STATE OF MICHIGAN

IN	THE CIRCUIT COURT FO	OR THE COUNTY OF
	,	
7	Plaintiff,	File No.:
		Hon(Name of Judge)
	Defendant.	(Name of Judge)
		TIFF'SDEFENDANT'S EGARDING CUSTODY
	LF	EGAL HISTORY
(Set forth a br	ief legal history of the case. Ex	xplain what has happened in the past and why you are in cou

LEGAL ISSUES

1.	Is there proper cause or a change in circumstances that would warrant a change or
	modification of custody? Explain facts that support your conclusion.

The case of <u>Vodvarka</u> v <u>Grasmeyer</u>, 259 Mich App 499; 675 NW2d 847 (2004), provides guidance as to what will constitute "proper cause" and/or a "change of circumstances." The <u>Vodvarka</u> Court stated:

In summary, to establish "proper cause" necessary to revisit a custody order, a movant must prove by a preponderance of the evidence the existence of an appropriate ground for legal action to be taken by the trial court. The appropriate ground(s) should be relevant to at least one of the twelve statutory best interest factors, and must be of such magnitude to have a significant effect on a child's wellbeing.

[W]e hold that in order to establish a "change of circumstances," a movant must

The *Vodvarka* Court further stated:

prove that since the entry of the last custody order, the conditions surrounding custody of the child, which have or could have a <i>significant</i> effect on the child's well-being, have materially changed. Again, not just any change will suffice, for over time there will always be some changes in a child's environment, behavior, and well-being. Instead, the evidence must demonstrate something more than the normal life changes (both good and bad) that occur during the life of a child, and there must be at least some evidence that the material changes have had or will almost certainly have an effect on the child.

2. Is there an established custodial environment? With whom? Explain facts that

support your conclusion.

Michigan law (MCL	722.27(c); MSA 25.312(7)(c)) defines an established custodial environment as:

The age of the	for guidance, discipline, the necessities of life, and parental comfee child, the physical environment, and the inclination of the custod as to permanency of the relationship shall also be considered.
and the child t	as to permanency of the relationship shall also be considered.
	CUSTODY FACTORS
Discuss each	factor below as it applies to the facts of your case.)
(a) The lo involved and	ove, affection, and other emotional ties existing between the par the child.

(b) The capacity and disposition of the parties involved to give the child lov affection and guidance and continuation of education and religious training in faith or creed, if any.
(c) The capacity and disposition of the parties involved to provide the chil with food, clothing, medical care or other remedial care recognized an permitted under the laws of this state in place of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactor environment, and the desirability of maintaining continuity.
(e) The permanence, as a family unit, of the existing or proposed custodichome or homes.

(f)	The moral fitness of the parties involved.
(g)	The mental and physical health of the parties involved.

 $(h) \qquad \text{The home, school, and community record of the child.}$

(i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference.
(j) The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and other parent.

(k) The occurrence of domestic violence, regardless of whe was directed against or witnessed by the child.	ther the violence
(l) Any other factor considered by the court to be relevant child custody dispute.	to the particular

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CONCLUSION	
(Summarize your position regarding parenting time and propose a parenting time schedule. Court/Referee why you believe your position should be adopted by the Court.)	Tell the

			Respectfully submitted,		
Dated:			(Your Signatur	œ)	
			(Print name)		
			(Address)		
			(Phone and e-r	nail)	
		ATE OF SERVIC	TE OF SERVICE		
		, certifies that on		, 20	_, s/he served a copy of
Mail on:		Defendant's Brief Reg			icate of Service by U.S.
(Set	t forth name ar	nd address of all people serv	ved a copy of your b	rief)	
			(Your Signatur	:e)	