

Court of Appeals, State of Michigan

ORDER

Teresa Ellen Siegler v Kip Andrew Siegler

Docket No. 345292

LC No. 16-049702-DM

Jonathan Tukel
Presiding Judge

Mark J. Cavanagh

Deborah A. Servitto
Judges

The Court orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED and the August 10, 2018, and August 22, 2018, orders granting plaintiff's objection to the Friend of Court referee's recommendation are REVERSED. The trial court's determination that defendant's proposed parenting time modification would change the children's established custodial environment contravenes the great weight of the evidence. Because the modification would not change the children's established custodial environment, the preponderance of the evidence standard was applicable in determining whether the modification is in the children's best interests. See *Shade v Wright*, 291 Mich App 17, 23; 805 NW2d 1 (2010). Defendant presented evidence at the May 29, 2018, hearing that demonstrated, by a preponderance of the evidence, that awarding defendant two overnight visits per month, in addition to the one additional overnight visit regarding which plaintiff does not object, is in the children's best interests. Accordingly, the August 10, 2018, and August 22, 2018, orders are REVERSED and the parties shall abide by the June 11, 2018, order implementing the referee's recommendation.

We do not retain jurisdiction.



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

FEB 20 2019

Date


Chief Clerk