

Coping with Parenting Time During the COVID-19 Pandemic

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Governor Whitmer's announcement to close Michigan's K-12 Schools from March 16, 2020 through April 5, 2020 left many parents looking at their custody and parenting time orders with confusion. Many custody orders describe exchanges around school time, without indicating specific times when school is not in session. Furthermore, when asked about whether the spring break would be effected, the governor suggested that this three-week closure essentially include spring break for students. Spring break is considered a holiday in most custody and parenting time orders. Was the governor suggesting that spring break was now canceled? This lack of clarity, combined with lockdown orders being implemented in California, New York, Connecticut and Illinois, has created fear among divorced and separated parents about following their parenting time orders, only to be subsequently denied the return of their children.

On March 16, 2020 the Michigan Supreme Court [issued a statement that all parenting time orders are to be followed](#), unless modified by the trial court. In addition, the Michigan Supreme Court indicated that if the government restricted travel, "parents should work together to keep the child's access to both parents as close to the normal arrangement as possible." As a result, parents should follow their current court order even if schools are closed or travel restricted. Probably the best practice is to assume the school calendar is still in place. Treat spring break as if it occurred without any school closure and follow the parenting time as if there was not a pandemic. Even if there is a lockdown in Michigan, it is likely that parenting time exchanges will be considered an essential activity. States with lockdown orders seem to suggest this conclusion.

On March 19, 2020 California Governor Newsom ordered California residents to stay home, except as needed for certain essential activities. In the executive order, Governor Newsom states, "Californians must have access to such necessities as food, prescriptions and health care. When people need to leave their homes or places of residence, or to facilitate authorized necessary activities, they should at all times practice social distancing." California Order. Therefore, divorced and separated parents can rest assured that parenting time exchanges are likely to be an authorized activity, even if Governor Whitmer also orders a lockdown.

This is a challenging time for all of us. Despite the animosity and tension you may share with a former spouse, it is important to focus on what is best for your children and extended family at this time. The American Association of Matrimonial Lawyers has [issued guidance for parents](#) during this difficult time. Try to have patience with one another, and let your children's best interests guide you.

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