The Circuit Court

For
The Sixteenth Judicial Circuit of Michigan

Circuit Judges
RICHARD L. CARETTI, Chief Judge
JAMES M. BIERNAT, SR., Chief Judge, Pro Tempore
DONALD G. MILLER, Presiding, Civil/Criminal
ANTONIO P. VIVIANO, Presiding, Family
PETER J. MACERONI
MARY A. CHRZANOWSKI
MARK S. SWITALSKI
EDWARD A. SERVITTO, JR.
MATTHEW S. SWITALSKI
DIANE M. DRUZINSKI
TRACEY A. YOKICH
JOHN C. FOSTER
DAVID F. VIVIANO

LYNN M. DAVIDSON
Friend of the Court

DAVID T. ELIAS
Family Court Counsel/Referee

THOMAS F. BLOHM
Enforcement Division Director

LYNDA L. GRILLO
Clerical Services Supervisor

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

Administrative Order 2009 - 7

APPOINTMENT OF 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 552.507(1) and MCR 3.215(A), and upon approval of the State Court Administrative Office (SCAO),

IT IS ORDERED:

1. The Chief Judge of the Sixteenth Judicial Circuit Court appoints Brian O. Nicholas as attorney referee. The referee's contact information is:

Name	Brian O. Nicholas
Bar Number	P55760
Court Address	6th Floor, Court Building
	40 North Main Street
	Mt. Clemens, MI 48043
Phone Number	586-469-5960
E-mail Address	brian.nicholas@macombcountymi.gov

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. Brian O. Nicholas:

   A. Will serve at the pleasure of the chief judge of the circuit court.
   B. Has taken the constitutional oath of office.
   C. Is a member, in good standing, of the State Bar of Michigan, pursuant to MCL 552.5071.

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

[X] 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.

B.

C.

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

A.

B.

C.

4. 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.

5. 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): [a]

[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 for domestic relations motions

6. 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: January 1, 2010

Date: December ___, 2009 Chief Judge Signature: _____

Hon. Richard L. Caretti

[a] 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.