

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK
III OR IN EXAMPLIFY ANSWER SCREEN 9**

Gwendolyn (Gwen) and Gary fell in love and quickly married. The first year of marriage brought the couple twin baby girls, Charlotte and Samantha; the second year produced bickering; and the third year brought Gwen's divorce complaint and eventual trial in a Michigan family court. The trial focused on the custody of the girls, now approximately four years of age. Considering the children's best interest, the trial court awarded Gwen both legal and physical custody, with every other weekend parenting time to Gary.

Trial evidence indicated Gary was a good provider, working long hours as a plumber for a local company and working weekend odd jobs. When home, he was a decent father but, due to fatigue or otherwise, he only took part in the "fun stuff" - leaving the demanding tasks to Gwen.

Demanding they were. Both children had behavioral problems, and each required a special diet. Additionally, Gwen spent many hours trying to prepare the girls for school by reading to them and quizzing them regularly on math problems and reading comprehension. Despite Gwen's efforts, a specialized school may still be needed. With Gary's Sunday availability hit and miss, Gwen regularly took the children to church, given that religious involvement was important to the couple.

Two years after judgment was entered, Gary learned that, on the weekends that she did not have the children, Gwen was working as the office manager of a "dating website." Gary also learned that the dating website was really an "escort service" which he equated with prostitution. He filed a motion to change custody, claiming Gwen now "lacked the 'moral fitness' to be the girls' custodial parent" and the custody/parenting time allocation should be flip-flopped. Nowhere did Gary's motion allege the girls were aware of their mother's weekend work.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III*****
OR IN EXAMPLIFY ANSWER SCREEN 9**

Given the foregoing and applying Michigan law:

1. Describe the procedural process the court must perform in evaluating Gary's motion.
2. With that process in mind, evaluate the chances of Gary's motion to change custody. Explain your answer.

*****THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III*****
OR IN EXAMPLIFY ANSWER SCREEN 9