

DEFINITIONS:

Custodial Parent: The parent who is awarded the primary domicile of the minor child(ren). If parties have Joint Physical Custody of the minor child(ren), they are both considered the “custodial parent”.

Non-Custodial Parent: The party not having the primary domicile of the minor children. The non-custodial parent is typically is awarded reasonable parenting time with the minor child(ren).

Domicile: An order of domicile refers only to the residence of the child(ren). MCL 722.31 provides that a parent whose custody or parenting time is governed by a court order shall not change the legal residence of the child(ren) without an order of the court. The child(ren) have a legal residence with the mother *and* the father. Therefore, a parent cannot move more than 100 miles from his/her residence without the Court’s permission. If you anticipate a change in residence, it is recommended that you contact the FOC or seek legal counsel to see if the move is allowed by the court order.

Legal Custody: defines who will make the major decisions for the child(ren). There are two types of legal custody: Sole Legal Custody and Joint Legal Custody.

Sole Legal Custody: means that one parent will make all of the major decisions regarding the child(ren) without having to consult the other parent.

Joint Legal Custody: means that the parents must attempt to reach a mutual decision on any major issues affecting their child(ren). These issues include, but are not limited to, major decisions regarding the child(ren)’s health, education, welfare, and religious upbringing, if any. If the parties are not able to reach a mutual agreement regarding these issues, the parties would be required to bring a motion to have the matter decided by the Court.

Physical Custody defines where the child(ren) live. There are two types of physical custody: Primary Physical Custody or Primary Domicile and Joint Physical Custody.

Primary Physical Custody or Primary Domicile: means that the child(ren) will live primarily with one parent. The other parent may have parenting time if it is ordered by the Court.

Joint Physical Custody: means that the child(ren) will live with one parent part of the time and the other parent the remainder of the time. This time does not have to be exactly equal, but the time spent with each parent is typically more equal than a primary physical custody arrangement. Common Joint Physical arrangements include: week to week, bi-weekly exchanges, and school year / summer, but a Joint Physical Custody schedule can be customized to whatever the parties agree to.

Routine Decisions: Regardless of the type of Legal Custody, routine decisions regarding the child(ren) are to be made by the parent who the child(ren) is with whether it be for a custodial period or parenting time. Examples of routine decisions include bedtimes, chores, and participation in activities. For the best interest of the child(ren), however, consistency should be maintained between the parents’ homes whenever possible.