

Eaton County Friend of the Court Referral Order

 [This section to be completed by the Plaintiff, the Defendant, or an Attorney]

Case No.: _____

Hon. _____
(name of Judge)

Name of Plaintiff
Address of Plaintiff

Name of Defendant
Address of Defendant

I _____ have attached a copy of the motion that I have
(Name of Party making the request)

filed with the Court and request referral to the Friend of the Court for the following:

- _____ Custody Evaluation
- _____ Parenting Time Evaluation
- _____ Child Support Evaluation
- _____ Change of Domicile Evaluation
- _____ Conciliation
- _____ Other: _____

Dated: _____
Name of Party making request

 This section to be completed ONLY by the Court.

In determining or modifying custody, a trial court may only conduct a child custody hearing to modify or amend a previous order or judgment upon a showing of a proper cause or change in circumstances. MCL 722.27(1)(c). To show a change in circumstances, a moving party must show 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. "Proper cause" is defined as "one or more appropriate grounds that have or could have a significant effect on the child's life to the extent that a reevaluation of the child's custodial situation should be undertaken." *Vodvarka v Grasmeyer*, 259 Mich App 499, 508-509; 675 NW2d 847 (2003).

In determining or modifying parenting time, the court shall use terms that are in accordance with the best interests of the child. MCL 722. 21a(1). *Thames v Thames*, 191 Mich App 299 (1991). MCL 722.27a(6) also provides specific parenting time factors that the court may consider when determining the frequency, duration, and type of parenting time

to be granted. If the proposed parenting time modification changes the child’s established custodial environment, the court should apply the “proper cause and change of circumstances” analysis (*Vodvarka v Grasmeyer*, 259 Mich App 499; 675 NW2d 847 (2003)).

If the proposed modification would not change the established custodial environment, and amounts to “a change in the duration or frequency of parenting time,” than a lesser standard shall be followed. (*Shade v Wright*, 291 Mich App 17; 805 NW2d 1 (2010)). *Shade provides* “a more expansive definition of “proper cause” or “change in circumstances” than what was stated in *Vodvarka*. *Shade provides* that a lesser, more flexible understanding of “proper cause” or “change in circumstances” applies. Therefore, normal life changes, which do not constitute proper cause or a change of circumstances sufficient to justify a change of custody, are the types of considerations a court should review in determining requests for parenting time modifications

The Friend of the Court review of this matter supports that the moving party has appeared to establish the appropriate legal threshold for the matter to be referred to the Friend of the Court for an investigation and recommendation, and therefore submits the proposed order for the Court’s review and decision.

Order

At a session of said Court
held in the city of Charlotte, on the

_____ day of _____, 20_____

The Court has reviewed the motion regarding this matter and finds the moving party has demonstrated the requisite proper cause, change of circumstances, and or other requisite legal threshold to warrant referral of this matter to the Friend of the Court for an investigation and recommendation.

Accordingly, it is ordered this matter is referred to the Friend of the Court for the following:

- _____ Custody Evaluation
- _____ Parenting Time Evaluation
- _____ Child Support Evaluation
- _____ Change of Domicile Evaluation
- _____ Conciliation/Mediation
- _____ Other: _____

Circuit/Probate Court Judge

Approved by the Friend of the Court