

Order

Michigan Supreme Court
Lansing, Michigan

January 31, 2006

Clifford W. Taylor,
Chief Justice

129833

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

MATTHEW LYNN SEHLKE,
Plaintiff-Appellant,

v

SC: 129833
COA: 262346
Clinton CC: 02-015818-DC

JENNIFER LANAE VANDERMAAS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the September 27, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals and REINSTATE the Clinton Circuit Court's order granting a change in custody. The Court of Appeals clearly erred by finding that the trial court acted prematurely by granting a change in physical custody. The trial court held an evidentiary hearing on the best interests of the child, and both parties participated in this hearing. Neither party objected to the trial court's decision to hold a best interests evidentiary hearing on plaintiff's request for a change in physical custody of the child. Under these circumstances, the Court of Appeals erred by remanding this case to the circuit court for an evidentiary hearing on plaintiff's request for a change in custody. In all other respects, leave to appeal is DENIED.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 31, 2006

Corbin R. Davis

Clerk