



## LEGAL ISSUES

MCL 722.31(1); MSA 25.312(11)(1) states:

A child whose parental custody is governed by court order has, for the purposes of this section, a legal residence with each parent. Except as otherwise provided in this section, a parent of a child whose custody is governed by court order shall not change a legal residence of the child to a location that is more than 100 miles from the child's legal residence at the time of the commencement of the action in which the order is issued.

MCL 722.31(4); MSA 25.312(11)(4) states:

Before permitting a legal residence change otherwise restricted by subsection (1), the court shall consider each of the following factors, with the child as the primary focus in the court's deliberations:

- (a) Whether the legal residence change has the capacity to improve the quality of life for both the child and the relocating parent.
- (b) The degree to which each parent has complied with, and utilized his or her time under, a court order governing parenting time with the child, and whether the parent's plan to change the child's legal residence is inspired by that parent's desire to defeat or frustrate the parenting time schedule.
- (c) The degree to which the court is satisfied that, if the court permits the legal residence change, it is possible to order a modification of the parenting time schedule and other arrangements governing the child's schedule in a manner that can provide an adequate basis for preserving and fostering the parental relationship between the child and each parent; and whether each parent is likely to comply with the modification.
- (d) The extent to which the parent opposing the legal residence change is motivated by a desire to secure a financial advantage with respect to a support obligation.
- (e) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.

Having set forth the statutory requirements to change a child's legal residence, each of the factors enumerated in MCL 722.31(4); MSA 25.312(11)(4) will be analyzed in more detail.







**CERTIFICATE OF SERVICE**

\_\_\_\_\_, certifies that on \_\_\_\_\_, 20\_\_\_\_, s/he served a copy of the \_\_\_\_\_ Plaintiff's \_\_\_\_\_ Defendant's Brief Regarding Change of Legal Residence or Domicile and Certificate of Service by US Mail on :

(Set forth name and address of all people served a copy of your brief)

\_\_\_\_\_  
(Your Signature)