



LAO 2009-06

Berrien County Trial Court

Alfred M. Butzbaugh, Chief Judge ~ Brian E. Ray, Administrator
Courthouse - 811 Port Street, St. Joseph, MI 49085
(269) 983-7111, Ext. 8453; FAX (269) 982-8634
www.berriencounty.org

APPOINTMENT OF JUVENILE AND DOMESTIC RELATIONS ATTORNEY REFEREE

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2009-6, effective January 1, 2010. In accordance with MCL 712A.10, MCL 552.507(1), MCR 3.913 and MCR 3.215(A) and upon approval of the State Court Administrative Office (SCAO),

IT IS ORDERED:

1. The chief judge of the Second Circuit Court appoints Patsy J. Hartzell as attorney referee. The referee's contact information is:

Name	Patsy J. Hartzell
Bar Number	P31551
Court Address	Berrien County Trial Court 811 Port Street Saint Joseph, MI 49085
Phone Number	269-983-7111, ext. 8342
E-mail Address	phartzel@berriencounty.org

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

2. Patsy J. Hartzell:
 - a. Will serve at the pleasure of the chief judge of the circuit court.
 - b. Has taken the constitutional oath of office.
 - c. Is licensed to practice law in Michigan.
3. Referee Patsy J. Hartzell is authorized to perform the following duties pursuant to MCR 3.913 and MCL 712A.10:

a. Conduct a preliminary inquiry or preside at hearings under the Juvenile Code, MCL 712A.1, et. seq., and make recommended findings and conclusion 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;
4. a proceeding on the issuance, modification, or termination of a minor personal protection order.

b. 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.

4. The following types of motions may be heard initially by Domestic Relations Referees. Referee Patsy J. Hartzell is authorized to perform the following duties pursuant to MCL 552.507(1) and MCR 3.215(A):

Hear all domestic relations motions.

Hear all domestic relations motions and any ancillary (related non-domestic relations) motions that the court determines to be related to a domestic relations case.

Hear all domestic relations motions, with the exception of those listed below:

Exceptions:

A. Orders to Show Cause (support and parenting time)

B. Post-judgment spousal support modifications (MCL 552.507)

C. Pro confesso hearings (judgment of divorce entry)

D. Pre-judgment trials

The following types of domestic relations motions shall be initially heard by a circuit court referee:

A. Temporary relief motions (pre-judgment)

B. All post-judgment motions (w/exception of those hearing matters listed above in items A and B)

5. The Domestic Relations Referee is authorized to conduct the following scheduling and settlement conferences in domestic relations cases in accordance with MCR 3.215:

[X] Scheduling conferences in domestic relations cases. The court must review and may either approve or modify the referee's scheduling.

[X] Settlement conferences in domestic relations cases specifically related to those matters that the attorney referee is authorized to handle as described above.

6. Recommendations for certain orders by the Domestic Relations Referee shall be given interim effect pending a judicial hearing on a timely objection or pending the twenty-one (21) day waiting period as authorized by MCR 3.215(g):¹

[X] Orders establishing custody

[X] Orders establishing support

[X] Orders establishing parenting time

[X] Orders modifying support when custody does not change

[X] Orders implementing income withholding

[X] Orders establishing domicile

¹ MCR 3.215 (G)(2) provides that the court may not give interim effect to a referee's recommendation for an order for incarceration, an order for forfeiture of any property, or an order imposing costs, fines or other sanctions.

MCR 3.215 (G)(3) provides that the court may not by administrative order give interim effect to a referee's recommendation for an order that falls within MCR 3.215 (G)(2), that changes a child's custody, that changes a child's domicile, or that would render subsequent judicial consideration of the matter moot.

If the court issues an administrative order that gives interim effect to a referee's recommended order, the court must notify the parties of its interim effect by including a notice, under a separate heading, within the referee's recommended order. The notice should be printed in 12-point-or-larger boldface type.

7. Except as limited by subrules MCR 3.215 (G) (2) and (G) (3), the recommended order of a domestic relations referee shall be given interim effect (pending a judicial hearing) only upon an order of the court issued in the same case.

Effective Date:

Date: 12/4/09

Chief Judge Pro Tem Signature: _____



Thomas E. Nelson