

“one-half of an unhappy couple” would be returned to “the State of their habitual residence.”¹² The state of residence determines the underlying child custody claims. In an opinion issued after the district court’s decision in *Taglieri—Ahmed v Ahmed*—the Sixth Circuit laid out its test for determining a child’s state of habitual residence.¹³ The test looks principally to where a child is “acclimatized.” But where the child is too young or too disabled to be acclimatized, the court looks to shared parental intent.

The Sixth Circuit held that the district court’s determinations on shared parental intent addressed factual questions, and factual questions were limited to only clear-error review. Here, the district court was “[f]aced with a two-sided record” and therefore had the authority to rule in either direction.¹⁴ The Sixth Circuit also had no qualms about the fact that the district court’s deci-

sion came before the Sixth Circuit shaped its preferred test in *Ahmed*. The district court’s inquiry “respect[ed] *Ahmed*, which applied the same standard.”¹⁵ Lastly, the Sixth Circuit rejected the suggestion that it create a presumption against finding any habitual residence for infants. The district court was accordingly affirmed.¹⁶ ■



Michael R. Williams is the managing partner of the Kalamazoo office of Bush Seyferth & Paige PLLC where he focuses on complex litigation. A member of the SBM U.S. Courts Committee, he previously clerked for Judge G. Steven Agee of the U.S. Court of Appeals for the Fourth Circuit and for Chief Judge Deborah K. Chasanow of the U.S. District Court for the District of Maryland.

ENDNOTES

1. *Turner v United States*, 885 F3d 949 (CA 6, 2018).
2. *Id.* at 951.
3. *Missouri v Frye*, 566 US 134, 144; 132 S Ct 1399; 182 L Ed 2d 379 (2012).
4. *Laffler v Cooper*, 566 US 156, 162; 132 S Ct 1376; 182 L Ed 2d 398 (2012).
5. *Turner*, 885 F3d at 953 (quoting *United States v Gouveia*, 467 US 180, 187; 104 S Ct 2292; 81 L Ed 2d 146 (1984)).
6. *Id.* at 955.
7. *Id.* at 956 (Bush, J., concurring dubitante).
8. *Id.*
9. *Turner v United States*, 885 F3d 949 (CA 6, 2018), petition for cert filed, ___ USLW ___ (US July 20, 1028) [No. 18-106].
10. *Taglieri v Monasky*, 907 F3d 404 (CA 6, 2018).
11. *Id.* at 405.
12. *Id.* at 407.
13. *Ahmed v Ahmed*, 867 F3d 682 (CA 6, 2017).
14. *Taglieri*, 907 F3d at 409 (citations omitted).
15. *Id.* at 410.
16. *Id.* at 411.

SBM IN MEMORIAM

Jack T. Arnold, P10260, of Gold Canyon, Arizona died December 8, 2018. He was born in 1937, graduated from the Detroit College of Law, and was admitted to the Bar in 1952.

Jan P. Benedict, P23303, of Emory, Texas died February 14, 2019. He was born in 1944 and was admitted to the Bar in 1973.

Johannes A. Buiteweg, P11367, of Rochester Hills died February 17, 2019. He was born in 1926, graduated from the University of Detroit School of Law, and was admitted to the Bar in 1961.

DJ Culkar, P46740, of Dallas, Texas died February 26, 2019. He was born in 1963, graduated from the University of Detroit Mercy School of Law, and was admitted to the Bar in 1996.

Albert Nelson Deaner, P27625, of Filer City died February 23, 2019. He was born in 1949, graduated from the Thomas M. Cooley Law School, and was admitted to the Bar in 1977.

Geoffrey L. Gifford, P13965, of Chicago, Illinois died February 9, 2019. He was born in 1946, graduated from the University of Michigan Law School, and was admitted to the Bar in 1972.

Ernest Otto Hornung, P15128, of Clinton Township died February 16, 2019. He was born in 1945, graduated from the Detroit College of Law, and was admitted to the Bar in 1970.

Frederick S. Krupp, P25781, of Lake City died February 21, 2019. He was born in 1943, graduated from the Wayne State University Law School, and was admitted to the Bar in 1975.

Dennis J. Kuirsy, P23442, of Waterford died February 23, 2019. He was born in 1945, graduated from the University of Detroit School of Law, and was admitted to the Bar in 1973.

Diane M. Lepsig, P28612, of Kingston, Tennessee died November 18, 2018. She was born in 1943, graduated from the Detroit College of Law, and was admitted to the Bar in 1978.

V. Robert Payant, P18731, of Reno, Nevada died September 4, 2018. He was born in 1932 and was admitted to the Bar in 1957.

Russell E. Price, P19096, of Fremont died December 21, 2018. He was born in 1931, graduated from the Wayne State University Law School, and was admitted to the Bar in 1958.

Hon. Maureen Pulte Reilly, P19327, of Venice, Florida died January 7, 2019. She was born in 1934, graduated from the University of Detroit School of Law, and was admitted to the Bar in 1958.

Randal L. Schmidt, P65901, of Plymouth died September 18, 2018. He was born in 1971, graduated from the Thomas M. Cooley Law School, and was admitted to the Bar in 2003.

Charles W. Simon Jr., P20494, of Edmore died February 18, 2019. He was born in 1932, graduated from the University of Michigan Law School, and was admitted to the Bar in 1961.

Marlon S. Simon, P51493, of Long Beach, California died February 9, 2019. He was born in 1968, graduated from the University of Michigan Law School, and was admitted to the Bar in 1994.

Gail E. Steinhauer, P31339, of Bloomfield Hills died February 6, 2019. She was born in 1950, graduated from the Detroit College of Law, and was admitted to the Bar in 1980.

Norman W. Stern, P20990, of Southfield died February 19, 2019. He was born in 1924, graduated from the Detroit College of Law, and was admitted to the Bar in 1949.

Alfred B. Thomas, P21366, of Grosse Pointe Park died September 25, 2018. He was born in 1933 and was admitted to the Bar in 1969.

In Memoriam information is published as soon as possible after it is received.