

EVIDENTIARY HEARING

Regarding Support

****IMPORTANT:** Review each **REFEREE NOTICE** (notice to appear) very carefully to determine when, how (**via Zoom or in-person**), and where your hearing will take place. The 13th Circuit Court has four locations where hearings are held: **Hall of Justice** (280 Washington Street, Traverse City), **Historic Courthouse** (328 Washington Street, Traverse City), **Government Center** (8527 E. Governmental Drive, Suttons Bay), and **Historic Courthouse** (205 E. Cayuga, Bellaire). Please note that all hearings scheduled to be heard via Zoom are mandated by the Supreme Court to be livestreamed on YouTube for public viewing. **If you have any questions, please contact Stacy Osborne, Circuit Court Specialist at (231) 922-4702, or sosborne@13thcircuitcourt.org.** If she is not available, you may call the Circuit Court Administrator's Office at (231) 922-4701.

At the evidentiary hearing, you will have a block of time (usually 45-60 minutes total for both sides) to present your position on the issue at hand, question your witnesses and introduce your exhibits. Please read the following to know what to expect at your evidentiary hearing:

Preparing for Your Evidentiary Hearing

When representing yourself at your evidentiary hearing, you should be prepared to make a brief opening statement. The opening statement should tell the Referee what you would like to have happen. Following your opening statement, you must be prepared to question your witnesses in order to provide the Court information relevant to the issues at hand.

You will also have a chance to question any witnesses the other party calls. This is called cross-examination. Please prepare questions for those witnesses if you choose to question them.

Be prepared to introduce and explain your exhibits during your presentation. If your hearing is being heard **in-person**, remember to have your **3 copies** of each exhibit (one for you, one for the other party, and one for the Referee).

If the hearing is being heard *via Zoom*, please email your exhibits to Stacy Osborne at **sosborne@13thcircircuitcourt.org** **at least seven (7) days prior to your hearing**. Please make sure to serve copies on the opposing party, or their counsel if represented.

NOTE: Documents that have been attached to Motions or Objections **are not** already in evidence. You must include them on your Exhibit List and prepare them to be introduced as evidence at the hearing.

Witness List

You must prepare and file a list of names and addresses of any witnesses you may want to call at the evidentiary hearing in support of your position. If you list them, however, you **do not** have to call them as witnesses. The other party is entitled to know in advance of the hearing who you may wish to call as a witness. If you wish to have any persons qualified as expert witnesses, you must identify them as such on your Witness List. Please be advised that expert witnesses have special evidentiary rules and are often expensive.

Subpoenas

Sometimes a witness may require a Subpoena (Order to appear to testify) in order to testify on your behalf. You may have those Subpoenas issued by the Clerk of the Court. You must complete a standard Michigan Subpoena form (MC 11) available at our website: <http://13thcircuitcourt.org/220/Forms>. Fill out the Subpoena including the date, time and location of the scheduled hearing. Present it to the Clerk for issuance, and then make arrangements for service of the Subpoena on the witness. Some witnesses may accept service of the Subpoena while others you may need to hire a process server to have them served. Witnesses who have been subpoenaed are also paid a witness fee and a rate for mileage. The payment of fees and mileage is usually by the requesting party at the time of service. See MCR 2.506(G)(1). The witness fee is currently \$12 per day and \$6 per half-day (MCL 600.2552). Experts may have different reimbursement requests; please consult directly with the expert to determine their requirements.

The Referee will tell you which party will go first to put on their case at the evidentiary hearing. You may want to coordinate scheduling of witnesses so that your witnesses do not have to wait throughout the hearing to testify.

Sequestration of Witnesses

A party may request and/or the Referee may direct that witnesses be sequestered. Sequestration means that witnesses may not be in the courtroom until it is their turn to testify. Once they have testified, they may listen to the rest of the hearing. Sequestration also means that witnesses should not discuss their testimony or questions asked of them with other witnesses who have yet to testify.

Exhibit List

You must also prepare a list identifying and describing any exhibits you may wish to introduce during the evidentiary hearing. Commonly listed exhibits include: paycheck stubs, tax returns, etc. **DO NOT ATTACH COPIES OF THE EXHIBITS TO YOUR LIST. DO NOT FILE THEM WITH THE CLERK OF THE COURT.**

To be prepared for the evidentiary hearing being heard **in-person**, you should have **3 copies** of any exhibits you wish to ask to be entered during the hearing – a set for the other party, a set for yourself and a set to give to the Referee. **Note: The Referee will not be able to make copies of any exhibits for the parties.** In addition, if any of your exhibits are in digital format, please have those transcribed or somehow made into paper format. There are evidentiary rules regarding admission of exhibits. If your hearing is being heard **via Zoom**, please email your exhibits to Stacy Osborne at **sosborne@13thcircuitcourt.org at least seven (7) days prior to your hearing.** Please make sure to serve copies on the opposing party, or their counsel if represented.

Child Support Calculation

You must have a Child Support Calculation prepared, which is available through the Friend of the Court for a small fee, or you may use the Michigan Child Support Calculator (MiCSES) at: <https://micasa.state.mi.us/calculatorapp/public/welcome/load.html>. A questionnaire for a child support calculation is enclosed for your use.

Bring your calculation with you to the hearing or email it to Stacy Osborne at **sosborne@13thcircuitcourt.org.** Forms can be found on our website: **www.13thcircuitcourt.org/220/Forms.** Please also be prepared to provide supporting documents for income.

Filing Your Witness List, Exhibit List and Child Support Computation

Seven (7) days before your evidentiary hearing, you must file your Witness List, Exhibit List and Child Support Calculation with the Clerk of the Court. When you file your documents, you must also file a *Proof of Service* indicating the title of the documents sent; the date you sent them; and to which address you mailed them. (A *Proof of Service* form can be found on our website: www.13thcircuitcourt.org/220/Forms.) Filing the *Proof of Service* with the Court advises the Court the documentation has been shared with the other party.

If the moving party fails to file the documents by the deadline, the Court may dismiss the Motion or Objection. If either party fails to file the documents by the deadline, they may be advised that they may not call any witnesses to testify or introduce their exhibits at the hearing. In addition, the Court reserves the right to issue any additional sanctions it deems appropriate.