

Instructions Regarding Objections to *Ex Parte* Orders

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An *ex parte* order is one entered before a full court hearing is held. Generally, this is done if there is some emergency or after the Friend of the Court conducts an initial investigation or review.

If you have received such an order from the Court it will state that you have 21 days to object to the terms of the order. The 21 days begins from the date the order indicates that it was mailed to you.

The attached fillable form Objection can be utilized. Although there is no legal requirement that either party be represented by an attorney at a hearing following the filing of an Objection, given the emotionality of many such proceedings and the legal issues involved, such as, the application of the Rules of Evidence, the Child Support Formula and/or the Child Custody Act, parties are urged to hire an attorney before proceeding with their Objection.

When completing the form, **please type or print neatly**. Items A through F must be completed before your Objection can be filed with the Court. Please read the instructions for each item and then fill in the requested information for that item on the form.

- A. Refer to your court papers or call the Court Clerk to obtain the correct case number. Fill in the correct county and court address.
- B. Refer to your court papers to properly fill in the appropriate names, addresses and phone numbers under Plaintiff and Defendant. You are the moving party; therefore, check the box moving party next to your name.
- C. Fill in your name.
- D. Fill in the date the order was signed and then the date the order states it was mailed to you.
- E. Check the aspect(s) of the order to which you object. **Be specific as to your reasons and indicate exactly what you would like the court to order with regard to these matters.** Use a separate sheet of paper, if needed. **If you fail to give specific reasons for your objection, the Court may deny your request for a hearing.**
- F. Check the form for accuracy. Write in today's date and sign your name.

You are now ready to **file your Objection**.

Take the original to the Family Division Clerk's office in the appropriate county. The Clerk will keep the original Objection.

For Grand Traverse:	For Antrim:	For Leelanau:
Grand Traverse Court Clerk	Antrim County Clerk	Leelanau County Clerk
Family Division	Family Division	Family Division
280 Washington St.	203 E. Cayuga	8527 E Governmental Center Dr Ste 103
Traverse City, MI 49684	Bellaire, MI 49615	Suttons Bay, MI 49682-9718
231-922-4679	231-533-6353	231-256-9824

You must now **serve the other party** with a copy of the Objection by first class mail. Once that is done, you sign and date a copy of the Objection under the section entitled CERTIFICATE OF MAILING. File that signed copy with the Clerk's office as well. If you have already mailed a copy to the other party, you may sign and date the original Objection at the time you file it with the clerk. You must serve the other party at least 9 days before the hearing date.

Most objections to *ex parte* orders are first heard by a Family Division Referee. If you receive an Order of Referral, you must comply with the requirements of that Order at least 7 days prior to your hearing. If you do not hear from the court within 14 days, call the Referee's Scheduling Clerk (231-922-4701) to inquire.

If you receive a response from the other party, make sure you read it before you attend the hearing. **You must attend the hearing.** If you do not, your Objection will be dismissed and costs may be assessed against you. Read your Notice of Hearing carefully. Your first hearing **may** be a **status conference**. At this conference, settlement will be discussed as well as scheduling of the trial. Testimony and other evidence will not be presented at a status conference.

General Information Concerning the Hearing

1. Bring all supporting papers and witnesses who will be testifying to the hearing. If copies of exhibits have not been exchanged with the other party, make sure you bring a copy for the other party and the court of all documents that you seek to have admitted into evidence.
2. Since you are representing yourself, you are expected to conduct yourself as an attorney would. Regardless of whether the hearing is conducted by a Referee or a Judge, it is a formal hearing and the Rules of Evidence apply.
3. Prior to the hearing make a list of the information that is important for the Referee or Judge to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder at the hearing.

4. If you wish to subpoena a person to attend the hearing as a witness or require documents to be brought to the hearing, follow the procedure in Michigan Court Rule 2.506 or consult an attorney.
5. On the date of the hearing, you should arrive at the courthouse 10 to 15 minutes prior to the hearing. The duration of time the court has set aside for the hearing is noted at the bottom of the Notice of Hearing. Enter the courtroom and wait until your case is called.
6. You are the moving party so you will present your testimony and witnesses first. After your case is called you will be expected to state the reasons in support of your request. If you are objecting to child support, you should have pay stubs, W-2 forms and income tax returns that establish the income level of you and of your co-parent. If you are claiming you are disabled and cannot work, you should have testimony or evidence from your doctor. If you call witnesses you will be expected to question those witnesses. The other party has the right to question you and your witnesses as you have the right to question the other side and their witnesses. The Referee or Judge may have questions. You must not interrupt the other party when he/she is speaking. If you disagree with his/her statements, you will have a chance to ask him/her or refute his/her testimony with your own.
7. After the Referee or Judge hears the evidence, he/she will advise you of the decision orally or take the matter under advisement and issue a written decision at a later date. A Referee has 21 days to prepare a written decision.
8. If your hearing was held before a Referee and you do not agree with the Referee's decision, you have 21 days from the date the Referee Recommendation and Order was mailed to you to file a written objection and request a judicial review. If you are representing yourself, you may utilize Objection to Referee Recommendation and Order form available at the Friend of the Court office.