

STATE OF MICHIGAN



SAGINAW COUNTY TRIAL COURT  
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**JUDGES:**

JAMES T. BORCHARD

DARNELL JACKSON  
CHIEF JUDGE

DAVID D. HOFFMAN

ANDRE R. BORRELLO

JANET M. BOES  
CHIEF JUDGE PRO-TEM

M. RANDALL JURRENS

TERRY L. CLARK

PATRICK J. MCGRAW

ELIAN FICHTNER

BARBARA METER

A. T. FRANK

MANVEL TRICE III

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Local Administrative Order 10<sup>th</sup> Circuit Court

2021 - 03

Rescinds LAO 2020-07: Motions Referred to FOC Referees and Interim Effect of Referee Orders

**Motions Referred to FOC Referees and Interim Effect of Referee Orders**

This local administrative order is issued in accordance with Michigan Court Rule 3.215, Domestic Relations Referees. The purpose of the Order is to designate matters heard by Friend of the Court Referees, to assist court staff in scheduling hearings with the appropriate Judge or Referee, and to provide attorneys and litigants with information regarding domestic relations motion practice in the 10<sup>th</sup> Circuit Court.

**APPLICABILITY AND LEGAL AUTHORITY**

MCL 552.508 requires that the Circuit Court utilize Referees to expedite obtaining relief in domestic relations matters.

MCL 552.507 and MCR 3.215(G) provide the Referee's scope of authority and allow the court to give interim effect to a referees recommended order.

MCR 3.215(b)(1) allows the Chief Judge to refer motions of a particular kind to a Referee by Administrative Order.

## **IT IS ORDERED**

All Pre-Judgment Divorce cases (DM) and Custody Cases (DC) will be set in front of the Referee for a Facilitative Information Gathering Conference pursuant to Local Administrative Order

Effective March 1, 2020, all domestic relations motions shall be noticed for hearing before the Judge or the Domestic Relations Referee according to the following designations:

### **A. MATTERS TO BE HEARD BY THE REFEREE**

1. Motions and Orders to Show Cause to enforce support, custody, parenting time, maintenance of health care insurances for children, payment of health care expenses, domicile and legal residence brought under MCL 552.511, MCL 552.631 and MCL 552.644.
2. Motions to modify child support, custody and parenting time filed under MCL 552.603(4).
3. Motions to modify custody and/or parenting time brought under MCL 552.517d and MCL 722.27a(12)
4. Motions to change domicile or legal residence brought under MCL 722.31.
5. Motions to modify child support brought by the Friend of the Court under MCL 552.517.
6. Motions regarding post majority support
7. Motions for the administrative adjustment of arrearage payment schedules and objections to income withholding order brought under MCL 552.607 and MCL 552.517e.
8. Motions regarding joint legal custody disputes
9. Objections to Orders of Filiation

### **B. MATTERS TO BE HEARD BY THE JUDGE:**

1. Domestic Relations Pre-Trials, Trials and Settlement Conferences.
2. Hearings to accept Judgments of Divorce or Separate Maintenance (formally known as Pro Con Hearings)
3. Evidentiary Hearings following Friend of the Court Investigations
4. The following Motions:
  - a. Genetic testing or motions under the Revocation of Paternity Act
  - b. Custody motion any time the child is under the jurisdiction of the family division in a neglect/abuse or juvenile delinquency matter
  - c. Change of venue or determination of jurisdiction
  - d. To modify or establish spousal support
  - e. To withdraw as attorney
  - f. Discovery motions including motions to compel discovery
  - g. Property disputes including enforcement of post-judgment property provisions
  - h. To set aside default or set aside an order
  - i. Grandparenting time
  - j. Exclusive use of home or vehicle
  - k. Alternate service requests
  - l. Any other motion not otherwise included in this administrative order

5. Objections to and hearings regarding Ex Parte orders
6. Objections to referee recommendations pursuant to MCR 3.215(F)
7. Objections to orders following a hearing sent on a 7-day notice pursuant to MCR 2.602(B)(3).


C. DISCRETION OF THE JUDGE

1. Nothing in this administrative order shall prevent the Judge from scheduling an emergency hearing before the Judge on any matter for good cause shown.
2. To the extent permitted by law, the Judge may refer a matter listed in Section B to a Referee.

D. INTERIM EFFECT OF ORDERS

1. Except as limited by Court rule (MCR 3.215), Friend of the Court Referees' recommended orders will take interim effect pending the 21 day objection period and request for judicial hearing in the following matters:
  - a. Recommendations and orders establishing or modifying child support
  - b. Recommendations and orders concerning child care contributions
  - c. Recommendations and orders concerning medical support payments
  - d. Recommendations and orders regarding parenting time
2. The Court will not give Interim effect to the following Referee Orders;
  - a. An order for incarceration
  - b. An order for forfeiture of any properties
  - c. An order imposing costs, fines or other sanctions
3. Interim effect for other types of orders not limited by statute may be given if ordered by the Court in a specific case. MCR 3.215(G)(1)
4. Notice will be given that the Referee's recommended order will be an interim order by including that notice under a separate heading in the Referee's recommended order.
5. Referees shall have the authority to recommend that a party be cited for civil contempt of court, fined, and/or incarcerated when the facts and applicable law support the recommendation.
6. The parties may waive their right to object to a Referee's recommendation for an order by consenting in writing or on the record to the immediate entry of the recommended order or by entering into a consent order.

Date: 2-18-21

  
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Hon. Darnell Jackson  
Chief Judge, 10<sup>th</sup> Circuit Court