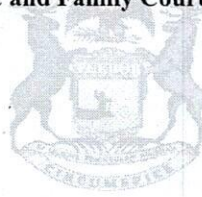


# The 18<sup>th</sup> PROBATE COURT & 49<sup>th</sup> CIRCUIT COURT - FAMILY DIVISION

MECOSTA COUNTY  
Mecosta County Courthouse  
400 Elm Street  
Big Rapids, MI 49307  
Phone: (231) 592-0135  
Fax: (231)-592-0191

Honorable Tyler Thompson  
Probate and Family Court Judge



OSCEOLA COUNTY  
Osceola County Courthouse Annex  
410 West Upton  
Reed City, MI 49677  
Phone: (231) 832-6127  
Fax: (231) 832-6181

## POLICY ON DE NOVO JUDICIAL HEARINGS FOLLOWING OBJECTIONS TO FOC REFEREE RECOMMENDATIONS

This policy is adopted by the Family Division of the 49<sup>th</sup> Circuit Court, pursuant to MCL 552.507 and MCR 3.215, to avoid duplicative litigation and conserve resources of litigants and of the Court:

**1. Request for De Novo Hearing:** Following referee hearings in domestic relations matters, a party wishing to object to any recommendation made by the Referee shall, within 21 days after the recommended interim order is served on the parties, file a written objection with the Clerk, obtain a judicial hearing date and serve copies of the written objection and notice of hearing on the opposing party and Friend of the Court. *In order to schedule a hearing, you must contact the judicial scheduling clerk at 231-592-0135 ext. 2.*

- a. **Service:** The objecting party shall serve copies of the written objection and notice of hearing on the opposing party and on the Friend of the Court.
- b. **Contents:** The Objection shall include a clear and concise statement of specific errors of law or clearly erroneous findings of fact made at the Referee hearing. Matters not specifically objected to will not be considered by the Court. Objection forms will be made available at the FOC office.
- c. **Transcripts:** The objecting party shall contact the office of the Friend of the Court to request preparation of a transcript of the referee hearing. The transcript shall be submitted to the court for review prior to the scheduled *de novo* hearing. Unless waived by the court pursuant to paragraph 4, the costs of transcription shall be paid in full by the objecting party before the transcript is prepared. If payment in full is not received at least 2 weeks prior to the scheduled judicial hearing, the objection will be deemed withdrawn and the hearing will be cancelled.
- d. **Pre-Hearing Conference:** Upon request, the Court may schedule a pre-hearing conference, as necessary to advance the purpose of this policy.

**2. Scope and Form of Review:** The Court will consider the case file, the written objections and Referee hearing transcript to determine the scope and form of its *de novo* review. Depending on the circumstances of each case, the court's review and decision may:

- a. Be based entirely upon the record of the referee hearing (including exhibits and any memoranda, recommendations, or proposed orders by the referee); or
- b. Be based in part on the entire record of the Referee hearing, supplemented by relevant new evidence that was not introduced at the referee hearing (see 3, below), or
- c. Be based entirely upon evidence presented at a "live" judicial hearing.

**3. Supplementing the Record:** Requests to supplement the record shall include an affidavit or sworn statement stating the substance of the proposed new evidence and establishing that it was not available at the time of the referee hearing. On a sufficient showing, a "live" judicial hearing may be held to supplement the record with such new evidence. Alternatively, the Court may remand the matter to the Referee to supplement the record.

**4. Transcription Costs. Indigence:** If the objecting party prevails, the cost of the transcript may be apportioned equally between the parties; if the *de-novo* hearing fails to change the outcome of the Referee hearing, the cost is completely assumed by the party who sought the judicial hearing. On a showing of indigence, the Court may waive the transcription costs incurred or apportioned to any party.

**5. Frivolous Objections:** If the court determines that an objection is frivolous or has been interposed for the purposes of delay, the court may assess reasonable costs and attorney fees. MCR 3.215(F)(3); MCR 2,114(E), (F); MCL 600.2591.

  
Tyler Thompson  
Presiding Judge  
49<sup>th</sup> Circuit Court, Family Division



**INSTRUCTIONS FROM JUDGE THOMPSON**  
**For appearing by Videoconference or Audio Conference using “ZOOM”**

Easy Steps for a “virtual” court room proceeding in Judge Thompson’s Court



**FOR PEOPLE USING ELECTRONIC DEVICES:**

1. Install the **ZOOM** APP
  - For your smartphone or tablet (iPhone, Android): install ZOOM from the Play Store or App Store.
  - For your Computer, laptop, or notebook device with webcam: go to the ZOOM website ([www.zoom.us](http://www.zoom.us)).
2. Create an account using your email address and a password.
3. At the time of your virtual hearing / conference call,
  - For a smartphone or tablet, launch the Zoom app and sign into your account.
  - For a computer, laptop, or notebook, go to the website ([www.zoom.us](http://www.zoom.us)) and sign in to your account.
4. Then “join” the meeting using Meeting ID number **669 095 2625** (i.e. Judge Thompson’s Zoom id / PMR).
5. Follow the prompts! (They will be different for audio-only versus video + audio).

**FOR PEOPLE CALLING IN FROM A LANDLINE PHONE:**

You can call the following number and still be in the “Zoom” conference call / virtual hearing at the time of your hearing. Just call 646-876-9923 or 669-900-6833 then enter Meeting ID # **669 095 2625** followed by the pound sign (#).

\*Due to high demand, it is possible that all ZOOM telephone lines will be busy. If this happens, please call the court immediately. Osceola – 231.832.6127 / Mecosta – 231.592.0135.

**IMPORTANT NOTES:**

- I. The court cannot provide technical assistance or troubleshooting. Download the app well in advance of your hearing.
- II. This is a court proceeding – all court rules apply.
- III. You must be somewhere quiet with a good Wi-Fi or LTE signal.
- IV. Place your mobile device at eye level on a stationary surface.
- V. If your technical issues cause a disruption, your call may be terminated.



STATE OF MICHIGAN  
49TH JUDICIAL CIRCUIT  
OSCEOLA COUNTY

OBJECTION TO  
REFEREE'S RECOMMENDED ORDER

CASE NO. and JUDGE

(A)

Court address

301 W. UPTON AVE., PO BOX 135, REED CITY, MI 49677

Court telephone no.

231-832-6131

(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 \_\_\_\_\_ via Zoom - see instructions attached  
Date and time Location

If you require 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 served a copy of this objection on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 3.203. I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

(G)

Date

Signature of objecting party



# TRANSCRIPT REQUEST

Date: \_\_\_\_\_

Docket Number: \_\_\_\_\_

I, \_\_\_\_\_, request a transcript\* from the  
(Print Name Here)

Referee Hearing that took place on: \_\_\_\_\_  
(Date of Hearing)

\_\_\_\_\_  
Signature

## ***Current Mailing Address:***

Street: \_\_\_\_\_ Apt: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

\*There is a fee for the transcript and you will be contacted by the Friend of the Court with the cost. After the fee is paid, we will process your transcript request. You will not be able to get an objection hearing in front of the Judge without this transcript.

\*\*\*\*\****For office use only***\*\*\*\*\*

Referee estimated time: \_\_\_\_\_

Recorder contacted: \_\_\_\_\_

Letter sent to client: \_\_\_\_\_

Payment received: \_\_\_\_\_

Given to recorder: \_\_\_\_\_

DATE STAMP