

A close-up photograph of two silver keychains resting on a light-colored wooden surface. Each keychain features a circular ring at the top, connected by a short chain to a house-shaped charm. The charms are identical, showing a simple house outline with a chimney on the roof and a window. The lighting is soft, highlighting the metallic texture of the keychains and the natural grain of the wood.

Family Law Webinar: Part 3
Family Law Matters Involving Children
November 19, 2020

Our Presenters



Susan Lichterman
Presenter
Family Law



Jennifer LaTosch
Presenter
Family Law



Michelle Younger
Co-Presenter
Family Law

Agenda

- Initial Custody Determination
- Parenting Time Schedules
- Child Support
- Common Post Judgment Matters
- Attendee Questions and Answers

Initial Custody Determination

A. Married Parents

- i. Separating
- ii. Divorcing

B. Non-Married Parents

- i. Father on birth certificate
- ii. Father not on birth certificate

C. Jurisdiction in Michigan

Initial Custody Determination

D. Legal Custody, Joint v Sole

- i. Access to information
- ii. Educational decisions
- iii. Medical decisions
- iv. Religious decisions

E. Physical Custody, Joint v Sole

F. Established Custodial Environment

Initial Custody Determination

G. 12 Best Interests Factors

- i. Relationship between parent and child
- ii. Ability of parent to provide guidance and continue education and religion
- iii. Ability of parent to provide food, clothing, medical and other care
- iv. Stability of environment
- v. The permanence of the proposed custodial home
- vi. Moral fitness of parents
- vii. Mental and physical health of the parents
- viii. Home, school and community record of child

Initial Custody Determination

G. 12 Best Interests Factors (continued)

- ix. Reasonable preference of the child
- x. Willingness of each parent to foster strong relationship between child and other parent
- xi. Domestic violence
- xii. Any other relevant factor the court should consider

H. Stipulation/Settlement

I. Friend of the Court/Mediation/Arbitration/Trial

Parenting Time

A. Parenting time factors the court may consider:

- i. The existence of any special circumstances or needs of the child
- ii. Whether the child is nursing and under 6 months of age, or under 1 year of age if the child is receiving substantial nutrition through nursing
- iii. The reasonable likelihood of abuse or neglect during parenting time
- iv. The inconvenience to, and burdensome impact or effect on, the child due to traveling for parenting time
- v. Whether a parent can reasonably be expected to exercise parenting time
- vi. The threatened or actual withholding of the child with the intent to conceal the child from the other parent
- vii. Any other relevant factors

Parenting Time

B. Common schedules – Regular Parenting Time

- i. Alternate weeks
- ii. 2-2-3 or 2-2-5
- iii. Alternate weekends/midweek overnights/dinners

C. Holiday, Vacation and School Break Parenting Time

Child Support – Michigan Child Support Guidelines

- A. Income of parents and overnight parenting time
- B. Health Insurance
- C. Uninsured Medical Expenses
- D. Daycare
- E. Deviation

Additional Child Support By Agreement

- A. Extracurricular Activities
- B. Pre-School/Private School
- C. School Expenses
- D. Summer Camp
- E. College/Post-Majority Support
- F. Security for Support

Summary – Final Order – Required Provisions

- A. Custody
- B. Parenting Time Schedule
- C. Child Support
- D. Hague Convention
- E. Domicile (State of Michigan)
- F. Legal Residency (100 Mile Rule)
- G. Statutory Support Order Provision – No Retroactive Modification

Common Post Judgment Matters

- A. Change of Domicile (“Move away”) – more than 100 miles or out of state – “D’Onofrio Hearing”
- B. Disagreement over joint legal decisions – “Lombardo Hearing”
 - i. Change of School
 - ii. Medical decisions – vaccinations
- C. Modify Custody
- D. Modify Parenting Time
- E. Modify Child Support
- F. Enforcement

Thank You



Susan leads our Family practice group. She specializes in all aspects of domestic relations law, including divorce, separation, custody, parenting time, child support, spousal support, paternity, post-nuptial and prenuptial agreements, change of domicile, post-judgment modifications, and other family law matters. In addition to representing and advocating for both men and women in domestic relations matters, Susan also serves as a neutral mediator and arbitrator.

slichterman@jaffelaw.com

248.727.1423



Jennifer is an attorney who concentrates her practice in family and domestic relations law, which includes routine and complex divorces, post-judgment matters, custody and parenting time disputes, pre- and post-nuptial agreements, cohabitation agreements and dissolution of relationship matters, child support, paternity, change of domicile, adoption, and personal protection orders.

jlatosch@jaffelaw.com

248.727.1486



Michelle is an attorney whose practice focuses on matters including routine and complex divorces, custody, child support, paternity, property division, and post-judgment matters for individuals and families of all estate sizes. She is a skilled negotiator and a strong advocate when contested litigation cannot be avoided.

myounger@jaffelaw.com

248.727.1393