

FORM FOC 68

OBJECTION TO REFEREE'S RECOMMENDED ORDER

Use this form if:

- *you are objecting to a referee's recommended order.*

You must state your objections in writing and file it with the court as soon as possible, **but not later than 21 days** after the date the recommended order is mailed. Objections should be based on good reasons – If your objection is made without grounds, is unreasonable, or is only intended to delay the entry of the order, the court can require you to pay court costs or attorney fees to handle your objection.

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 the relief you are requesting.

INSTRUCTIONS FOR USING FORM 68 – OBJECTION TO REFEREE'S RECOMMENDED ORDER FILING AN OBJECTION MOTION AND SERVING AN OBJECTION

▶▶ FILING AN OBJECTION

Fill out the objection form

Use the instructions starting on page 3. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the assigned judge's secretary:
Jennifer O'Rourke (Judge Mertz) at (989) 731-0224
Christina Ventline (Judge Hunter) at (989) 344-3271

Be prepared to give her your name, the other party's name and case number.

Fill in the form with the information you get about the hearing dates, location of the hearing, and the name of the judge who will be hearing the objection.

Instructions for filing AND serving the objection form on the other party on the same day either in person or by mail

1. Make three copies of the objection form and any attachments to the objection (one for you, the other party and the friend of the court). If there are attorneys of record or a third party/guardian, make additional copies.
2. Complete the Certificate of Mailing (date and signature) located at the bottom of the original objection form (Letter G) and all copies by filling in the date that you are mailing the other party their copy of the objection and your signature.
3. Take the original and all copies of the form to the county clerk located at 225 West Main Street, Gaylord, Michigan 49735.

The county clerk will file the original objection and any attachments for the court file and retain one copy of the objection and any attachments for the friend of the court. The clerk will return the remaining copies and to you.

4. You must make sure that you serve a copy of the Objection and any attachments to the other party (and any attorney of record or third party) immediately after leaving the clerk's office by mailing them by first class mail or if you cannot physically take the original objection form to the clerk to file, you must mail a copy to the other party(ies) on the same day that you are mailing the original and one copy to the clerk. Note that you must mail (serve) the motion at least **9 business days** (not including holidays) before the hearing date.

Instructions for filing and serving the objection on different days either in person or by mail

1. Make at least five copies of the objection form and any attachments. If there are attorneys of record or a third party/guardian, make additional copies of the objection and attachments. Take the original and one copy to the county clerk located at 225 West Main Street, Gaylord, Michigan 49735.

If you cannot physically take them to the county clerk, mail the original objection with attachments and one copy with attachments to the clerk.

2. The other parent, or other party (if there is a custodian or guardian other than the parent) and any attorneys of record must be served with the objection and hearing date at least **9 business days** (not including holidays) before the hearing date. Serve the papers by mailing them by first class mail.
3. Once you have mailed the objection and notice of hearing and filled out the Certificate of Mailing (Letter G) on the remaining three copies, return to the county clerk's office with two copies (or mail two copies if you cannot physically take them to the clerk's office). Remember to keep one for your own records. The county clerk will deliver one copy to the friend of the court.

See the Objection Checklist on Page 4 to make sure you have followed all of the steps required to file and serve your objection.

Attend the hearing.

You must attend the hearing on the objection. Failure to attend may cause the objection to be dismissed.

▶▶ INFORMATION ABOUT ATTENDING THE HEARING

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 feel is important for the referee or 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 the hearing, follow the procedure in Michigan Court Rule 2.506 or consult an attorney.
4. At the hearing, answer the judge or referee's questions clearly and directly. If the judge or referee wants to hear from other witnesses, ask them to tell the court what they saw or know regarding the situation.

5. 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.
6. If the judge or referee says that an order is granted, the friend of the court will prepare the written order. 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 you were served with a copy of the referee's recommended order to file an objection and request a de novo hearing (a new hearing on the same motion) before the judge. Note: If the court determines that an objection is frivolous or has been filed for the purpose of delay, the court may assess reasonable costs and attorney fees pursuant to MCR 2.315(f).

▶ ▶ INSTRUCTIONS FOR COMPLETING "OBJECTION TO REFEREE'S RECOMMENDATION"

Use this form if you are a party to an action and you have received a copy of 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 you receive 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." 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 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 the form.
- C** Write in the date the findings and recommended order was signed by the referee. The date will be at the bottom of the recommended order form.
- D** Explain in as much detail as possible why you disagree with the referee's recommended order. If you need more space, use a separate sheet of paper. Print your explanation as neatly as you can. You will need copies of this sheet to attach to copies of this form.
- E** Write in today's date and sign your name. Contact the assignment clerk for the county in which your action was filed to obtain a hearing date. (See page 2 item #1)
- F** Once you get a hearing date 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/location of the hearing.

See the instructions beginning on page 1 of this booklet on how to file the objection with the county clerk and serve the objection on the other party, any attorneys of record and/or third party guardians.

What happens next:

- **You must attend the hearing on the date and time stated in the "Notice of Hearing" part of form.**
- **After the judge makes a decision, the party requesting the hearing is responsible for preparing the order even it is not what was asked for. You may wish to ask the judge at the hearing how an order will be entered. The court speaks to written orders only. A verbal ruling or agreement of the parties is not enforceable by the court.**

OBJECTION 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 objection? YES
2. Make all necessary copies of the objection and any attachments? YES
3. Complete the Certificate of Mailing and mail (serve) a copy of the objection on the other party and on any other custodian/guardian/attorney after a hearing date was assigned to your case by the court? YES
4. Keep one copy of the objection and notice of hearing form for yourself? YES
5. File the original objection and with the clerk's office on the same day you mailed (served) the objection? YES

OR

6. Mail or take the original objection and copies to the clerk's office if you are unable to file and serve the objection on the same day? YES
7. Mail or take two copies of the objection with the Certificate of Mailing filed out after you mailed the objection and notice of hearing to the other party(ies) if you cannot file and serve the objection on the same day? YES

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

Contact the Friend of the Court office at 989-731-7450 or the County Clerk's office at 989-731-7500 if you have any questions regarding the instructions for filing and serving your objection.

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
46th **JUDICIAL CIRCUIT**
Otsego **COUNTY**

**OBJECTION TO
REFEREE'S RECOMMENDED ORDER**

(A) CASE NO.

Court address

800 Livingston Blvd. Ste. 1A Gaylord, MI 49735

Court telephone no.

(989)731-7450

(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