

# Court of Appeals, State of Michigan

## ORDER

MARCI SKONIECZNY V DONALD R SKONIECZNY

Docket No. 319598

I.C No. 2003-001081-DM

Mark J. Cavanagh  
Presiding Judge

Kathleen Jansen

E. Thomas Fitzgerald  
Judges

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

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the trial court's December 4, 2013 order is VACATED in part and the matter REMANDED to the trial court for an evidentiary hearing to determine whether a change in custody is warranted. An order changing the established custodial environment of a minor child requires a showing of proper cause or change in circumstances and clear and convincing evidence that the change is in the best interests of the child. MCL 722.27(1)(c); *Vodvarka v Grasmeyer*, 259 Mich App 499, 508; 675 NW2d 847 (2003). While the trial court's December 4, 2013 order refers to changing the parties' parenting time schedules, that order effectively changed physical custody of the minor child from plaintiff to defendant, and did so without the court considering evidence regarding proper cause, change in circumstances, or the best interests of the child. The trial court's December 4, 2013 order is VACATED to the extent it changed the parties' parenting time schedule.

This Court retains no further jurisdiction.



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

JAN 23 2014

Date

  
Chief Clerk