



8th Judicial Circuit Court Ionia County Friend of the Court

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NOTICE TO PARTIES REGARDING REQUEST FOR DE NOVO REVIEW

Please be advised that you have the right to request a De Novo review (you are asking for a new hearing before the Judge) of any matter that was heard before the Referee **by filing the necessary paperwork with the Court within 21** days from the date of mailing of the recommended order. You must do the following within 21 days:

1. File your objection and request for De Novo review with the Clerk's Office (form attached) within 21 days from the date of mailing of the recommended order.
2. Request in writing and pay for transcript from the Ionia County FOC hearing you are objecting to (form attached). See instructions on how to obtain and pay for transcript.
3. NOTICE: If you have retained an attorney (for any reason), you CANNOT file this or any motions on your own. You MUST contact your attorney and have him/her do the filing.

Once you receive your completed transcript, you have 14 days from the date received to contact the Circuit Court to obtain a hearing date (see notice of hearing for further instructions).

If you choose to exercise your right to De Novo, you are, according to court rule, responsible for filing an Objection and Request for De Novo Review and scheduling the hearing with the Court. Our Friend of the Court has drafted a form to assist you in doing this. However, law prohibits personnel from the Friend of the Court Office from giving you any legal advice. They MAY NOT assist you in completing the form. Special exceptions will be made for those who have difficulty reading and/or writing.

PLEASE BE ADVISED

While everyone has the right to De Novo Review by the Circuit Court Judge of a Referee recommendation, **PLEASE BE ADVISED** that there is a \$20.00 motion fee charged when filing the form with the Clerk's Office in addition to obtaining and paying for a copy of the transcript from the Friend of the Court Office. In addition, if the Court determines that your objection is frivolous or has been brought for the purpose of delay, the Court may assess additional costs and/or attorney fees.

The Court may be inclined to assess costs and/or attorney fees if you have requested a De Novo Hearing but failed to attend the Referee Hearing.

INSTRUCTIONS FOR COMPLETING OUR LOCAL FORM FOR DE NOVO REVIEW

In order to complete the form, you must have your case number, the address for the other party, and know which Judge is assigned to your case. This information is available from the Friend of the Court Office. You must fill in each blank on the form using black or dark blue ink only.

1. At the portion of the form entitled "**OBJECTION AND REQUEST FOR DE NOVO REVIEW**," fill in the date the Referee Hearing was heard to which you are objecting and then list your reasons (in the space provided) as to why you are objecting.

WHEN YOU HAVE COMPLETED FILING OUT THE DE NOVO REVIEW FORM:

You need to make three copies of the form. Take the original form and the three copies to the Clerk's Office. The Clerk's Office is located in the main Courthouse on the first floor, Ionia MI (you may have the copies made at the Clerk's Office for \$1.00 per page). You need to do the following:

- A. File the original form with the Clerk's Office.
 - B. Tell the Clerk's Office that you need to have them stamped 'True Copy' on each of the three copies.
 - C. Distribute the three, stamped 'True Copies' as follows:
 1. Deliver one 'True Copy' to the Friend of the Court Office.
 2. Send one 'True Copy' to the other party by regular first class mail at the address noted on the form.
 3. Keep one 'True Copy' for your records.
 4. If there are attorneys involved, you must also make additional copies and mail the attorneys a stamped 'True Copy'.
2. On the portion entitled '**REQUEST FOR TRANSCRIPT**' contact the Friend of the Court Office at 616/527-5310 to find out how to obtain and pay for your copy. The Friend of the Court Office will direct you to a person who prepares transcripts. You will then need to contact them prior to filling 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 21 days allowed. Also, you must pay by cash or money order. No personal checks are allowed.**
3. To complete the portion of the form entitled '**NOTICE OF HEARING**', you will have to call your Judges Court Administrator to schedule the hearing and obtain a hearing date. You have 14 days from the date you receive the completed transcript to obtain a hearing date. The Court Administrator for Judge Hoort is Tracy Szymanski and she can be reached at 616 / 527-5336 – Ionia OR 989 / 831-7343 – Montcalm. The Court Administrator for Judge Kreeger is Rachele Thomas – 616 / 527-5315 – Ionia OR 989 / 831-7363 – Montcalm. When your case is first filed, it was assigned to one of our two Circuit Judges (if your Judge was Judge Miel, Judge Kreeger will now be your Judge). Because our circuit encompasses both Ionia and Montcalm Counties, one Judge is in each county each week then switches to the other county next week. When confirming with the Friend of the Court Office as to which Judge is assigned to your case, Ionia County FOC personnel will be able to tell you which county your Judge is in that week. This will be important because you will have to contact the Judge's Court Administrator, in either Montcalm or Ionia County, to obtain the hearing date.

Once you get the hearing date, fill in all the blanks and sign your name where indicated on the Notice of Hearing. You will then need to file the original **NOTICE OF HEARING** with the Clerk's Office and serve a copy on the other party and the Friend of the Court Office and attorneys, if applicable.

CERTIFICATE OF MAILING

At the time scheduled for your hearing, the Judge will not hold the De Novo Hearing unless you have properly completed the '**CERTIFICATE OF MAILING**'. This is your certificate to the Court that you gave the proper notice, required by law, to the other party and their attorney (if applicable) of the hearing. Fill the other party's name in the appropriate blank and be sure to list their address where you will be sending that person his or her copy of the form. Be sure to sign and date it where indicated.

*****INFORMATION ABOUT ATTENDING THE HEARING*****

Please be advised that the Per MCR 3.215(2) the De Novo hearing will be conducted by a review of the transcript of the Referee hearing by the court. **No additional testimony may be offered by either party unless a proper motion is filed requesting permission to present additional testimony.** The names and address of all additional witness and the estimated length of their testimony must be included in the motion along with specific good cause as to why they should be allowed now and were not presented at the time of the Referee hearing. This motion must be filed and heard prior to the scheduled De Novo hearing.

Bring a copy of the referee's recommended order and the Order form for either Order Regarding Support (form FOC 52), Order Regarding Parenting time (form FOC 67), or Order Regarding Custody, Parenting Time and Support (form FOC 89) depending on what type of recommended order you are objecting. These forms can be found online by including, for instance FOC52 in the search line at

<http://courts.michigan.gov/scao/courtforms/domesticrelations/drindex.htm>

OR requesting the appropriate form from the Ionia County FOC receptionist. Also bring all supporting papers you have and any witnesses who may have testified at the referee hearing and are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself and follow the same general rules as 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, follow the procedure in Michigan Court Rule 2.506 or consult an attorney.
4. Go to the judge court room on the scheduled day and time. Dress neatly. Get there 10 to 15 minutes early. Be prepared too 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.

REQUEST FOR TRANSCRIPT

File No.: _____

Plaintiff VS Defendant

Please provide a transcript for the above referenced case from a hearing that was held on:

Date: _____

Time: _____

Dated: _____

Signature: _____

Do not write below this line

Deposit Paid: \$ _____

Received by: _____

Total Paid in Full: \$ _____

Received by: _____

CERTIFICATE OF COMPLETION

Please note that on _____ a completed transcript was provided to _____.

Dated: _____

Signature of Transcriptionist – CER

(2)

NOTICE OF HEARING

TO: _____
(name of other party)

Clerk of the Court
Friend of the Court

Address: _____

PLEASE TAKE NOTICE that a De Novo Hearing on the above objection will be held before the Honorable _____ in the Circuit Court Courtroom, in the Courthouse, 100 E Main Street, Ionia MI the ___ day of _____, 20____, at _____ a.m. / p.m.

Date: _____
_____ (sign your name here)

CERTIFICATE OF MAILING

I certify that TODAY I mailed, by regular first class mail, a true copy of this objection and Notice of Hearing to the office of the Friend of the Court – 110 E Washington Street, Ionia MI 48849 and the other party _____ at his / her last known address according to the Friend of the Court records, that being

_____. Additionally, a copy of this was also mailed to the other party's attorney of record (if applicable).

Date: _____
_____ (sign your name here)

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