

## **RULE 118. FINAL ORDERS OF FAMILY LAW MAGISTRATES; JUDICIAL REVIEW**

**(a) Objection and Review.** Any party who wishes to appeal a Family Law Magistrate's final judgment or order shall file an objection in the District Court within 21 days after the entry of the magistrate's final judgment or order. If no objection is filed, the parties are deemed to have waived their right to object and to appeal, and the magistrate's final judgment or order shall become the judgment of the court and have the same effect as any final judgment signed by a District Court judge.

(1) The objection must specifically state the grounds alleged for rejecting or modifying the judgment or order. If a party fails to comply with these requirements, the objection may be dismissed with prejudice. An objection shall not be dismissed solely because it is erroneously captioned as a "motion," "appeal," "notice of appeal" or some other form of pleading.

(2) When an objection is filed, a judge shall review the record established before the magistrate with or without a hearing and may adopt, modify or reject the order, set the matter for further hearing before a judge or magistrate or recommit the matter to the magistrate with instructions.

(3) A magistrate's final order addressing parental rights and responsibilities, residency, and support of minor children or the separate support or personal liberty of a person is effective when signed and remains in effect until modified or rejected by a judge.

(4) Every written final order of a magistrate shall state the parties' right to object to the magistrate's final order and the consequences if the parties fail to object.

**(b) Appeals.** An appeal from a judgment entered after objection to a final judgment or order of a magistrate shall be taken in accordance with the Maine Rules of Appellate Procedure. No appeal may be taken from a final judgment or order of a magistrate as to which no timely objection was filed pursuant to subdivision (a).

**(c) Waiver of Rights.** The parties may waive their right to object and request immediate confirmation of a magistrate's final order. They may also waive their rights to appeal.

### **Advisory Note - July 2016**

The change to Rule 118(a) was made to improve the readability of the rule.

### **Advisory Notes June 2008**

Rule 118 incorporates, with only technical amendments, FAM DIV.III.G.2-4 addressing final judgments and orders that may be issued by magistrates and provisions for judicial review and appeal of those final judgments and orders.