

**QUESTION 1 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN SOFTEST ANSWER SCREEN 1**

After ten years of marriage and two children, Arthur and Abby Croswell divorced. Their judgment of divorce awarded Abby sole physical custody of their children, Ken and Carl, who were nine and eight, respectively, at the time the divorce judgment was entered. Arthur was awarded fairly standard parenting time of every other weekend from Friday at 7 p.m. to Sunday at 3 p.m., plus Wednesdays from 5:30 p.m. to 8:30 p.m. Arthur was also awarded half the school vacations and half of summer recess. The judgment provided for joint legal custody.

A few years after the judgment was entered, when the boys were 13 and 12, Abby wanted to relocate from Michigan to Colorado with the boys. On the other hand, Arthur wanted to spend more time with the boys as they were growing older, were becoming more attached to their father, and wanted to spend more time with him. Moreover, Arthur had switched jobs, which allowed him a much more flexible work schedule, albeit requiring him to move some 35 miles away.

Two motions were filed in a Michigan circuit court.

Abby filed her motion to change domicile (legal residence) of the children to Colorado. Her petition, prepared by herself, simply stated (1) she has the sole physical custody of the children, (2) she wanted to move away, and (3) permission should be granted to her. Arthur contested Abby's motion, contending he was entitled to a hearing under the applicable Michigan statute for a judicial determination under the statutory factors regarding the propriety of relocating the children.

Arthur filed a motion for a modification of parenting time. He has no real dispute that Abby is adequately providing for the boys with guidance, discipline, the necessities of life, education, and the like, and has been doing so for many years. He simply asked to have his Sunday return time extended from Sunday at 3 p.m. to Monday at 8:30 a.m. He would get the boys to school Monday morning. Arthur also asked to pick the boys up from school on Fridays at 3 p.m. rather than 7 p.m. from Abby's house. He would, of course, provide dinner and get them to their after-school activities. The boys' school did not require weekend homework. Arthur also sought deletion of his Wednesday non-overnight parenting time. Abby disputed Arthur's request,

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contending he had not established proper cause or a change of circumstances to allow the court to revisit the original award. She reasoned that - much like custody modifications - normal life changes like Arthur alleged, do not amount to proper cause or a change in circumstances, to allow additional parenting time. She also argues the additional time would disrupt the established custodial environment she has with the boys, without sufficient basis.

Applying Michigan law, answer the following:

1. Is Arthur entitled to a hearing under Michigan's change of residence statute, or may Abby simply request the move and be given permission? Why or why not?

2. For his motion, must Arthur demonstrate proper cause or a change in circumstances to the same degree as a custody modification? Why or why not?

3. If an established, custodial environment is involved, does the modification Arthur seeks alter that established custodial environment? Why or why not?

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