

Court of Appeals, State of Michigan

ORDER

Gillian K Smith-Dennis v David R Dennis

Amy Ronayne Krause
Presiding Judge

Docket No. 313719

Elizabeth L. Gleicher

LC No. 2008-005355-DM

Mark T. Boonstra
Judges

On May 28, 2013, this Court ordered that the above-captioned case be remanded for the trial court to consider plaintiff's motion to find Michigan an inconvenient forum in light of the statutory factors found in MCL 702.1207(2). The trial court did so in an evidentiary hearing held on June 24, 2013. The trial court thereafter denied plaintiff's motion in an order dated July 3, 2013.

Plaintiff subsequently filed a motion in this Court for leave to file a brief on appeal after remand proceedings, and appended thereto a proposed brief. Plaintiff's motion is hereby GRANTED, and the appended brief is accepted for filing.

The trial court found at the evidentiary hearing, in consideration of the statutory factors, that (1) no domestic violence had occurred or was likely to occur in the future; (2) that the children have resided outside the state for two years and 10 months; (3) that the distance between the states was sufficient to require air travel; (4) that plaintiff was in a better financial position than defendant; (5) that no agreement existed as to which state would assume jurisdiction over the children; (6) that information from professionals and school records about the children would primarily come from Colorado; (7) that Michigan courts could decide issues expeditiously, but that a finding could not be made about the promptness of Colorado courts; and (8) that Michigan courts were familiar with the issues in this case. The trial court noted that the distance was such that one party would be inconvenienced no matter what result was reached, and further noted that Michigan courts had the ability to take testimony from professionals in other ways than live testimony. The trial court concluded that, on balance, there was not a significant reason for it to decline exclusive, continuing jurisdiction over child custody issues.

Having reviewed the trial court's findings, and having considered the arguments presented, we find no error in the trial court's denial of plaintiff's motion. We thereby affirm the trial court's denial of plaintiff's motion. This order disposes of plaintiff's appeal. MCR 7.215(E)(1).



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 05 2013

Date

Chief Clerk