

BERRIEN COUNTY FRIEND OF THE COURT COVID-19 RETURN TO SCHOOL FAQ

Many parents are being asked by their child's school to make a decision as to whether their child will be attending school this fall in-person, remotely, or opting for a hybrid approach. This can be a difficult choice for some parents. It becomes even more complicated when parents are not able to agree on which option to choose. In an effort to help families make this decision, the Berrien County Friend of the Court is providing the following FAQ (Frequently Asked Questions):

Question: 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?

Answer: 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 Friend of the Court at 269-983-7111 ext. 8575 to help you determine what your court order says.

Question: 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?

Answer: 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.

Question: 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?

Answer: Yes. Parents are welcome to 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 is able to set up a joint meeting between a Friend of the Court Domestic Investigator and the parents to discuss their concerns. To use this process, **both** parents must be agreeable to participating. If parents are interested in using the joint meeting process, they may contact the Friend of the Court at 269-983-7111 ext. 8575 for more information.

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

Answer: 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 seek mediation.

Question: 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?

Answer: 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 , contact the Self Help Legal Resource Center at 269-983-7111 ext. 8793 or see if mediation is an option.