

**QUESTION 6 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II
OR IN SOFTEST ANSWER SCREEN 6**

Frank divorced Mary in 2006. Custody of the parties' four-year-old son, Grant, was awarded to Mary. Mary received sole legal and physical custody. Frank was awarded parenting time of every other weekend, two weeks in the summer, a week around Christmas and another around Easter. Mary was responsible, per the terms of the judgment and for all the years thereafter, for supplying Grant with his medical, educational and other needs. She is also the parent who administered discipline.

When Grant was almost 12, eight years after the judgment was entered, Frank wants to file a motion to change custody. He does not want just more parenting time; he wants the reverse of what he had. He wants sole legal and physical custody, wants Mary to have the parenting time he had, and wants Mary to pay him support.

Frank's reason for the custody change is singular: Grant is now older and has told Frank he wants to live with him. Frank believes the matter is straightforward and the custody change is warranted despite knowing Mary will challenge any motion to change custody. Frank believes what Grant wants should control, and that all the judge needs to do is interview Grant and abide by his wishes.

1. Discuss what procedural steps the court will have to take before making a determination, and why Frank's approach is flawed.

2. Discuss what the court's procedural determination would likely be.