

Michigan Relocation Statutes

Mich. Comp. Laws § 722. Legal residence change of child whose parental custody governed by court order.

Sec. 11. (1) 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.

(2) A parent's change of a child's legal residence is not restricted by subsection (1) if the other parent consents to, or if the court, after complying with subsection (4), permits, the residence change. This section does not apply if the order governing the child's custody grants sole legal custody to 1 of the child's parents.

(3) This section does not apply if, at the time of the commencement of the action in which the custody order is issued, the child's 2 residences were more than 100 miles apart. This section does not apply if the legal residence change results in the child's 2 legal residences being closer to each other than before the change.

(4) 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.

(5) Each order determining or modifying custody or parenting time of a child shall include a provision stating the parent's agreement as to how a change in either of the child's legal residences will be handled. If such a provision is included in the order and a child's legal residence change is done in compliance with that provision, this section does not apply. If the parents do not agree on such a provision, the court shall include in the order the following provision: "A parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with section 11 of the "Child Custody Act of 1970", 1970 PA 91, MCL 722.31."

(6) If this section applies to a change of a child's legal residence and the parent seeking to change

that legal residence needs to seek a safe location from the threat of domestic violence, the parent may move to such a location with the child until the court makes a determination under this section.

Mich. Ct. R. 3.211. Judgments and Orders.

(A) Each separate subject in a judgment or order must be set forth in a separate paragraph that is prefaced by an appropriate heading.

(B) A judgment of divorce, separate maintenance, or annulment must include

(1) the insurance and dower provisions required by MCL 552.101;

(2) a determination of the rights of the parties in pension, annuity, and retirement benefits, as required by MCL 552.101(4);

(3) a determination of the property rights of the parties; and

(4) a provision reserving or denying spousal support, if spousal support is not granted; a judgment silent with regard to spousal support reserves it.

(C) A judgment or order awarding custody of a minor must provide that

(1) the domicile or residence of the minor may not be moved from Michigan without the approval of the judge who awarded custody or the judge's successor, and

(2) the person awarded custody must promptly notify the friend of the court in writing when the minor is moved to another address.

(D) A judgment or order awarding child support or spousal support must

(1) provide for income withholding as required by MCL 552.604, and state the payer's source of income and the source's address, if known;

(2) set forth the parties' residence addresses, and require parties over whom the court has obtained jurisdiction to inform the friend of the court of any subsequent change of address or employment;

(3) provide for the payment of statutory fees, if child support is to be paid through the office of the friend of the court; and

(4) provide that the support be paid through the office of the friend of the court, unless otherwise stated in the judgment or order; if an order is silent as to method of payment, support must be paid through the office of the friend of the court.

(E) A judgment or order awarding child support also must

(1) specify the amount of support both at the time of judgment and as the number of children for whom there is a support obligation decreases;

(2) provide for payment until the child reaches the age of 18, and may provide for payment after the age of 18, as allowed by law;

(3) provide for health care coverage as required by MCL 722.27 and MCL 722.3;

(4) provide for the preservation of child support arrearages owing to the state on the date of the entry of the judgment, whether the arrearages arose under a temporary child support order or under a separate judgment entered pursuant to MCL 552.451 et seq.; and

(5) contain the following provision regarding nonretroactive support, as required by MCL 552.603 (10):

? "Except as otherwise provided in section 3 of the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being section 552.603 of the Michigan Compiled Laws, a support order that is part of a judgment or is an order in a domestic relations matter as that term is defined in section 31 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being

section 552.531 of the Michigan Compiled Laws, is a judgment on and after the date each support payment is due, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification."

(F) Unless otherwise ordered, all support arrearages owing to the state are preserved upon entry of a final order or judgment. Upon a showing of good cause and notice to the friend of the court, the prosecuting attorney, and other interested parties, the court may waive or reduce such arrearages.

(G) Within 21 days after the court renders an opinion or the settlement agreement is placed on the record, the moving party must submit a judgment, order, or a motion to settle the judgment or order, unless the court has granted an extension.

(H) Friend of the Court Review. For all judgments and orders containing provisions identified in subrules (C), (D), (E), and (F), the court may require that the judgment or order be submitted to the friend of the court for review.

(I) Service of Judgment or Order.

(1) When a judgment or order is obtained for temporary or permanent spousal support, child support, or separate maintenance, the prevailing party must immediately deliver one copy to the court clerk. The court clerk must write or stamp "true copy" on the order or judgment and file it with the friend of the court.

(2) The party securing entry of a judgment or order that provides for child support or spousal support must serve a copy on the party ordered to pay the support, as provided in MCR 2.602(D)(1), even if that party is in default.

(3) The record of divorce and annulment required by MCL 333.2864 must be filed at the time of the filing of the judgment.