



Question:

One of my sons has requested a change in the [parenting time schedule](#) where he would live primarily with his mom, when currently she only has weekend [visitation](#)

It hurts me, but I want to follow his wishes if he does not want to be forced to continue following the [divorce decree's](#) custody orders.

Who is obligated to file for this [custody modification](#) , my ex-wife or I?

If we did not file for a modification, does this somehow open me to a future loss of rights to my other son by not enforcing the original decree until there is a [judicial](#) change to the orders?

Answer:

I am unable to give you [legal advice on divorce](#) . I can give general divorce help for men, though, my knowledge is based on Michigan divorce laws where I am licensed to practice.

Parenting time disputes are often between the parents, but in your case it is the child that is requesting the change. In many jurisdictions, parenting time changes are the result of a change in circumstance that necessitates the alteration in parenting time.

Depending on the laws of your state, a child's preference may be sufficient to demonstrate a change of circumstance to change parenting time, but this decision should not be taken lightly.

The reduction of parenting time for you that the child is requesting may result in a change of the custodial environment, which, depending on the laws of your state, could affect the custody of your other child.

Choosing Mom or Dad:

[Can A Child Choose Where To Live?](#)

As your question does not provide how long your current parenting arrangement has been in place, it may be that the child is still getting used to a newer parenting time schedule. Prior to making any major decisions such as the one you suggest, perhaps your first question should be why the child wants the change in parenting time.

Are there different rules at mom's house? Does the child have more time with his friends at Mom's house? Has the child been encouraged to spend more time with Mom? Have there been any changes in your home that may have caused the child to want to make such a drastic parenting time change? Is he having differences with your other child that he wants time apart?

I would not make such drastic changes without fully exploring the reasons why the child has requested such a drastic alteration to the parenting time schedule.

As to your question of who is "obligated" to file, that depends. If you do not file a motion to change parenting time you could face a court order for failure to exercise your parenting time.

If you file for the change of parenting time it will likely result in an increase in child support, depending on the parties' incomes, and may affect your child custody rights.

If The Child Wants A Custody Modification, Which Parent Files?

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A child needs significant contact with both parents to maintain a strong relationship, with each parent. Any reduction in parenting time should not be taken lightly.

Remember, I am unable to provide you with anything more than [divorce tips for men](#) , so please consult with a divorce lawyer in your jurisdiction.

To arrange an initial consultation to discuss divorce rights for men with a Cordell & Cordell attorney, including [Ann Arbor Divorce Lawyer](#) Laura D. Langenburg, [contact Cordell & Cordell](#)