Court of Appeals, State of Michigan

ORDER

NATHANIEL ALAN DOMINGO V SARAH LEE DOMINGO

Docket No. 379388

LC No. 2025-043528-DM

Sima G. Patel
Presiding Judge

Allie Greenleaf Maldonado

Adrienne N. Young
Judges

The motion for immediate consideration is GRANTED.

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is DENIED for failure to persuade the Court of the need for the relief requested in the motion.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the January 22, 2026 order is VACATED and the case is REMANDED to the Monroe Circuit Court for reconsideration of defendant's show-cause motion. A party who violates a parenting-time order without good cause may be held in contempt, MCL 552.644(2); *Ewald v Ewald*, 292 Mich App 706, 718; 810 NW2d 396 (2011), but the parent "must be accorded rudimentary due process, i.e., notice and an opportunity to present a defense," *Porter v Porter*, 285 Mich App 450, 457; 776 NW2d 377 (2009). The trial court violated plaintiff's due process rights when it halted plaintiff's cross-examination of defendant and, without giving plaintiff an opportunity to testify or present evidence, ordered plaintiff to return the children to defendant. Additionally, the January 22, 2026 order, which granted defendant possession of the children until further order of the court, was not an order that defendant be given makeup parenting time for wrongfully denied parenting time. MCL 552.644(2)(c). Rather, it was an order that temporarily changed custody of the children. Violations of a parenting-time order do not provide grounds for changing custody. *Maier v Maier*, 311 Mich App 218, 227; 874 NW2d 725 (2015). On remand, the trial court shall reinstate a week-on/week-off parenting-time arrangement pending completion of trial. In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.

Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 4, 2026
Date

Chief Clerk