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| STATE OF MICHIGAN<br>COUNTY OF CALHOUN<br>37 <sup>TH</sup> JUDICIAL CIRCUIT | <b>ADMINISTRATIVE ORDER</b><br>Referee Appointment<br>Phillip D. Netz | C37 2015-08 |
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161 East Michigan Avenue, Battle Creek, MI 49014-4066

269-969-6523

**RE: APPOINTMENT OF FAMILY DIVISION ATTORNEY REFEREE**

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2009-6, and is effective March 27, 2015. This order replaces and rescinds LAO C37 2009-04. In accordance with MCL 552.507(1) and MCR 3.215(A), MCL 712A.10 and MCR 3.913, the appointment by the Chief Judge of the 37<sup>th</sup> Judicial Circuit Court and, upon approval of the State Court Administrative Office (SCAO),

**IT IS ORDERED:**

1. That Phillip D. Netz, is appointed as an Attorney Referee in the Family Division of this Circuit Court. The attorney referee's contact information as of the date of this appointment is:

|                |  |
|----------------|--|
| Name           | Phillip D. Netz                                      |
| Bar Number     | P 53790  |
| Court Address  | 161 E. Michigan Ave.<br>Battle Creek, Michigan 49014 |
|                |  |
| Phone Number   | 269-969-6561   |
| E-mail Address | pnetz@calhouncountymi.gov                            |
|                |  |

It is the responsibility of the attorney referee to notify the State Court Administrative Office of changes in the individual's contact information during the course of the appointment.

2. Referee Netz who is a member in good standing of the State Bar of Michigan pursuant to MCL 552.5071, and, has taken the constitutional oath of office, will serve at the pleasure of the Chief Judge of the 37<sup>th</sup> Judicial Circuit Court. Referee Netz shall have the responsibility of handling domestic relations, juvenile delinquency, child protective proceedings and/or hearings, as well as any other ancillary matter arising out of these proceedings which is not prohibited as a matter of law.

3. Unless specifically provided otherwise herein, the following matters are referred, without the need for an order in the specific case, upon filing of the same with the Circuit Court Clerk, to a Referee within the Referee Unit of the Family Division:

Domestic Relations Matters:

(A) Any and all matters initiated by or in response to an action taken by the Office of the Friend of the Court pursuant to the Friend of the Court Act, Support & Parenting Time Enforcement Act, Uniform Interstate Family Support Act, Child Custody Act, Uniform Child - Custody Jurisdiction & Enforcement Act or MCR 3.208.

(B) Any and all matters initiated by the Office of the Prosecutor pursuant to the Family Support Act, Paternity Act, Uniform Interstate Family Support Act, or the Uniform Child - Custody Jurisdiction & Enforcement Act.

(C) Any and all matters involving minor children initiated by a party without the assistance of counsel or as may be prepared by a party on forms made available by the Office of the Friend of the Court pursuant to MCL 552.505(d) seeking a change in a child support, custody, domicile or parenting time order.

In addition the Referee will also hear such other domestic relations matters as follows.

(D) To the extent authorized by law, the assigned judge may refer other post judgment motions or matters for a referee hearing on a case by case basis, except that such motions or matters shall not include spousal support, property division or property settlement enforcement.

(E) To the extent authorized by law, the assigned judge may refer other pre judgment motions or matters for a referee hearing on a case by case basis, except spousal support or property division, provided the matter is otherwise within the scope of services authorized for federal funding pursuant to Title IV-D of the Social Security Act. Notwithstanding the foregoing, the Chief Circuit Judge may authorize, in writing, a specific pre judgment referral upon request of the assigned judge for a pre judgment matter irrespective of whether it is within the scope of Title IV-D services.

(F) Except as may be limited by MCR 3.215(G)(2) and (G)(3), the recommended order of the Referee in a domestic relations matter will be given immediate interim effect by order of the Court which shall enter in the same case.

Juvenile Code Matters:

The Referee is authorized pursuant to MCL 712A.10 and MCR 3.913 to perform the following duties:

(A) Conduct a preliminary inquiry or preside at hearings under the Juvenile Code, MCL 712A.1. et. seq, and make recommended findings and conclusions except for those hearings specified in MCR 3.912(A), which include the following:

1. A jury trial;
2. A waiver proceeding under MCR 3.950;
3. The preliminary examination, trial, and sentencing in a designated case; and,

4. A proceeding on the issuance, modification, or termination of a minor personal protection order.

(B) Delinquency proceedings and minor personal protection actions, other than the proceedings specified above, are referred to an assigned referee with the duration of the assignment to continue unless or until such time as a party has demanded a trial pursuant to MCR 3.911 or judicial proceedings pursuant to MCR 3.912(B).

(C) All arraignments in cases where the Prosecuting Attorney has submitted a petition either designating a case for trial or requesting the Court to designate a case for trial in the same manner as an adult. Cases in which the Prosecutor is requesting the Court to designate the case for trial in the same manner as an adult shall be randomly referred to an attorney referee by the court clerk except that the assigned referee shall not preside over a designation hearing in a case wherein the attorney referee is otherwise the assigned referee.

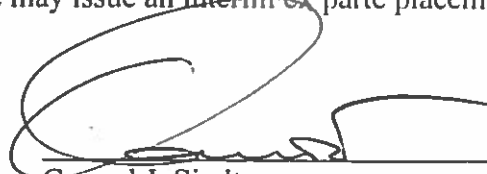
(D) Preside over child protective proceedings except those wherein the termination of parental rights is requested at the initial disposition or where termination of parental rights is requested in an amended or supplemental petition. The duration of the assignment shall continue unless or until such time as a party has demanded a trial pursuant to MCR 3.911 or judicial proceedings pursuant to MCR 3.912A.

(E) In conducting hearings, a referee shall do all of the following:

1. Administer oaths and examine witnesses;
2. If a case requires a hearing and the taking of testimony, make a written signed report to the judge containing a summary of the testimony taken and a recommendation for the court's findings and disposition.
3. Insure that an electronic or stenographic record of all hearings is made.
4. Provide the parties with notice of their right to judicial review of the Referee's recommendation consistent with MCR 3.215(E)(4) in domestic relations matters, and MCR 3.913(C) and 3.991(B) in proceedings under the Juvenile Code.

(F) In addition, an attorney referee may issue an ~~interim~~ ex parte placement order under MCR 3.963(B).

Date: March 18, 2015

  
Conrad J. Sindt,  
Chief Circuit Court Judge