

[COA Opinion: Physical Custody Change Requires More Than a Child “Growing Up” and New Boarders in the Home](#)

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In [*Gerstenschlager v. Gerstenschlager*](#), No. 300858, the Michigan Court of Appeals reversed the trial court’s modification of a primary physical custody arrangement regarding the parties’ son.

When the parties divorced in 2007, the plaintiff, who lived in Michigan, was awarded custody of their two daughters, and the defendant, who lived in Virginia, was awarded custody of their son. In 2010, the plaintiff filed a motion for sole physical custody of his son. After a hearing, the trial court granted the motion, determining that “the circumstances had changed insofar as the defendant had taken in boarders and the child was getting older.” Applying the statutory best-interest factors, MCL 722.23, the trial court held that a change in custody was warranted.

In reversing the trial court, the Court of Appeals held that neither factor supported a change in physical custody. The Court noted that changes associated with a child “growing up” are normal life changes that do not warrant a change in physical custody. With respect to the defendant’s boarders, the Court held that the record established that there was virtually no interaction between the child and the boarders, and that the boarders’ presence therefore did not warrant custody change.