

Court of Appeals, State of Michigan

ORDER

SUZANNE HEINZ-SUBLETT V MICHAEL BOUCHARD JR

Docket No. 307781

LC No. 1994-479293-DS

Henry William Saad
Presiding Judge

Kathleen Jansen

Pat M. Donofrio
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the trial court's opinion and order dated December 21, 2011 is REVERSED and the matter REMANDED to the trial court for entry of an order which awards support as calculated under the Michigan Child Support Formula [MCSF] for two minor children up until January 24, 2012, the older child's eighteenth birthday. After January 24, 2012 support shall be calculated under the MCSF for a single minor child. Courts must order support based on the MCSF, and may deviate from the formula only where they articulate specific statutory reasons for concluding that the application of the formula was unjust or inappropriate. *Burba v Burba (After Remand)*, 461 Mich 637, 645-646; 610 NW2d 837 (2000); *Ewald v Ewald*, __ Mich App __; __ NW2d __ (No. 295161 5/26/11); MCL 552.605(2). The trial court erred in its December 1, 2011 opinion and order by failing to comply with the legal requirements for deviating from the MCSF and by failing to follow the directions in this Court's November 21, 2011 remand order. The facts of this case do not warrant deviating from the formula by simply ignoring the existence of the parties' seventeen-year-old son. The fact that the parties' son lived with his paternal grandmother did not relieve plaintiff of her ongoing legal obligation to support her minor child.

This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 09 2012

Date


Chief Clerk