerk's Office cannot provide you with legal advice. You must consult with a private attorney to obtain legal advice.