

Mecosta County Friend of the Court

400 Elm • P.O. Box 508
Big Rapids, MI 49307-0508
231/592-0115 • Fax 231/592-0187

49th Judicial Circuit

POST JUDGMENT TRANSFER OF DOMESTIC RELATIONS CASES

PURSUANT TO MICHIGAN COURT RULE 3.212

Conditions that must be met prior to the filing of the Petition
(Motion/Stipulation for Transferring Case, FOC 24)

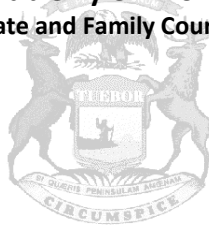
1. The transfer of the action is requested on the basis of the residence and convenience of the parties, or other good cause consistent with the best interests of the minor;
2. Neither party nor the court ordered custodian has resided in the county of jurisdiction for at least six months prior to the filing of the motion;
3. At least one party or the court ordered custodian has resided in the county to which the transfer is requested for at least six months prior to the filing of the motion; and
4. The county to which the transfer is requested is not contiguous to the county of current jurisdiction.

You must complete the motion. To obtain a hearing date before the Referee, you will first need to go to the County Clerk's Office and pay the \$20.00 filing fee. Then with you receipt for the filing fee and five (5) copies of the Motion, go to the Friend of the Court Office to get a hearing date. On the date that you file this Motion, complete the certificate of mailing on all of your copies: file the *Original* with the County Clerk, a *copy* goes to the Friend of the Court, a *copy* is sent to the receiving court, a *copy* is mailed to the other party, and keep a *copy* for yourself.

There is a filing fee that will be owed to the county that the case is transferred to, if the motion is granted. In most counties, this amount is \$150.00 and will have to be paid by the moving party upon entry of the court order to transfer the case.

The 18th PROBATE COURT & 49th CIRCUIT COURT - FAMILY DIVISION

Honorable Tyler Thompson
Probate and Family Court Judge



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

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 49th 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 written objections with the Court, and request a judicial hearing.

a. Service: The objecting party shall serve copies of its written objections on the opposing party and on the Friend of the Court.

b. Contents: Objections shall include a clear and concise statement of specific errors of law or clearly erroneous findings of fact made at the Referee level. Matters not specifically objected to will not be considered by the Court. Objection forms shall 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
49th Circuit Court, Family Division

STATE OF MICHIGAN
49TH JUDICIAL CIRCUIT
MECOSTA COUNTY

MOTION/STIPULATION
FOR TRANSFERRING CASE
(Postjudgment)

CASE NO.

Court address

400 ELM ST, PO BOX 508, BIG RAPIDS, MI 49307

Court telephone no.

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

MOTION STIPULATION

1. I, the plaintiff, the defendant, the court-ordered custodian, request transfer of this case to _____ County.

- a. This transfer is requested on the basis of residence and for the convenience of the parties and is in the best interests of the minor child(ren).
- b. All parties have resided in counties other than the county of current jurisdiction for more than six months.
- c. _____ has resided in the county to which the transfer is requested for at least six months before the filing of this motion.
Name of plaintiff/defendant
- d. The county to which the transfer is requested is not adjacent to the county of current jurisdiction.

We stipulate to the transfer of this case.

2. I, the friend of the court, request transfer of this case to _____ County for the following reasons:

Date

Signature

Name and title (type or print)

Signature

Signature

Name and title (type or print)

Name and title (type or print)

NOTICE OF HEARING

A hearing will be held on the above motion on _____ at _____ at the above court address.
Date Time

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 motion and notice of hearing on the parties or their attorney by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Date

Signature