

QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

Abe and Betsy were married in 2004, and lived in Ypsilanti, Michigan. At the time, Betsy was studying education at Eastern Michigan University. Abe worked as a bartender at a local restaurant. In 2006, Abe and Betsy had a son, Sam. Both parents provided care for Sam after he was born, with Abe watching him during the day and Betsy watching him most evenings. Abe's parents in Detroit helped out quite a bit and Betsy's parents in Columbus, Ohio, made occasional visits.

Betsy obtained her Master's Degree in Education in the spring of 2008 and began looking for work in Michigan. By that time, she and Abe were frequently arguing over everything from money to Betsy's career plans. Betsy decided that she could no longer stay with Abe and filed for divorce in Michigan.

After Betsy filed for divorce in late 2008, she moved into a separate apartment. Sam stayed with Abe during the day and with Betsy in the evenings and most nights. In January 2009, on Betsy's motion, the family court entered a temporary order granting the parties joint legal and physical custody. The order provided for parenting time to be divided "as agreed" by the parties. After the order was entered, Betsy frequently asked Abe to take Sam for longer hours so she could interview for jobs in Michigan and elsewhere.

Before a final judgment was entered, Betsy called Abe and told him that she was taking Sam and moving to Columbus, Ohio because she had been offered a teaching position there. She informed Abe that she intended to move in with her parents until she could find her own home and suitable daycare. The new job would provide her and Sam with better health care benefits and a higher standard of living than they had in Ypsilanti.

Abe complained that Columbus was a three hour drive, and nearly 200 miles from Ypsilanti, but Betsy would not relent. She stated that if Abe did not consent to the move, she would hire an attorney and file a motion with the family court to change the custody order.

Betsy filed a motion to change domicile. Abe filed an answer opposing any change in Sam's domicile, asserting that such a change would be tantamount to granting Betsy physical custody.

Discuss the arguments for and against each party's position. Explain your answer.

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