

STATE OF MICHIGAN
COURT OF APPEALS

JENNIFER MICHELLE TAYLOR,

Plaintiff-Appellee,

UNPUBLISHED
January 8, 2004

v

JON CLAYTON COUGH,

Defendant-Appellant.

No. 248682
Jackson Circuit Court
LC No. 02-006664-DS

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Defendant appeals as of right the order denying his motion to change custody. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed this action for child support and to determine custody and parenting time of the parties' daughter, and defendant moved for a change in custody. The court entered a stipulated order for support that also awarded custody to plaintiff and provided for flexible parenting time for defendant. The court subsequently denied the motion for change of custody, finding that defendant failed to show proper cause or a change in circumstances.

The trial court properly relied on *Rossow v Aranda*, 206 Mich App 456; 522 NW2d 874 (1994). In *Rossow*, the plaintiff stipulated to grant physical custody to the opposing party. This Court held that where the plaintiff failed to show that she had entered into the stipulation as a result of duress or coercion, she failed to demonstrate proper cause for a change in custody. The trier of fact was not required to make findings as to the statutory best interest factors where the party seeking the change in custody did not demonstrate proper cause or a change in circumstances, as required by MCL 722.27(1)(c). Failure to present sufficient proof of changed circumstances precluded further consideration of her motion to change custody. *Id.* at 458.

Once the original stipulated order granting plaintiff custody of the child was entered, the court was not required to make findings as to the best interest factors. Custody was established, and the court could only modify the order upon a showing of proper cause or a change of circumstances. MCL 722.27(1)(c). Defendant made no allegations that would satisfy this burden. He did not identify an appropriate ground that could have a significant impact on the child's life, and circumstances did not change after the initial custody order. *Vodvarka v Grasmeyer*, ___ Mich App ___, ___ NW2d ___ (issued 12/2/2003, Docket No. 248058). The trial court properly denied the motion to change custody.

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen