Jack was a butcher at Wonderful Grocery, who met and married a cashier, Diane. The couple continued working together in the store until they had a child, Tim. Years later, after Tim started elementary school, Diane returned to work on a different shift than Jack. Their marriage deteriorated with Jack leaving the home and divorcing Diane two years later.

In the divorce judgment, the court adopted the agreement of Jack and Diane to share legal custody of Tim, with Diane having physical custody during the school year and Jack having physical custody during holiday and summer vacations. Child support was not allowed unless there was a significant departure from the custody schedule or significant disruption of the income of either parent.

Jack and Diane observed all the conditions of the divorce judgment for the next five years, and Tim seemed well adjusted. Unfortunately, however, Jack had to stop working when he cut his hand while slicing meat for a customer on Christmas Eve. Although he could have received workers' compensation benefits, disability insurance benefits, and possibly unemployment benefits from his employer, Jack sought none fearing that he'd jeopardize his return to work at Wonderful Grocery in the middle of the next calendar year when he was expected to have recovered from his injury.

Jack now wants ongoing physical custody of Tim after the Christmas vacation saying, "I can now be a full-time parent while Diane is working." And, Jack wants child support payments from Diane during the Christmas vacation and thereafter, saying he will need the money to help pay for Tim's support. Diane has refused Jack's requests. And, Diane now wants custody of Tim during the Christmas vacation and permanently thereafter.

Jack files a motion for change of custody and support. Diane also files a motion for change of custody. **Evaluate Jack's and Diane's competing claims under Michigan law.**