

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

Jennifer and Jonathon's 14-year marriage was not only headed for divorce but also a divorce trial, given that all efforts at resolution had proved ineffective. While division of the parties' assets was quickly resolved, the couple refused to negotiate when it came to their three children: thirteen-year-old twins Paula and Paul, and six-year-old Tyler. The sticking point: Jonathon wanted joint legal custody and made that request to the court while Jennifer wanted sole legal custody.

The trial evidence indicated Jennifer and Jonathon could generally agree on physical custody being awarded to Jennifer and significant parenting time to Jonathon. But they could not agree and fought tooth and nail about whether the twins should start orthodontic treatment, whether Tyler's educational needs would be better served in public or private school, whether Paul should play full-contact football, and whether Jennifer should become involved in travel soccer. These disagreements often reached a feverish pitch and nearly as often were within earshot of the children. The parents could not even be civil to one another during exchanges of the children. This has upset the children, causing the twins to become sullen and withdrawn and Tyler to skip meals due to nausea.

At the conclusion of the trial, the Michigan judge is called on to decide whether Jonathon should be awarded joint legal custody or Jennifer should be awarded sole legal custody. (There is no dispute that Jennifer will receive sole physical custody.)

Under Michigan law, address the following questions and explain your answers:

- 1. Must the court consider Jonathon's request for joint legal custody?**
- 2. What factors must the court consider in deciding whether to award joint legal custody?**
- 3. On the facts presented, is an award of joint legal custody likely?**

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4. If the parties are awarded joint legal custody and Jennifer is awarded sole physical custody, will post judgment resolutions of important decisions affecting the welfare of the children be made by Jennifer, as sole physical custodian, if she and Jonathon cannot agree?

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