

Court of Appeals, State of Michigan

ORDER

Jeanine Burmeister v Aaron Cole

Docket No. 321512

LC No. 11-106573-DC

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

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

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(E)(2), that the March 10, 2014, order of the Wayne Circuit Court hereby is VACATED. "When a modification in parenting time would amount to a change of the established custodial environment, it should not be granted unless the circuit court 'is persuaded by clear and convincing evidence that the change would be in the best interest of the child.'" *Pierron v Pierron*, 282 Mich App 222, 249; 765 NW2d 345 (2009). The record indicates that the circuit court has not yet held a best interests hearing. Even assuming that the order was not a change in custody and was limited only to parenting time, a trial court may modify or amend previous orders for parenting time only for "proper cause shown or because of change of circumstances." *Terry v Affum (On Remand)*, 237 Mich App 522, 535; 603 NW2d 788 (1999); MCL 722.27(1)(c). The materials before this Court do not reflect a change in circumstances sufficient to support the order entered in this matter.

The Court further directs the circuit court to begin evidentiary hearings as scheduled on June 11, 2014. This case is REMANDED to the circuit court for proceedings consistent with this order.

The motion for peremptory reversal is DENIED AS MOOT.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



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

MAY 28 2014

Date


Chief Clerk