



**CASS COUNTY FRIEND OF THE COURT**

**SERVING AND EMPOWERING FAMILIES TO MAKE CHILDREN'S LIVES BETTER.**

**CASS COUNTY FOC NEWS SUMMER 2021**

**New Team Members**

**We are OPEN!**



Please help us welcome **Nicholas Klinger** who joined our team as the FOC Casework Clerk to fill the position left open by

Barbara Daniels who now works as a juvenile probation officer.

The Law & Courts Building is open from 8:00 am to 5:00 pm, Monday through Friday. You can reach FOC staff via phone, email, or in-person and you can find announcements and contact information on our Courts' website located at:

<https://casscourtsmi.org/>



Please help us welcome **Virginia Martynowicz** who joined our team as the FOC IV-D Caseworker/Juvenile

Caseworker to fill the position left open by Dawn Mallo who now works in the Clerk/Register's office.



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**CASS COUNTY FRIEND OF THE COURT**

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**“Re-imagined” Cass County FOC  
Parenting Time Guideline”**

Please familiarize yourself with the “Re-imagined”

[Cass County FOC Parenting Time Guideline](#), effective May 3, 2021.

**Cass County Friend of the Court  
Parenting Time Guideline**  
Effective May 3, 2021

**PARENTS SHOULD BE DECISION MAKERS FOR THEIR CHILDREN**

Parents are the best people to make decisions about parenting time details. Even if the parents’ relationship has ended, they will always be “Dad” and “Mom” to their children.

**THERE IS NO ONE-SIZE FITS ALL APPROACH FOR PARENTS SHARING TIME WITH THEIR CHILDREN**

**WORKING TOGETHER MAY BE UNCOMFORTABLE AT FIRST—IT CAN BE DONE**

- Work with the other parent to develop your own unique parenting time plan that meets your family’s unique needs.
- Courts handle many cases—parents know more about their own family and can be more creative.
- While children need a “voice,” as they grow older, parents must be parents—children need time with BOTH parents.
- Be flexible and adapt your parenting time schedule as things change—children grow up and what once worked, doesn’t work forever.

There are times when parents may not be able to work together:

- Domestic violence, criminal misconduct, or serious mental health issues
- When one parent is completely absent from the children’s lives

**RESOURCES FOR PARENTS**

<p><b>Virtual FOC Orientation/SMILE Program</b></p> <ul style="list-style-type: none"> <li>• The FOC sends a link to parties with new cases to complete this program</li> <li>• If you have an older case and would like the link, email <a href="mailto:foc@cassco.org">foc@cassco.org</a>.</li> </ul> <p><b>SCAO Michigan Parenting Time Guideline</b></p> <ul style="list-style-type: none"> <li>• Link: <a href="#">MI Parenting Time Guideline</a></li> </ul>	<p><b>Michigan Legal Help</b></p> <p>Legal resource for people without attorneys</p> <ul style="list-style-type: none"> <li>• Website: <a href="https://michiganlegalhelp.org/">https://michiganlegalhelp.org/</a></li> <li>• Link: <a href="#">I-Need-a-Custody-Order Resource</a></li> <li>• Link: <a href="#">Do-It-Yourself Custody Case (unmarried)</a></li> <li>• Link: <a href="#">Divorce-with-Children Toolkit</a></li> <li>• Link: <a href="#">Motion to Change Parenting Time</a></li> </ul>
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**THIS PARENTING TIME GUIDELINE IS A LIVING DOCUMENT**

This document is a “living” document and will be updated over time. There are prior “Parenting Time Guidelines.” If parents can’t agree about the “Parenting Time Guideline”:

- Parents should read their Order and decide which “Parenting Time Guideline” they want to use.
- If the FOC gets involved, the FOC will direct parties to use the “Parenting Time Guideline” currently in effect. If parties disagree, parties are always free to go to Court to ask for help.



## CASS COUNTY FRIEND OF THE COURT

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### **Creating a Parenting Time Plan**



By Melissa Sytsma, J.D., Circuit Court Attorney Referee

Time spent with children is some of the most meaningful time in a parent's day. When parents separate, or never lived together with their children, it is important to develop a parenting time plan so that a plan is in place for children to spend quality time with each parent.

There are many ways parents can work together to develop a parenting time plan. Parents can informally communicate in person, over videoconference, or through electronic means to create a parenting time plan themselves. Parents can work with a mediator (a neutral third party) who can help facilitate an agreed upon parenting time plan.

There may be times when parents may not be able to safely work together such as when there has been domestic violence, other abuse, or criminal behavior between the parents, or between a parent and child. Attorneys can be very helpful where the parties cannot safely interact with each other.

Parents, with or without attorneys, can file a motion with the Court and at a Court hearing, the Court decides what parenting time plan is in the children's best interest. If there is already a court order, parents can contact the Friend of the Court to request a joint resolution conference or a referral to mediation to assist with creating a parenting time plan.

There is no "one size fits all" schedule when it comes to developing a parenting time plan. A parenting time plan can, and should be, as unique as the family that creates it. It is important to consider the family's needs, the parents' work schedules and commitments, and the children's ages, schedules, and activities. Parents should consider what the children's typical weekdays and weekends will look like, both during the school year, during summer, and during school breaks and holidays. Plans for exchange times, transportation and childcare may need to be discussed. The FOC's Parenting Time Guideline is a good resource for parents to use to create their own parenting time plan.

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## **CASS COUNTY FRIEND OF THE COURT**

**SERVING AND EMPOWERING FAMILIES TO MAKE CHILDREN'S LIVES BETTER.**

### **Creating a Parenting Time Plan**

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As an Attorney Referee, I have seen a variety of parenting time plans developed by families. Parenting time plans that involve the children spending equal time with each parent can be done on a week on/week off basis, with exchanges done every 7 days. Some families add a short mid-week visit for the parent who doesn't have parenting time.

Some families with an equal parenting time schedule may do better with a plan with more frequent child exchanges, such as a 2-2-3 or a 2-2-5-5 rotating schedule. A 2-2-3 schedule involves more frequent weekday exchanges, with the 3-overnight period occurring over the weekend. Under a 2-2-5-5 schedule, each parent has the same two-day period each week, and one parent has a long weekend each week.

In some parenting time plans, children spend more time with one parent than the other. One plan, which many call "reasonable parenting time" has the children living primarily with one parent and spending time with the other parent every other weekend and one evening per week. This schedule is modified by some families by extending the alternate-weekend schedule to make it into a 3- or 4-day weekend. Other families add overnights to the parenting time schedule by turning the mid-week visit into an overnight visit.

Parents have many possibilities for creating a workable parenting time plan. Keep an open mind when working with your co-parent. Be willing to compromise in order to develop a plan that works for the children and both parents. Once the plan is in place, be flexible and communicate with each other. Expect that the plan will change as the children grow and have different needs, schedules, and activities. The best plan is one where adjustments can be made without going to Court. You, as parents, know yourselves, your children, and your situation better than any Judge or Referee will. Working together to create seamless transitions between households benefits children throughout childhood and beyond.



## CASS COUNTY FRIEND OF THE COURT

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### **DNR License Suspension** **One of Many Tools for Support Enforcement**



By April McKee, Enforcement Caseworker

There is no way around it; the pandemic has put our way of living as we knew it in an upheaval. It has brought many changes to what was previously considered “normal” including changes to how child support orders are enforced. Bearing in mind the impact the pandemic has had on both the payer and payee as well as on our ability to safely pursue in-person support enforcement measures, the Friend of the Court has continued enforcing payment of child support by increasing its use of some different enforcement tools.

In the past, many child support orders were enforced through in-person show cause hearings in front of a Referee. With the public having limited access to the Law and Courts Building because of COVID, we have not been able to hold in-person show cause hearings. However, a show cause hearing is only one of many enforcement tools available to the FOC to ensure a party is regularly paying child support. Several other enforcement tools available include calling payers directly to obtain a payment, intercepting tax refunds; intercepting bank accounts; wage withholdings; placing holds on passports; and suspending professional licenses, drivers’ licenses, and recreational licenses.

Over the course of the COVID pandemic, we have increased our calls to payers to work with them directly to obtain voluntary payments. We also started looking into other tools available to us that we could increase using and one tool stood out - suspending DNR licenses. The process of DNR license suspension is not new. However, technology advancements have allowed for better communications between the DNR and point-of-sale locations and made the process for suspension of recreational hunting and fishing licenses simpler. These improvements compelled us to move forward with pursuing DNR license suspensions.

Before suspending a payer’s DNR license, the payer must owe child support arrears of more than two months of the monthly support obligation. If a payer meets the arrears requirement, we attempt to contact the payer by either phone or letter.

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## CASS COUNTY FRIEND OF THE COURT

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### **DNR License Suspension** **One of Many Tools for Support Enforcement**

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When we reach a payer, we discuss their current situation and see what agreement we can reach to prevent the suspension from moving forward. If no contact is made, we move forward with the suspension. Once the suspension has taken place, the payer can still contact us, and we will discuss on a resolution that will hopefully work for all parties involved.

In order to receive their license back, the payer needs to contact their local Friend of the Court and let them know what their current situation is. The caseworker will work with the payer on an obtainable agreement to bring the payer into compliance with their support order so the license suspension can be lifted by the Court.

It's important to keep in contact with the Friend of the Court if you receive a notice that your DNR license could be suspended as there are penalties outside of the FOC that can be imposed for hunting or fishing without a license such as up to 90 days in jail and/or fines up to \$500 plus additional fines depending on the type of game that is acquired without a license. All these additional fines and possible jail time could feasibly be avoided simply by contacting your FOC.

To many living in the state of Michigan, hunting, fishing, and the outdoor is a way of life and given the rural area that our county covers, the same is true. So much that the DNR typically sells over one million fishing licenses and half a million hunting licenses every year. Additionally, in 2020 the DNR sold over 200,000 off road vehicle licenses and over 150,000 trail use permits.

Will suspending DNR recreational licenses make a difference in terms of the FOC receiving regular support payments for families and children? It appears so since our office has collected over \$4,500 since starting to suspend DNR recreational licenses in November of 2020.



## CASS COUNTY FRIEND OF THE COURT

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### Decreasing Transition Blues



By Sarah Mathews, JD, Deputy Friend of the Court

If you have been to court to obtain a parenting time order, you have probably had a Judge, Referee, or your own attorney tell you that both parties are expected to abide by the terms of the order. Then what do you do when it is Friday at 6 p.m. and your toddler is supposed to go to the other parent's house for parenting time but he or she is crying and doesn't want to go? Or what do you do when it is spring break, and your teenager is refusing to go spend the week at the other parent's house because they want to hang out with friends?

These are both tough situations that parents who are trying to co-parent while living in separate households may face at some point. Younger children may fuss during parenting time exchanges. Some fussing is normal and has even been nicknamed "the transition blues." All children experience stress at times and may express this by fussing – even if their parents are still living together and get along. Don't immediately jump to the conclusion that there is an issue with the other parent if your child fusses at a parenting time exchange.

Try to consider the parenting time exchange experience from your child's perspective and what may be stressful for them. If you have a specific bedtime routine you always follow or favorite breakfast you always have that the child may be afraid of missing out on, let the other parent know about it so they can do the same thing. Let your child know that both parents know what his or her bedtime routine is or what his or her favorite breakfast is.

Talk to the other parent if possible and work together to create a consistent parenting time exchange routine that helps ease your child's stress. Try to make transition time from one parent to the other as swift and smooth as possible (no long good-byes.) Children can pick up on your mood and may feel they shouldn't be excited about parenting time with the other parent if you aren't excited about it so try to stay positive and upbeat during the exchange.

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### **Decreasing Transition Blues**

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As children grow older parenting time exchanges can still have moments of stress. Teenagers may not want to leave one parent's house because they want to do things with their friends or may not like the rules at the other parent's house. Unlike a toddler who may fuss at a parenting exchange, a teenager may be more vocal about their disagreement with a parenting time schedule and may even refuse to go. While it may be tempting to let your teenager decide what their parenting time schedule will be, both parents are still required to abide by the current court order.

If possible, work with the other parent to find a parenting time schedule that still allows for both parents to have meaningful parenting time but also considers the new activities that your teenager may be involved in or interests they may have. Talk to the other parent to see if you can establish consistent parenting time rules to ease any issues that may be created by one parent having what your teenager considers more lenient rules than the other parent.

By working together to figure out what is causing a child stress during parenting time exchanges, parents can often resolve the issue and make parenting time an enjoyable experience for their child. No matter your child's age, if your child continues have issues during parenting time exchanges for more than three months, or experiences stress for more than a day after they have been with the other parent, consider seeking a professional evaluation and parenting advice.

If you can't work with the other parent to establish a parenting time schedule and exchange routine that works for your child, you can always file a motion to bring the matter before the court to have the court determine a schedule and exchange routine that is in the best interest of your child.



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### **Baxter the Therapy Dog**

Stay up to date with Baxter the Therapy Dog on his [Facebook page](#)





## CASS COUNTY FRIEND OF THE COURT

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### Talking to Our Co-Parent: We can all do better!



By Carol Montavon Bealor, JD, Director, Cass County FOC

Talking together when you are not a couple can be hard. We know it is frustrating to be told, "Talk to Each Other," when talking does not seem to work. We have all been there. What starts as a simple conversation with our co-parent can sometimes escalate into an argument.

The good news is that we all can do better. There are several communication techniques that you may want to try the next time you and your co-parent talk. Give them a try, make them your own, and see what happens.

**MAKE A PLAN.** It is important to spend some time thinking about why we need to talk and what we hope the outcome will be as a result of talking. We do not want to let our emotions hijack our ability to productively communicate with our co-parent. So, before talking to our co-parent, we need to get our emotions in check.

**FIND THE RIGHT TIME TO TALK.** We need to pick a good time to talk. We should not try to have a conversation when we are in a hurry, we are actively dealing with other matters, or we are in high stress situations.

**SET OUR EXPECTATIONS.** Be realistic. Think about whether we are talking to exchange information or to reach agreement about some action we or the other parent will take. We should think about how we would respond if the other parent were making the same request. Think about how we will react if the other parent does not agree with us. Will it be the end of the world? Can we agree to disagree? Is there a possible compromise?

**LISTEN MORE THAN TALKING.** We need to be curious about what the other parent is saying and how they are experiencing things. Listen to better understand. Do not assume. Do not build our understanding of what is being said based on our last disagreement. Do not latch on to words and begin developing our response without hearing out the other parent.

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## CASS COUNTY FRIEND OF THE COURT

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### **Talking to Our Co-Parent: We can all do better!**

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We do not want to jump to the wrong conclusion. We can show understanding by making empathetic statements like, “that sounds ‘X’” or “I had no idea you were feeling that way,” or “I am glad you shared your thoughts about this.”

**BE PREPARED TO APOLOGIZE IF THE CONVERSATION GETS HEATED.** Good communication requires honesty. We have to be honest about when we mess up. If we get too emotional during a conversation or take things more personally than we should, we can and should admit our mistakes. We all make mistakes when we talk to other people. By admitting our mistakes, it can create trust and make future communication easier.

**ALLOW FOR THE POSSIBILITY THAT THE OTHER PERSON MAY BE RIGHT.** We may not agree with our co-parent. We can be open minded about there being more than one opinion and show this by saying, “You may be right.”

**KEEP TALKING.** Some co-parents give up before they have given themselves the opportunity to have productive conversations. Communication is a skill. It takes practice. Let’s give ourselves and the other parent the benefit of the doubt. Consider the possibility that we may have to talk to one another many times before we get good at it.

**REMEMBER THAT OUR CHILDREN ARE WATCHING.** Our children watch everything we do. Do we want our children talking to other people the way we talk to our co-parent? We have the power to change what we do and how we do it. We can do better. So even if our communication with our co-parent has never been good, we can try again. By continuing to try, we set an example for our children that good communication is worth the effort.

Sometimes it is helpful to get communication ideas. A great resource was developed by the Arizona Chapter of the Association of Family and Conciliation Courts called the “Co-Parenting Communication Guide.” You can check out this resource on our website at: <https://casscourtsmi.org/wp-content/uploads/2021/04/AzAFCC-Coparenting-Communication-Guide.pdf>



## CASS COUNTY FRIEND OF THE COURT

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### Case Law Updates

**Steele v. Steele**, Mich App (1/2021) unpublished **CUSTODY (PC OR COC), SUSPENSION OF PT, ECE, BI**

Finding no errors warranting reversal, the court affirmed the trial court's opinion and order granting sole legal and physical custody of the child to father.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/011421/74674.pdf>

**Egan v. Egan**, Mich App (1/2021) unpublished **SCHOOL DISTRICT & ECE, BI, PT FACTORS**

The court held that because the ECE was not altered by the change of school districts, the referee properly applied the preponderance-of-the-evidence standard when reviewing the best-interest and parenting-time factors. Further, the decision to weigh best-interest factors (d), (i), (j), and (l) in favor of mother was not against the great weight of the evidence. And, although the referee made a legal error by weighing best-interest factor (e) in her favor, it was harmless, so reversal was not warranted. Finally, because the referee properly found that parenting-time factor (e) weighed slightly in her favor, reversal was not warranted on that basis. Thus, the court affirmed the trial court's order granting mother's motion to change the children's school district.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/011421/74686.pdf>

**Stawski v. Stawski**, Mich App (1/2021) unpublished **CUSTODY & INTERIM EFFECT OF REFEREE RECOMMENDATION**

The court rejected the argument that a trial court is prohibited by MCR 3.215(G)(3) "from giving interim effect to a referee's recommended order that changes an established custodial arrangement pending a judicial hearing on an objection to the recommendation." It further concluded that it was unnecessary to address whether the trial court had authority to order father to order, pay for, and file the referee hearing transcripts as a prerequisite for a judicial hearing on his objection to the recommended order, because he could not unilaterally decide that it did not and ignore the order.

Full text opinion: [http://www.michbar.org/file/opinions/us\\_appeals/2021/012121/74734.pdf](http://www.michbar.org/file/opinions/us_appeals/2021/012121/74734.pdf)

**Lowell v. Jackson**, Mich App (1/2021) unpublished **CHILD SUPPORT, EQUITABLE ABATEMENT**

The court affirmed the trial court's retroactive child support modification as to the second credit to which mother admitted at the referee hearing, and reversed and remanded as to the trial court's equitable abatement of the rest of father's arrearage.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/011421/74674.pdf>

**Faulkner v. Cruz**, Mich App (1/2021) unpublished **CUSTODY (PC OR COC), L-GAL, WITNESS TESTIMONY BY PHONE**

The court rejected mother's challenge to the trial court's nonexistent prohibition on all discovery, as well as her claim that it abused its discretion by prohibiting her from presenting witness testimony by phone. Further, the trial court did not abuse its discretion by denying her request to appoint the children a L-GAL, and there was proper cause or a COC permitting it to revisit custody. Finally, given the circumstances and the evidence presented, the trial court did not abuse its discretion by finding clear and convincing evidence to award father sole legal and physical custody.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/012821/74796.pdf>



## CASS COUNTY FRIEND OF THE COURT

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### **Case Law Updates**

**Gleason v. Gleason**, Mich App (2/2021) unpublished **DOMICILE CHANGE, ECE, BI, DUE PROCESS**

The court held that the trial court did not apply an incorrect standard or abuse its discretion in granting mother's motion to change the child's domicile. Further, while its findings as to best interest factor (h) were against the great weight of the evidence, its findings as to factors (d)-(f) and (j) were not and thus, it did not abuse its discretion in ruling that it was in child's best interests to grant the motion. Finally, the court rejected father's claim that his due process rights were violated and that the trial court erred in not separately considering the best interest factors as they related to his motion to change custody.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/020421/74821.pdf>

**Krieg v. Krieg**, Mich App (2/2021) unpublished **PARENTING TIME MODIFICATION (PC AND COC), ECE**

The court held that the trial court did not err by adopting the referee's recommendation to substantially increase plaintiff-father's parenting time distinguishing a modification of parenting time from a modification of custody indicating that different standards apply to requests for modification of parenting time.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/021121/74849.pdf>

**Moore v. Duke**, Mich App (2/2021) unpublished **PARENTING TIME; TERMINATION OF PARENTAL RIGHTS**

The court held that the trial court did not commit a clear legal error in concluding that MCL 712A.19b(3)(a)(ii) had no legal bearing in this case. Also, as to MCL 722.27a(3), it was "not convinced that the trial court erred in its findings of fact or application of the applicable law for its decision." Finally, the "trial court's findings were not against the great weight of the evidence, and it did not palpably abuse its discretion by granting parenting time to" father. Affirmed.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/021121/74884.pdf>

**Amidon v. Clark**, Mich App (3/2021) unpublished **UCCJEA, HOME STATE, ECE, BI**

The court held that the trial court did not err in determining that it had jurisdiction under MCL 722.1201(1)(b). Further, its findings that the parties' children had an ECE with plaintiff-father and that none of the best-interest factors favored defendant-mother were supported by the evidence. Thus, it did not abuse its discretion in awarding plaintiff primary physical custody of the children. As a result, the court affirmed the final uniform child support order from which defendant appealed.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/031121/75059.pdf>

**Heusser v. Heusser**, Mich App (3/2021) unpublished **CUSTODY, ECE, BI**

The court held that the trial court did not err by granting the parties joint legal and physical custody.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/031121/75062.pdf>



## CASS COUNTY FRIEND OF THE COURT

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### Case Law Updates

**Lindsay v. Brassfield** Mich App (3/2021) unpublished    **DOMICILE CHANGE, CUSTODY, BI, FRIVOLOUS CLAIM**

The court held that the trial court did not err by denying plaintiff-mother's motion for a change of domicile for the parties' child, or by denying defendant-father's separate motion for a change of custody.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/031121/75066.pdf>

**Shook v. Mikulenas** Mich App (3/2021) unpublished    **GRANDPARENTING TIME**

The court held that the trial court misstated the standard that applied to a request for grandparenting time and failed to make a best-interests determination, the court vacated the trial court's order awarding intervening paternal grandmother grandparenting time with mother's two children and remanded.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/031821/75130.pdf>

**In re SM** Mich App (3/2021) unpublished    **STEP-PARENT ADOPTION**

The court held that the trial court erred by dismissing petitioners' (mother and stepfather) petition for the stepfather to adopt the mother's three children where the couple filed the adoption petitions shortly after they were married and a juvenile court officer recommended denial of the petitions based on the "accelerated pace" of the relationship, the fact that the stepfather's ex-wife and biological son had an active PPO against him, and that the children were already in the full care and custody of the mother without holding a hearing, finding adoption was not in the children's best interests.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/031821/75131.pdf>

**Merecki v. Merecki** Mich App (4/2021) \*published    **CHANGE OF LEGAL & PHYSICAL CUSTODY (PC AND COC)**

The court held that the trial court clearly erred in treating legal and physical custody differently for purposes of the Vodvarka standard, and by failing to make factual findings as to whether proper cause or a change of circumstances (COC) had occurred.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/040121/75184.pdf>

**LeFever v. Matthews** Mich App (4/2021) \*published    **CUSTODY, SURROGACY, DEFINITION OF "PARENT"**

Holding that the trial court improperly interpreted the term "parent" as defined by the CCA as requiring a genetic connection, and misapplied the SPA, the court vacated the trial court's custody order and remanded.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/040121/75185.pdf>



## CASS COUNTY FRIEND OF THE COURT

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### Case Law Updates

**Soltes v. LaRoche** Mich App (4/2021) unpublished **GRANDPARENTING TIME, PARENTAL FITNESS**  
The court affirmed the trial court's order awarding intervening petitioners (the deceased father's parents) grandparenting time with mother's child.  
Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/041521/75250.pdf>

**Brown v. Smith** Mich App (4/2021) unpublished **CUSTODY CHANGE, PC OR COC**  
Concluding that the trial court failed to make any findings of fact as to whether father showed a proper cause or change of circumstances that warranted revisiting the existing custody order, the court remanded for it to do so.  
Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/041521/75257.pdf>

**Bolo v. McMichael** Mich App (4/2021) unpublished **CUSTODY, PC OR COC**  
The court held that the trial court did not err by denying father's motion for sole legal custody of the parties' children regarding disputes over medical treatment.  
Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/041521/75258.pdf>

**Davis v. Turner** Mich App (4/2021) unpublished **CUSTODY CHANGE, PC OR COC \* DOMICILE CHANGE**  
The court held that the trial court erred by failing to adhere to the Vodvarka framework before issuing an order that changed custody, and by failing to follow MCL 722.31(4) before issuing its order to change the child's domicile.  
Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/041521/75259.pdf>

**Pitt v. Paschke** Mich App (4/2021) unpublished **CUSTODY CHANGE STANDARDS VS. PT CHANGE STANDARDS**  
The court vacated the trial court's order denying father's motion to modify parenting time and remanded where trial court did not explicitly refer to the Vodvarka or the Shade standard but remarked "And you are asking for a change of custody. You're asking for shared custody."  
Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/042221/75320.pdf>

**Soddy v. Soddy** Mich App (4/2021) unpublished **PHYSICAL CUSTODY, BI FACTORS**  
Holding that because the referee did not err, the trial court did not err by adopting the referee's findings and recommendation and granting mother primary physical custody of the parties' children, the court affirmed.  
Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/042921/75387.pdf>



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### Case Law Updates

**In re Prepodnik** Mich App (5/2021) \*published **JUVENILE GUARDIANSHIP & PARENTING TIME**

The court reversed the trial court's order denying the guardian's challenge to the trial court's authority to grant visitation with the child's paternal relatives in a case involving paternal aunt seeking parenting time for paternal family members.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/051321/75422.pdf>

**Kapsokavithis v. Kapsokavithis** Mich App (5/2021) unpublished **CUSTODY CHANGE, PC OR COC**

The court held that the trial court did not err by denying father's motion to change custody of the parties' children where he alleged mother violated the trial court's orders and disregarded the parties' agreement as to pandemic safety measures.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/051321/75463.PDF>

**Roe v. Gray** Mich App (5/2021) unpublished **ROPA MOTION IN DIVORCE ACTION**

Holding that the trial court erred by denying father's motions to revoke his paternity of two of the parties' children, the court reversed, vacated the portions of the judgment of divorce concerning custody of the children, vacated the Uniform Child Support Order, and remanded.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/051321/75466.PDF>

**Blain v. Ehlert** Mich App (5/2021) unpublished **ROPA, REVOCATION OF AOP**

The court vacated the trial court's order revoking father's AOP of the child, W, and order of filiation finding another man as the father, and remanded, concluding that the trial court erred by failing to consider the best-interest factors in MCL 722.1443(4) in deciding whether to revoke father's AOP.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/051321/75467.PDF>

**Martin v. Martin** Mich App (5/2021) unpublished **ATTORNEY FEES FOR VIOLATION OF PT ORDER**

The court held that the trial court did not err by ordering mother to pay father attorney fees as a sanction for her violations of the parties' parenting-time order.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/052021/75506.pdf>



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### Case Law Updates

**Brickey v. Brickey** Mich App (5/2021) unpublished **CUSTODY, ECE, BURDEN OF PROOF, BI FACTORS**

The court held that to the extent the trial court erred as to the ECE, the error was harmless because clear and convincing evidence supported its best-interest determination and ultimate custody decision. Further, plaintiff-father did not establish clear error on the burden of proof issue. Finally, the court concluded that none of the trial court's findings on the best interest factors were against the great weight of the evidence. Thus, the court affirmed the trial court's order granting defendant-mother sole legal custody of the child, J, and granting the parties joint physical custody.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/052021/75543.pdf>

**Lorenz v. Lorenz** Mich App (5/2021) unpublished **CUSTODY, UCCJEA, HOME STATE**

The court held that the Michigan trial court could not have exercised jurisdiction under MCL 722.1201(1)(b) and affirmed dismissal of the action on the basis that the court lacked jurisdiction under the UCCJEA where father alleged that Michigan was the "home state" despite the parties and their children moving from Michigan to Germany in 2014, where they remained until 7/21/20, at which time he and the children returned to Michigan, with mother's consent, but mother remained in Germany.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/052021/75547.pdf>

**Martinez v. Carley** Mich App (5/2021) unpublished **CUSTODY CHANGE, PC OR COC**

The court held that the trial court erred by dismissing father's motion for joint legal custody of the parties' child. On appeal, the court agreed with father that the trial court erred by denying his motion to modify the order granting mother legal custody because it incorrectly limited its consideration to whether there had been a change in circumstances since its denial of his earlier motion to modify legal custody since father was permitted to rely on events that occurred any time after the initial custody order.

Full text opinion: <http://www.michbar.org/file/opinions/appeals/2021/052821/75604.pdf>



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