

STATE OF MICHIGAN
COURT OF APPEALS

TRUDA MARLENE SCHOMP,

Plaintiff-Appellee,

v

LLOYD PRESTON SCHOMP,

Defendant-Appellant.

UNPUBLISHED

November 21, 1997

No. 195117

Manistee Circuit Court

LC No. 94-007304 DM

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

In this appeal of right, defendant contends that the trial court erred in awarding sole legal and physical custody of the minor children to plaintiff, instead of granting plaintiff sole physical custody with the parties sharing joint legal custody. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In a May 6, 1996, order supplemental to the original divorce judgment issued November 7, 1995, the trial court provided:

“It is further ordered and adjudged that with respect to major and important decisions regarding the minor children, the plaintiff shall consult with the defendant. Further, the defendant shall have access to school and medical records, as if he was [(sic) were] a custodial parent.

“It is further ordered, that the plaintiff shall be obligated to inform and consult the defendant on all important decisions involving the children’s lives”.

As defendant does not seek joint physical custody, although not perhaps using the terminology of joint custody, the trial court’s custody decision, as modified, does establish joint legal custody as defined by MCL 722.26a(7)(b); MSA 27.3636(1)(7)(b). Defendant having thus obtained the joint legal custody that he desires, his substantial rights have not been prejudicially affected by the decree and appellate relief may not be afforded to him. *In re Trankla’s Estate*, 321 Mich 478; 32 NW2d 715 (1948); *Groeneveld v Groeneveld*, 3 Mich App 284; 142 NW2d 14 (1966).

Affirmed.

/s/ Kathleen Jansen

/s/ E. Thomas Fitzgerald

/s/ Robert P. Young, Jr.