



OBJECTION TO REFEREE'S RECOMMENDED ORDER

Attention

If you need help completing this form, you may contact the
Self-Help Legal Resource Center
at (269) 983-7111 Ext. 8790, or you may visit the office at the
Berrien County Courthouse, 2nd Floor
811 Port Street
St. Joseph, MI 49085

Please Note

**You must complete this form and file it with the Court
within twenty-one (21) days of the date the
Judge signed the Referee's Recommended Order**

File the Objection to the Referee's Recommended Order
in the Family Division Clerk's Office
at the Berrien County Courthouse
(4th Floor)



INSTRUCTIONS FOR COMPLETING “OBJECTION TO REFEREE’S RECOMMENDED ORDER”

Self Help Legal Resource Center
811 Port Street, St. Joseph, MI 49085 • 269.983.7111

Use this form if you are a party to an action and you have received a copy of a Referee’s Recommended “Court 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. **WARNING: You must fill out this form and file it with the Court within twenty-one (21) days of the date the Judge signed the Referee’s Recommended Order. IF YOU FAILED TO APPEAR AT THE HEARING YOU CANNOT REQUEST A DENOVO REVIEW.**

Please print neatly. After completing the form, you will need to make at least five (5) copies.

Items 1 through 5 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.

1. Copy the “Case No.” from the Referee’s Recommended Order onto this form.
2. See the “Court Order” mentioned above to fill in the “Plaintiff” and “Defendant” boxes and if applicable, the “Third Party” box. Copy your names from the “Court Order” on 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 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.

3. Write in the date the Recommended Order was signed by the Judge. The date will be near the bottom of the Order.
4. Explain in as much detail as possible why you disagree with the Referee’s Recommended Order.
5. Write in today’s date and sign your name on the line above “Signature of objecting party”. Print your name on the line above “Name”.
6. Send the original to the Family Division of the Clerk’s office. The Judge’s secretary will complete the Notice of Hearing and Certificate of Mailing portion, make copies for the parties or their attorneys and the Friend of the Court.

What happens next:

You will receive a copy of your objection from the Court telling you the hearing date and time.

You must attend the hearing on the date and time stated in the “Notice of Hearing” part of the form.

Bring any and all documents supporting your objection to the hearing. Be prepared to present your evidence to the Judge.



OBJECTION TO REFEREE'S RECOMMENDED ORDER CHECKLIST

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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
2. Make all necessary copies? YES
3. File the objection form with the File Room of the Family Division? YES
4. Mail (serve) a copy of the objection on the other party, their attorney, or any other custodian/guardian and to the Friend of the Court? YES
5. Keep one copy of the objection and notice of hearing form for yourself? YES

You must attend the hearing on the objection.

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

Using this form packet indicates that 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 (1) of the required steps, the Order you get from the Court may not give you the relief you requested.



ATTENDING THE HEARING (Information about Attending the Hearing)

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Bring a copy of the Referee's Recommended Order and a copy of the Objection to Referee's Recommended Order with all attachments. Also bring all supporting papers you have and any witnesses who are willing to testify at 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 an attorney would.
2. Make a list of information you feel 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 feel are important.
3. If you feel you need to order someone to attend this hearing (because they won't come to Court voluntarily), follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the Judge's court room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in Court. Bring any witnesses with you. Do not bring children to Court.
5. **If you are responsible for preparing the Order, bring all copies of your Order form.**
6. Go into the court room and tell the Court Officer (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 court room and wait for your case to be called.
7. When you are called, go to the podium and clearly state the following:
 - a. Your name,
 - b. That you are representing yourself,
 - c. That you are objecting to a Referee's Recommended Order,
 - d. The facts or reasons for your objection (**bring any supporting papers with you**),
 - e. 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 may be responsible for preparing the Order even if they disagree with the Order.



DE NOVO REVIEW RIGHTS

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The Domestic Relations Referee has issued a Recommendation which will result in a Court Order being issued. You will receive a copy of the Order in the mail. You have the right to object to the Referee's Recommended Order and request a Judicial Review of that Court Order within twenty-one (21) days after the Judge signs that Order.

If you wish to object to the Referee's Recommended Order and request a Judicial Review (De Novo Review), you must file an Objection to Referee's Recommended Order (FOC 68) within twenty-one (21) days after the Judge signs the Order. **The objection must be filed with the Family Division of the County Clerk and must state the reason why you are requesting a De Novo hearing.** The written objection **must** state that a copy of the objection (FOC 68) was sent to the other party or parties involved in the case; the Friend of the Court; and if either party was represented by an attorney, to the attorney.

NOTICE: IF YOU FAILED TO APPEAR AT THE ORIGINAL REFEREE HEARING YOU CANNOT REQUEST A DENOVO REVIEW.

Upon receipt of the written objection and request for a Judicial Review Hearing, the Judge will schedule a hearing date and notify all parties involved. Each party should attend the Judicial Review Hearing and be prepared to present their evidence to the Judge. The requesting party has the burden of proof to submit testimony or documents to the Judge supporting the original Motion or Response.

If neither party requests a Judicial Review, the Referee Recommended Order will remain the Order of the Court.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**OBJECTION TO
REFEREE'S RECOMMENDED ORDER**

(A) CASE NO.

Court address

Court telephone no.

(B)

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

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

v

Third party'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 _____
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