

Seventh Judicial Circuit of Michigan

## Genesee County Friend of the Court

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### COVID-19 RETURN TO SCHOOL FAQs

Due to the current Covid-19 pandemic, many parents must make a choice regarding whether their children will return to school in-person, remotely, or some combination of the two. While this is a difficult decision for many families, it becomes even more complicated when parents are unable to agree on what is best for their child. As always, the Friend of the Court urges parents to work together for the benefit of their children. The Friend of the Court is providing the following Frequently Asked Questions and Answers in order to assist in making these decisions.

1. *A decision needs to be made whether my child will return to school in-person or remotely this fall. Do I need to discuss this with my child's other parent or can I make the decision on my own?*

If you have sole legal custody, you can make the decision on your own. If you have joint legal custody, you and the other parent must make the decision together. If you do not know what your legal custody arrangement is, you can consult your court order or contact the Friend of the Court at (810) 257-3300 if you need further assistance in determining what your order says.

2. *Does the Friend of the Court have any guidance to help parents make the decision whether their child should return to school in-person or remotely?*

Each family is unique, and the Friend of the Court encourages parents to consider both their individual circumstances as well as those of the other parent in making this decision. For example, if either parent has an immunocompromised individual in their household, or would suffer financial hardship from missing work if they are exposed to Covid-19, it may be most beneficial for the child to attend school remotely. Because every family is different, the Friend of the Court urges parents to work together and consider both households' circumstances to make the best decision for their child.

3. *If the other parent and I are unable to reach an agreement, does the Friend of the Court offer any services to assist us in deciding what is best for our child?*

If both parents agree to participate, the Friend of the Court does offer Alternative Dispute Resolution processes to help them reach an agreement. The Friend of the Court can set up a remote meeting between the parties and their Friend of the Court parenting time caseworker to discuss their concerns and try to assist the parties in their decision. The Friend of the Court can also refer parents to the Community Resolution Center for mediation. Please contact the Friend of the Court if you are interested in further assistance.

4. *What if the other parent and I have joint legal custody and cannot reach an agreement?*

Either party is able to file a motion to ask the Court to decide what is in the best interests of their child. As the beginning of the school year is rapidly approaching, parents should make all efforts to reach an agreement together soon. If you wish to file a motion to request the Court's assistance in your decision, you may want to contact an attorney, or miscellaneous motion packets are available from the Friend of the Court's website at [https://www.gc4me.com/departments/friend\\_of\\_court1/Online\\_Forms.php](https://www.gc4me.com/departments/friend_of_court1/Online_Forms.php).

5. *If the other parent has sole legal custody and I disagree with their decision, is there anything I can do?*

Yes, you may still request the Court's assistance by filing a motion if the other parent has sole legal custody. In certain circumstances the Court may override the other parent's decision if they determine it would not be in the child's best interest, or even modify the legal custody order if warranted.

6. *How will the Friend of the Court enforce school-related provisions in my parenting time order if my children are not attending school in-person?*

Your order may indicate that your child is to be picked up and dropped off at school, or may schedule parenting time around school breaks, which may not be applicable if your child is not attending school in-person. Unless the parents are able to agree otherwise, the Friend of the Court will look to the child's prior year school calendar and schedule if necessary to resolve relevant parenting time disputes between the parents. Again, parents are best suited to make decisions about their child and the Friend of the Court encourages them to work together to determine what is best for their child during this unprecedented time.