

**QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V
OR IN SOFTEST ANSWER SCREEN 13**

Carol and Henry Conway were married for 15 years before they grew apart and divorced in 2013. Their consent judgment of divorce contained all the required provisions under Michigan law but made no special provision for change of children's legal residence. Although Carol was awarded sole legal and physical custody of the parties' three minor children, Henry received every other weekend parenting time and an even split of holidays and summer vacations. Carol remained in the marital residence with the children. Henry bought a home two miles away.

Seeking to better the life of her children and herself, Carol accepted a job in Ohio, 150 miles from the residence she and the children shared. Pursuant to the applicable court rule included in her divorce judgment, Carol sought permission of the court to relocate the children's residence 150 miles away in Ohio. She filed a written motion, had it served on Henry, and scheduled a motion hearing.

At the motion hearing, Henry challenged Carol's request to relocate the children. He maintained he was entitled to a full evidentiary hearing under the applicable Michigan statute and that, after such a hearing, Carol would not prevail.

Must the judge conduct a full evidentiary hearing before ruling on Carol's request? Explain your answer. Would your answer be different if Carol and Henry shared legal custody by the terms of the divorce judgment? If so, how would the process for resolving Carol's request differ? Explain your answer.

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