

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Michael Thomas St Peter v Kristin Noell St Peter**  
Docket No. **309556**  
L.C. No. **2011-008314-DM**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the order dated March 16, 2012 and entered in the circuit court register of actions on March 23, 2012 is not a final order as defined in MCR 7.202(6). MCR 7.203(A)(1). This postjudgment order regarding parenting time cannot be considered an order affecting the custody of a minor under MCR 7.202(6)(a)(iii). Particularly, the March 23, 2012 order merely amends parenting time to provide that "each parent shall be entitled to have the children should the parent having custody at the time be gone from the children overnight." This plainly does not rise to the level of a postjudgment order affecting child custody. At this time, appellant may seek to appeal the March 23, 2012 order only by filing a delayed application for leave to appeal under MCR 7.205(F).


The motion to waive fees is GRANTED for this case only.



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

APR 25 2012

Date

  
Chief Clerk