## STATE OF MICHIGAN

Plaintiff,  File No.:  Hon.  (Name of Judge)  Defendant.  PLAINTIFF'SDEFENDANT'S  BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  Set forth a brief legal history of the case. Explain what has happened in the past and why you are in own.)	11.1.1		FOR THE COUNTY OF
Plaintiff,  File No.:  Hon  Defendant.  PLAINTIFF'SDEFENDANT'S  BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  Set forth a brief legal history of the case. Explain what has happened in the past and why you are in cow.)			
Plaintiff,  File No.:  Hon  Defendant.  PLAINTIFF'SDEFENDANT'S  BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  Set forth a brief legal history of the case. Explain what has happened in the past and why you are in cow.)			
Plaintiff,  File No.:  Hon  Defendant.  PLAINTIFF'SDEFENDANT'S  BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  Set forth a brief legal history of the case. Explain what has happened in the past and why you are in cow.)			
File No.:			
Hon		i iaiiiiii,	File No.:
Defendant. PLAINTIFF'SDEFENDANT'S BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  Set forth a brief legal history of the case. Explain what has happened in the past and why you are in cow.)			
Defendant. PLAINTIFF'SDEFENDANT'S BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  Set forth a brief legal history of the case. Explain what has happened in the past and why you are in ow.)			Hon
PLAINTIFF'SDEFENDANT'S BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  det forth a brief legal history of the case. Explain what has happened in the past and why you are in one.)		,	(Name of Judge)
PLAINTIFF'SDEFENDANT'S BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  eet forth a brief legal history of the case. Explain what has happened in the past and why you are in ow.)			
BRIEF REGARDING PARENTING TIME  LEGAL HISTORY  et forth a brief legal history of the case. Explain what has happened in the past and why you are in ow.)		/	
		legal history of the case	
	w.)		e. Explain what has happened in the past and why you are in c
	w.)		e. Explain what has happened in the past and why you are in c
	w.)		e. Explain what has happened in the past and why you are in c
	w.)		e. Explain what has happened in the past and why you are in c
	w.)		e. Explain what has happened in the past and why you are in c
	w.)		e. Explain what has happened in the past and why you are in c
	w.)		e. Explain what has happened in the past and why you are in c
	ow.)		e. Explain what has happened in the past and why you are in co
	ow.)		e. Explain what has happened in the past and why you are in co

# 1. Is there proper cause or a change in circumstances that would warrant a change or modification of custody or parenting time? 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 well-being.

#### The *Vodvarka* Court further stated:

[W]e hold that in order to establish a "change of circumstances," a movant must prove that since the entry of the last custody order, the conditions surrounding custody of the child, which have or could have a *significant* 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.

The Michigan Court of Appeals' recent decision in *Shade v Wright*, \_\_\_\_ Mich.App \_\_\_\_; \_\_\_ NW2d \_\_\_\_ (Docket no 296318, issued December 2, 2010), slip op at 6, instructs that "a more expansive definition of proper cause or change of circumstances is appropriate for determinations regarding parenting time when a modification in parenting time does not alter the established custodial environment," however, no "expansive definition" is provided by the Court.

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:

over an appreciable time the child naturally looks to the custodian in that environment for guidance, discipline, the necessities of life, and parental comfort. The age of the child, the physical environment, and the inclination of the custodian and the child as to permanency of the relationship shall also be considered.

## **PARENTING TIME FACTORS**

(Discuss each factor below as it applies to the facts of your case.)

If the requested parenting time modification does not change the established custodial environment, the court need examine the following factors relevant to the particular case when determining the frequency, duration, and type of parenting time to be granted:

(a)	The existence of any special circumstances or needs of the child.

(b) Whether the child is a nursing child less than 6 months of age, or less than 1 year of age if the child receives substantial nutrition through nursing.

) The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or 1	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin
The reasonal	ble likelihood	of abuse or	neglect of the	child during	parenting tin

							<u> </u>
							_
)	The inconve	enience to. :	and burder	some impa	ct or effect o	n, the child of	travel
for	purposes of						
for							_
for							
for							
for							
for							
for							

g) Whether a parent has frequently failed to exerc	cise reasonable parenting time
g) Whether a parent has frequently failed to exerc	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exerging the second	cise reasonable parenting tim
g) Whether a parent has frequently failed to exer	cise reasonable parenting time
g) Whether a parent has frequently failed to exer	cise reasonable parenting tim
g) Whether a parent has frequently failed to exerging the second	cise reasonable parenting time
g) Whether a parent has frequently failed to exerge	cise reasonable parenting time
g) Whether a parent has frequently failed to exerge	cise reasonable parenting time
g) Whether a parent has frequently failed to exerging the second	cise reasonable parenting tim
g) Whether a parent has frequently failed to exerging the second	cise reasonable parenting time
g) Whether a parent has frequently failed to exerging the second	cise reasonable parenting tim
g) Whether a parent has frequently failed to exerging the second	cise reasonable parenting tim

(h) The threatened or actual detention of the child with the intent to retain or conceal the child from the other parent or from a third person who has legal custody. A custodial parent's temporary residence with the child in a domestic violence shelter shall not be construed as evidence of the custodial parent's intent to retain or conceal the child from the other parent.

	· · · · · · · · · · · · · · · · · · ·			
,				
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		
(i) Any other	relevant fac	etors.		

## **CONCLUSION**

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

Respectfully submitted,  Quantum (Your Signature)  (Print name)
Dated: (Your Signature)
(Your Signature)
(Print name)
(Print name)
(A 11)
(Address)
(Phono and a mail)
(Phone and e-mail)
CERTIFICATE OF SERVICE
, certifies that on, 20, s/he served a copy o
the Plaintiff's Defendant's Brief Regarding Parenting Time and Certificate of Service

by U.S	S. Mail on:	
	(Set forth name and address of all people served a cop	by of your brief)
	(Yo	ur Signature)