



# PROFESSOR LEX

BY HARVEY I. HAUER

**Dear Professor Lex:**

**I was recently retained by a client to handle some post-judgment child custody issues. My client currently lives in Wayne County, and the parties' two children spend the majority of their time with her in Wayne County, but her divorce case was in Ingham County. It is extremely burdensome for my client to travel to Ingham County for post-judgment disputes. Given that the children spend the majority of their time in Wayne County, it seems to make more sense that a Wayne County court should have jurisdiction over my client's case. Do you know of any reason why I cannot seek post-judgment relief in Wayne County?**

**Practitioner**

Dear Practitioner:

The answer to your question lies within the Michigan Court Rules. Under MCR 3.212, the Court may transfer a case post-judgment. "A transfer includes a change of venue and a transfer of all friend of the court responsibilities." MCR 3.212(A)(1). The Court may grant a post-judgment transfer if four conditions are met, those being:

- a. the transfer of the action is requested on the basis of the residence and convenience of the parties, or other good cause consistent with the best interests of the minor;
- b. neither party nor the court-ordered custodian has resided in the county of current jurisdiction for at least 6 months prior to the filing of the motion;

- c. at least one party or the court-ordered custodian has resided in the county to which the transfer is requested for at least 6 months prior to the filing of the motion; and
- d. the county to which the transfer is requested is not contiguous to the county of current jurisdiction.

(MCR 3.212(B)(1)(a)-(d)).

Given that Wayne County and Ingham County are not contiguous to one another, your client has met at least one of the Court Rule's four conditions necessary to transfer the case out of Ingham County. Discuss with your client the facts of her case relative to the other three conditions of MCR 3.212. If after reviewing the facts you believe your case meets the four conditions and the other side fails to consent to the transfer, you should file a motion requesting that the Ingham County Court enter an order transferring the case to Wayne County.

Answer respectfully submitted by  
Harvey I. Hauer, Hauer & Snover.

The above response is not meant to serve as a solution to a case. That would require complete disclosure of all facts in the case, including client consultation. Rather, the intent is to provide informal guidance based upon the facts that have been presented. The inquiring lawyer bears full legal responsibility for determining the validity and use of the advice provided herein.

Please send questions for Professor Lex to [hhauer@hauersnover.com](mailto:hhauer@hauersnover.com).

