

## Parenting Time issues Surrounding Back-to-School and COVID-19

Dear Parents,

The Friend of the Court recognizes that schools will be changing their hours and offering on-line education, as an alternative to sending students back to the classroom and school buildings.

We also recognize these school changes are not universal and can be different depending on the age of your children.

In addition, because these changes are often sudden and subject to change as the school term evolves, it is difficult for the Court to address these changes in a court order.

### **Flexibility:**

Please be flexible in your co-parenting and work with the other parent to make the necessary adjustments to ensure that your children receive their education without additional conflict or stress.

### **Compliance:**

It is also important that parenting time continue during the school year and that if parents need to make changes, they should stay as close as possible to the court ordered schedule. The Court will enforce parenting time.

### **Services:**

If you need help with adjusting your court order to make school functions easier, the Friend of the Court has services to help you accomplish this.

- Co-Parent Session: use to clarify your school language- you can request this service via email at [FOC.Mail@Kentcountymi.gov](mailto:FOC.Mail@Kentcountymi.gov).
- Mediation: use to clarify or change your court order (both parents must agree to participate) – sign up at <https://www.signupgenius.com/go/805094ba4aa2ba4f94-mediation>.

**Frequently Asked Questions:** Questions and answers regarding school language in court orders.

*My children are not going to school but are participating in on- line class remotely, how do I follow my order for parenting time under these circumstances:*

- **My court order states that I pick up after school.**

*The language, “after school,” is not a specific time the Friend of the Court can enforce. If you have a dispute you can clarify this time by requesting a co-parent session from our office, or if both parents agree, sign -up for mediation. If the order says, “release from school”, a co-parent session is not necessary, just time of school release is needed, which will be different for each school system.*

- **My Court order states I return children to school the following morning.**

*In this situation, we are lacking a specific time to enforce. Parents can agree to return the child to the other parent so that they do not miss on-line classes or agree to something else. If enforcement is a concern, a specific time and location will be required, this can be accomplished by requesting a co-parent session, mediation, or filing a motion directly with the Circuit court, if mutual agreements are not possible.*

- **My Court order states that our parenting time exchange is at the school parking lot.**

*Although your school may be closed to the public, you can still conduct your exchanges in the parking lot. If this is no longer convenient, parents can agree to designate a new exchange location. This change can be added to your court order, by requesting mediation, or filing a motion with Circuit Court.*

- **My school is asking me if my child will return to school in-person this fall. Do I need to discuss this with the other parent or can I make the decision on my own?**

*It depends on what your court order says. If your court order says that you have sole legal custody, you can make the decision on your own. If your court order says that you have joint legal custody, you will need to discuss this with the other parent and make the decision together. If you don't know whether you have joint legal or sole legal custody, you may contact the Clerk of the Court at 616 632-5480 to get a copy of your court order.*

- **Does the Friend of the Court offer any guidance to help parents make the decision whether a child should return to school in-person or attend remotely?**

*Yes. The Friend of the Court suggests that parents consider their own unique circumstances and those of the other parent. For instance, if either household has an immunocompromised person residing in the home, parents may understandably have concerns about sending their child to school. As such, it might be prudent to attend school remotely. Similarly, if a possible COVID exposure could cause a parent to miss work and suffer significant financial hardship, this might also be a consideration. Each family is different, so the Friend of the Court encourages parents to work together to make the best decision for their child while considering each family's individual circumstances.*

- **When parents cannot reach an agreement as to whether a child should return to school in-person, does the Friend of the Court provide services to help parents decide?**

*Yes. Parents can contact the Friend of the Court to ask for help in making this decision when they cannot resolve this issue on their own. The Friend of the Court provides mediation services, which are meetings between a Friend of the Court representative and the parents to discuss their concerns. To use this process, **both** parents must be agreeable to participating. The meeting will be conducted remotely. You may contact the Friend of the Court at 616-632-6888 for more information.*

- **What happens if our court order says that we have joint legal custody but we cannot reach an agreement on which option to choose?**

*If you and the other parent cannot agree on whether your child should return to in-person school, either party may file a motion to ask the court to make the decision for you. The court will base its decision on the child's best interests. Given that the school year is fast approaching and the court's docket gets booked quickly, the Friend of the Court highly suggests that parties first try to resolve the issue between themselves or request mediation.*

- **The other parent has sole legal custody, but I don't like the decision they are making. Can I still ask the court for help?**

*Yes. Under certain circumstances the court might change legal custody or otherwise override the other parent's decision. Depending on the situation, this could be a difficult process so you may want to contact an attorney for assistance, visit [www.MichiganLegalHelp.org](http://www.MichiganLegalHelp.org) or see if Mediation is an option.*

If you have additional questions about your parenting time order and school changes, please contact the Friend the Court via email at [FOC.Mail@kentcountymi.gov](mailto:FOC.Mail@kentcountymi.gov), or call us at 616 632-6888.