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**Joint vs Legal vs Physical Custody**

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Last month I enjoyed the privilege of being one of the presenters at the Ask-A-Lawyer seminar series put on by the Justice Foundation of the Grand Rapids Bar Association. A recurring question involved the definitions of the various forms of custody.

“Joint custody,” as defined by the Child Custody Act, specifies that a child shall reside alternately for specific periods of time with each parent and that each parent shall share decision-making authority as to the important decisions affecting the welfare of the child. “Legal” custody is decision making authority. “Physical” custody involves where the child will live. In most cases, the Court will award joint legal custody except in high conflict cases.

An award of joint legal custody affords a parent these basic rights: (1) the parent has access to the child’s confidential records; (2) the child cannot be moved more than 100 miles away from where the parent lives; and (3) the domicile of the child cannot be moved from Michigan without prior court approval. In addition, when parents who share joint legal custody cannot agree on an important decision affecting the welfare of their child, either one can petition the Court for a “best interests” hearing. The Court then decides what is in the child’s best interests.

A question remains about what is an “important decision affecting the welfare of the child.” So far, the courts have found that education, religion, and medical care are such important decisions. In some instances, what activities a child may engage in with a parent during his or her parenting time, including going hunting, getting ears pierced, and whether or not a child needs counseling have also been deemed ‘important decisions.’

Bottom line: if the parents can’t agree, the Court will impose its decision. And I can’t overstate how important it is for parents to put aside their differences and together make the decisions about what is in the best interest of their child.