

STATE OF MICHIGAN
COURT OF APPEALS

JACOB DONALD GRUIZINGA, SR.,

Plaintiff-Appellant,

v

ASHLEE ELIZABETH SKINNER,

Defendant-Appellee.

UNPUBLISHED

October 19, 2026

11:55 AM

No. 379012

Cass Circuit Court

LC No. 2022-000125-DC

Before: SWARTZLE, P.J., and ACKERMAN and TREBILCOCK, JJ.

PER CURIAM.

In accordance with court orders, plaintiff and defendant shared joint physical and legal custody of their child and agreed to a specific two-week schedule for parenting time. Plaintiff moved to modify that custody and parenting-time arrangement, outlining concerns with defendant’s romantic partners and the child’s medical care. The trial court denied the motion as to custody, finding that plaintiff did not demonstrate proper cause or change of circumstances, but altered the parenting-time schedule to a weekly rotation. Plaintiff now appeals, arguing that the trial court erred in denying his motion for a custody change and erred in modifying the parenting-time schedule. Because we find no reversible errors with the trial court’s decisions, we affirm.

I. BACKGROUND

The parties terminated their romantic relationship during the child’s first year, and custody disputes arose shortly thereafter. Plaintiff moved to establish custody and objected to the friend of the court referee’s recommendation that defendant receive sole legal custody. The trial court issued a judgment of custody, parenting time, and child support that provided for joint legal and physical custody, a two-week rotation parenting-time schedule, and the following provisions:

1. The parents shall have equal and shared authority with respect to all major decisions including, but not limited to: education, religion, enrichment activities and medical needs.
2. Routine decisions shall be made by the parent with physical custody at the time.

3. The parents shall consult and attempt to agree before making major decisions.
4. The parents shall have equal access to medical, educational and personal records of the child and shall follow the recommendations of the child's medical providers.
5. The parents shall notify each other of any emergencies of the child and notify and give the other parent an opportunity to be present for all routine, medical, dental, optical and psychological treatment.

The parenting-time schedule was eventually modified by consent order so that defendant had the child five days during the first week and two days during the second week.

This appeal is a result of plaintiff's motions to change custody, parenting time, and support. In the motions, plaintiff cited concerns about an unplanned medical appointment where vaccinations occurred under defendant's care, as well as incidents involving defendant's boyfriend at the time. During the initial hearing on his motions, plaintiff claimed that the parties "always agreed to have one [vaccination done] at a time," and that the doctor had "no problem with doing that." The trial court informed plaintiff that an evidentiary hearing needed to be conducted to consider proper cause, change in circumstances, and the child's best interests.

At the evidentiary hearing, defendant described her attempt to stop an argument between her former boyfriend and one of her children, including that defendant "got hit in the head with a phone when [she] tried to tackle them." She called plaintiff to pick up their child because she did not want the child in that environment at that time. Defendant claimed during the hearing that she and the boyfriend were no longer together.

As for the unplanned medical appointment, defendant stated that she was at the doctor's office for an appointment for another child when the doctor decided to combine the appointments and also treat the child at issue. Defendant called plaintiff to let him know of the change, and plaintiff arrived ten minutes later. Defendant testified that the vaccines the child received were required by the school and that the child would have been unable to attend school without the vaccinations. Plaintiff asked defendant whether the child received the vaccinations "one at a time like [the parties] agreed upon"; defendant responded in the negative, stating that if the child was due for vaccinations, then the child would receive the vaccines as he needed them. When the trial court asked plaintiff whether the parties had a written document outlining their understanding about the vaccinations, plaintiff responded that the parties "agree[d] upon stuff" and that defendant's goal with the vaccinations was to upset plaintiff.

In addition, both parties stated that the parenting-time schedule in effect at that time was not working and outlined issues that occurred during exchanges. The trial court issued an order, finding that plaintiff did not demonstrate proper cause or change of circumstances to modify custody. The trial court did find proper cause or change of circumstances to consider changing the parenting-time schedule and modified the schedule to a week-on/week-off schedule.

Plaintiff now appeals.

II. ANALYSIS

A. CUSTODY

Plaintiff first argues on appeal that the trial court erred in not finding proper cause or change of circumstances to justify a custody modification. We affirm a trial court's custody order "unless the trial judge made findings of fact against the great weight of evidence or committed a palpable abuse of discretion or a clear legal error on a major issue." MCL 722.28. See also *Pierron v Pierron*, 486 Mich 81, 85; 782 NW2d 480 (2010). In child custody cases, an abuse of discretion occurred "when the result is so palpably and grossly violative of fact and logic that it evidences a perversity of will, a defiance of judgment, or the exercise of passion or bias." *Barretta v Zhitkov*, 348 Mich App 539, 549; 19 NW3d 420 (2023). For proper cause or a change of circumstances specifically, we review the decision under the great weight of the evidence standard and defer to the trial court's findings of fact unless the "findings clearly preponderate in the opposite direction." *Corporan v Henton*, 282 Mich App 599, 605; 766 NW2d 903 (2009) (cleaned up).

A custody order may be modified under MCL 722.27, if such modification is in the child's best interests, but the proponent of the change "must first establish proper cause or a change of circumstances" by a preponderance of the evidence. *Merecki v Merecki*, 336 Mich App 639, 645-646; 971 NW2d 659 (2021). A sufficient change of circumstances must have occurred since the entry of the last custody order; the conditions must have caused or "almost certainly" will cause a significant effect on the child; and the changes must be material, i.e., "something more than normal life changes." *Vodvarka v Grasmeyer*, 259 Mich App 499, 513-514; 675 NW2d 847 (2003). The proper cause or change of circumstance must be related to a best-interest factor and have "the potential for a significant effect on the well-being of the child." *Merecki*, 336 Mich App at 646.

Plaintiff did not establish proper cause or a change of circumstances to justify a change in custody. First, the trial court's findings as to the domestic violence allegations were not against the great weight of the evidence. Although an act of domestic violence may have occurred in the past with defendant's boyfriend, plaintiff failed to demonstrate that defendant's associates posed an ongoing concern likely to affect the child, especially considering defendant's claims that she was no longer with that boyfriend. See *Shade v Wright*, 291 Mich App 17, 25; 805 NW2d 1 (2010) (finding that once a party ends a relationship, that relationship no longer constitutes a change of circumstances).

Second, the child's medical appointment and vaccinations did not constitute proper cause or a change of circumstance. Contrary to plaintiff's assertion on appeal, it does not appear that defendant intentionally failed to follow the trial court's order. Defendant was following the recommendations of the child's medical provider in accordance with the custody order when the child received the vaccinations. Further, the custody order provided that defendant notify and give plaintiff the opportunity to be present for medical treatments. Defendant notified plaintiff, and, as the trial court found, there was no evidence that defendant delayed in telling plaintiff about the doctor's visit or otherwise sought to interfere with plaintiff's parental rights. Although plaintiff preferred for the vaccinations to be given one day at a time, plaintiff failed to show that there was an agreement between the parties about the vaccines' timing and whether this agreement applied to the appointment in question.

Based on the record evidence, defendant's actions were at most a minor allegation of contempt, not a sufficient disagreement to warrant revisiting custody and the child's best interests.

See *Pennington v Pennington*, 329 Mich App 562, 572; 944 NW2d 131 (2019). Thus, the trial court did not err in its determination as to proper cause or change in circumstance with respect to custody.

B. PARENTING TIME

Plaintiff also argues on appeal that the trial court erred by modifying the parties' parenting time without addressing all the best-interest factors in MCL 722.23. "A trial court is required to address the best-interest factors under MCL 722.23 whenever a parenting-time modification results in a change of custody." *Yachcik v Yachcik*, 319 Mich App 24, 51; 900 NW2d 113 (2017). Although a trial court's decision regarding parenting time is governed by the child's best interests and the best-interest factors under MCL 722.23 may be relevant to this decision, the trial court is not required to address those factors where modification of parenting time does not result in a custody change. *Shade*, 291 Mich App at 31-32. "Custody decisions require findings under all of the best interest factors, but parenting time decisions may be made with findings on only the contested issues." *Id.*; see also *Rains v Rains*, 301 Mich App 313, 340; 836 NW2d 709 (2013).

Plaintiff does not argue that the modification resulted in a custody change or that the change was not in the child's best interests. Rather, plaintiff argues that he is entitled to reversal because the trial court failed to analyze every factor under MCL 722.23. Because the trial court's modification to the schedule "did not significantly alter the number of . . . parenting time days," *Shade*, 291 Mich App at 32, the new parenting-time schedule was not a custody change that required analysis of all best-interest factors. Thus, plaintiff failed to establish that the trial court—by only examining certain factors in making an overall best-interests determination—made findings against the great weight of the evidence, committed an abuse of discretion, or made a clear legal error that entitles him to relief.

Affirmed.

/s/ Brock A. Swartzle
/s/ Matthew S. Ackerman
/s/ Christopher M. Trebilcock