

Order

Michigan Supreme Court
Lansing, Michigan

April 24, 2026

Megan K. Cavanagh,
Chief Justice

169435

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

MARCELLA LEE NEUMANN,
Plaintiff-Appellee,

v

SC: 169435
COA: 376959
St Clair CC: 2023-001557-DS

CHRISTIAN WELDON ROGERS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the November 4, 2025 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

WELCH, J. (*concurring*).

In this parenting time case, I write to highlight that defendant is correct on the merits. In summarily suspending defendant-father's parenting time, the trial court failed to comply with the Child Custody Act, MCL 722.21 *et seq.* However, I concur in this Court's denial of leave. Because defendant-father has now regained his parenting time, this Court cannot offer any relief and the appeal is moot.

I. FACTUAL AND PROCEDURAL BACKGROUND

Defendant-father shared joint legal and physical custody of his three-year-old child with plaintiff-mother. After defendant-father accumulated a \$9,000 child support arrearage and failed to appear at a show cause hearing, the trial court issued a bench warrant in February 2025.

In July 2025, defendant-father voluntarily appeared before the trial court for a hearing on the bench warrant. After the trial court issued a ruling recalling the bench warrant and setting the matter for a continued hearing at a future date, defendant-father attempted to ask the court for assistance enforcing his parenting time. The transcript reveals that the trial court suspended defendant's parenting time and linked the suspension

to the payment of child support. Specifically, the court stated, “Because I’m going to tell you, when you have a bench warrant, you don’t get to have parenting time because I’m not going to have your kid . . . I don’t want you to get arrested with your kid sitting in the car.” Defendant noted that the bench warrant was recalled that day and he asked if he could pick up his son. In response, the court stated, “[P]arenting time’s suspended until I see you on August 14th with 551 bucks.” Defendant again questioned the legality of the court’s actions.

Seven days later, on August 1, 2025, an order entered suspending defendant-father’s parenting time “until the Court considers parenting time on August 14, 2025, at the same time as his continued child support show cause.” On September 30, 2025, plaintiff-mother and defendant-father came to an agreement through mediation pursuant to MCL 552.513. The agreement gave defendant-father parenting time from Thursday until Sunday each week—more than he had previously enjoyed.

Defendant-father applied for leave to appeal from the trial court’s August 1 order. The Court of Appeals denied leave. Defendant-father now applies for leave to appeal in this Court.

II. ANALYSIS

The order summarily suspending defendant-father’s parenting time clearly did not comply with the Child Custody Act. The Child Custody Act establishes a process for modifying parenting time that is wholly independent from child support obligations. Prior to modifying the parenting time provisions of a prior custody order, the trial court must: (1) determine the child’s established custodial environment by considering whom the child looks to for “ ‘care, discipline, love, guidance and attention’ ” at the time of the court’s decision, *Sabatine v Sabatine*, 513 Mich 276, 286 (2024) (citation omitted); see also *id.* at 288-290 and MCL 722.27(1)(c); (2) determine whether the proposed modification will alter the child’s current established custodial environment and apply the correct burden of proof, see MCL 722.27(1)(c); and (3) take testimony and make findings on the best interests of the child or the parenting time factors, see MCL 722.23 and MCL 722.27a(7). None of those proceedings occurred here.

But the parties mediated a resolution, so the issues are now moot. As a result, I concur in the denial order.

THOMAS, J., joins the statement of WELCH, J.



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I, Elizabeth Kingston-Miller, 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.

April 24, 2026

Clerk