

STATE OF MICHIGAN 6 <sup>TH</sup> JUDICIAL CIRCUIT OAKLAND COUNTY	Motions Referred to FOC Referees And Interim Effect to Referee Recommendations	ADMINISTRATIVE ORDER 2008- 06
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### **SCOPE AND APPLICABILITY**

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) authorize by administrative order or by an order on a case for a court to provide that interim effect be given to a referee's recommended order; and,

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

The purpose of this Order is to designate matters heard by Friend of the Court Referees, and to facilitate expeditious case flow for domestic matters.

### **IT IS ORDERED**

Effective immediately, the following kinds of motions and objections are referred to Friend of the Court Referees:

1. Motions and Orders to Show Cause to enforce support, custody, and parenting time brought by the Friend of the Court under MCL 552.511, MCL 552.631, and MCL 552.644.
2. Motions to register, enforce, and modify support orders issued in another state to the extent allowed under MCL 552.1631, and MCL 552.1603, and objections to interstate income withholding made by child support payers under MCL 552.678.
3. Objections to contest the suspension of occupational, driver's, and recreational/sporting licenses filed brought by child support payers under MCL 552.630.
4. Motions for the administrative adjustment of arrearage payment schedules and objections to income withholding orders brought under MCL 552.607, and MCL 552.517e.
5. Motions to modify child support, custody, and parenting time filed under MCL 552.603(4).

6. Motions to modify custody and/or parenting time brought under MCL 552.517d and MCL 722.27a(12).
7. Motions to modify child support brought by the Friend of the Court under MCL 552.517.

**IT IS ORDERED**

1. Except as is limited by Court Rule, Friend of the Court Referees' recommended orders will take effect on an interim basis pending the 21-day objection time period and request for a judicial hearing.
2. Interim effect to Referees' recommendations will be given in the following matters:
  - a) Recommendations and orders establishing temporary child support;
  - b) Recommendations and orders modifying child support;
  - c) Recommendations and orders concerning child care contributions;
  - d) Recommendations and orders concerning medical support payments.
3. Notice will be given that the Referee's recommended order will be an interim order by including that notice under a separate heading following the Referee's recommended order or by an order adopting the Referee's recommended order as an interim order.
4. The Court will not give interim effect to Referees' recommendations for any of the following orders:
  - a) An order for incarceration;
  - b) An order for forfeiture of any properties;
  - c) An order for imposing costs, fines, or other sanctions;
  - d) An order regarding change of child custody;
  - e) An order that changes a child's domicile; and,
  - f) An order that would render subsequent judicial consideration of the matter moot.

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.

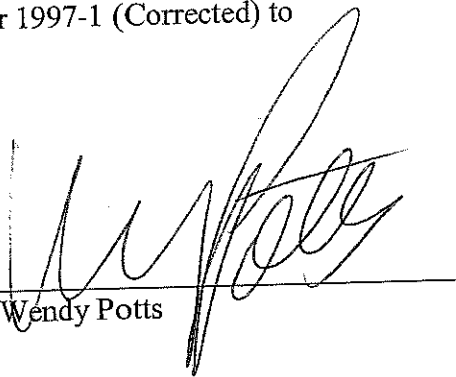
**ADMINISTRATIVE ORDER 1997-1 IS HEREBY VACATED**

This Administrative Order replaces Administrative Order 1997-1 (Corrected) to accommodate subsequent changes in the law.

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

Date: DEC 17 2008

Chief Judge Signature: \_\_\_\_\_

  
Wendy Potts