CASS COUNTY COURTS'
DE NOVO REVIEW PROTOCOLS FOR FAMILY CASES
(AMENDED EFFECTIVE 12/1/2025)

1. The Cass County Courts incorporate by reference the Cass County Courts Updated Family Court Plan (FCP) for the 43rd Circuit Court-Family Division signed 7/22/25 and approved by the State Court Administrative Office on 7/29/25.

2. The Cass County Courts take judicial notice of MCL 552.507, attached on page 3.

3. The Cass County Courts takes judicial notice of MCR 3.215(E)(4)-(8), attached on page 4.

4. The Cass County Courts adopt the protocols herein for De Novo Hearings for efficiency and uniformity as well as to provide advance notice of the process utilized by the Courts for conducting de novo reviews.

5. Requests for de novo review must be made within the 21-day timeframes set forth in MCL 552.507 and MCR 3.215(E); otherwise, they will be summarily denied by the Court Administrator.

6. Upon timely and proper filing of a request for de novo review, the Court shall schedule a preliminary de novo hearing to be held within 21-days to:

    a. Have the parties appear and determine if good cause exists to adjourn the de novo hearing:

        i. to allow for time to prepare transcripts, if transcripts are to be utilized, as well as consider apportionment of the costs of transcripts, upon request of a party; or

        ii. for other good cause.

    b. Hold the de novo hearing if there is no good cause to adjourn.

7. If either party wants the Court to consider hearing testimony from other witnesses in addition to the parties, he/she/they shall make such request at the time of the request for de novo review or by no later than at the time of the preliminary de novo hearing setting forth the good cause reasons why such witnesses were not presented at the Attorney Referee hearing(s) and/or why their additional testimony at the de novo hearing is necessary and appropriate. Additionally, the anticipated length of such testimony shall be provided to the Court.

8. Prior to the preliminary de novo hearing, either party or their counsel may order transcripts of the hearing(s) held in front of the Attorney Referee and the person ordering the transcripts shall bear the up-front costs for ordering the transcripts. The Transcript and/or DVD Request Form is available at the Court's website or by email request to courttranscripts@cassco.org.

9. The exhibits received at the Attorney Referee hearing shall be provided to the Court prior to the de novo hearing and parties/counsel shall ensure that the Court has received such exhibits prior to the de novo hearing.

10. At the de novo hearing, unless the Court has ruled otherwise, the Court shall hear testimony from the parties only, along with a consideration by the Court of transcripts, if any, of testimony from the hearing(s) in front of the Attorney Referee.

11. The Court may enter additional Orders regarding the de novo hearing process in particular cases as determined just and appropriate considering the particular facts and circumstances of a particular case.

12. Questions about this protocol can be sent by email to probatecourt@cassco.org.

Issued effective this 1st day of December, 2025.

Carol Montavon Bealor, P57068
Cass County Presiding Family Division Judge/
Chief Judge

Mark A. Herman, P34735
Cass County Circuit Court Judge

MCL 552.507:

(1) The chief judge may designate a referee as provided by the Michigan court rules.
(2) A referee may do all of the following:
    (a) Hear all motions in a domestic relations matter, except motions pertaining to an increase or decrease in spouse support, referred to the referee by the court.
    (b) Administer oaths, compel the attendance of witnesses and the production of documents, and examine witnesses and parties.
    (c) Make a written, signed report to the court containing a summary of testimony given, a statement of findings, and a recommended order; or make a statement of findings on the record and submit a recommended order.
    (d) Hold hearings as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. The referee shall make a record of each hearing held.
    (e) Accept a voluntary acknowledgment of support liability, and review and make a recommendation to the court concerning a stipulated agreement to pay support.
    (f) Recommend a default order establishing, modifying, or enforcing a support obligation in a domestic relations matter.
(3) If ordered by the court, or if stipulated by the parties, a referee shall make a transcript, verified by oath, of each hearing held. The cost of preparing a transcript shall be apportioned equally between the parties, unless otherwise ordered by the court.
(4) The court shall hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the written request of either party or upon motion of the court. The request of a party shall be made within 21 days after the recommendation of the referee is made available to that party.
(5) A hearing is de novo despite the court's imposition of reasonable restrictions and conditions to conserve the resources of the parties and the court if the following conditions are met:
    a. The parties have been given a full opportunity to present and preserve important evidence at the referee hearing.
    b. For findings of fact to which the parties have objected, the parties are afforded a new opportunity to offer the same evidence to the court as was presented to the referee and to supplement that evidence with evidence that could not have been presented to the referee.
(6) Subject to subsection (5), de novo hearings include, but are not limited to, the following:
    (a) A new decision based entirely on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee.
    (b) A new decision based only on evidence presented at the time of the de novo hearing.
    (c) A new decision based in part on the record of a referee hearing supplemented by evidence that was not introduced at a previous hearing.
(7) Pending a de novo hearing, the referee's recommended order may be presented to the court for entry as an interim order as provided by the Michigan court rules. The interim order shall be served on the parties within 3 days and shall be subject to review as provided under this subsection.

MCR 3.215(E)(4)-(8):

(4) A party may obtain a judicial hearing on any matter that has been the subject of a referee hearing and that resulted in a statement of findings and a recommended order by filing a written objection and notice of hearing within 21 days after the referee's recommendation for an order is served on the attorneys for the parties, or the parties if they are not represented by counsel. The objection must include a clear and concise statement of the specific findings or application of law to which an objection is made. Objections regarding the accuracy or completeness of the recommendation must state with specificity the inaccuracy or omission.

(5) The party who requests a judicial hearing must serve the objection and notice of hearing on the opposing party or counsel in the manner provided in MCR 2.119(C).

(6) A circuit court may, by local administrative order, establish additional methods for obtaining a judicial hearing.

(7) The court may hear a party's objection to the referee's recommendation for an order on the same day as the referee hearing, provided that the notice scheduling the referee hearing advises the parties that a same-day judicial hearing will be available and the parties have the option of refusing a same-day hearing if they have not yet decided whether they will object to the referee's recommendation for an order.

The parties may waive their right to object to the referee's recommendation for an order by consenting in writing to the immediate entry of the recommended order.