

STATE OF MICHIGAN

IN THE 17th CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: APPOINTMENT OF DOMESTIC
RELATIONS ATTORNEY REFEREE

Local Administrative Order 2012-03

At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids in said County.
July 16, 2012

Present: HON. DONALD A. JOHNSTON
Chief Circuit Judge

This Order Rescinds LAO 2009-04

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 17th Circuit Court appoints Arthur P. Winther as attorney referee. The referee's contact information is:

Name	Arthur P. Winther
Bar Number	P40201
Court Address	17 th Judicial Circuit Family Division 180 Ottawa Ave NW Ste 4200 Grand Rapids MI 49503
Phone Number	(616) 632-5147
E-mail Address	Arthur.Winther@kentcountymi.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. Arthur P. Winther:
 - 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 Arthur P. Winther is authorized to perform the following duties pursuant to MCL 552.507(1) and MCR 3.215(A):
 - Hear all domestic relations motions, with the exception of any requests for an increase or decrease of spousal support.

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:
 - Scheduling conferences in domestic relations cases. The court must review and may either approve or modify the referee's scheduling.
 - 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
 - Orders establishing custody
 - Orders establishing support
 - Orders establishing parenting time
 - Orders modifying support when custody does not change
 - Orders implementing income withholding

^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.

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.
7. Referee Arthur P. Winther 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.

Effective Date: July 16, 2012

Date: 7/24/12


Hon. Donald A. Johnston
Chief Judge

P-15554

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.