

FAQs about Custody and Parenting Time during the COVID-19 Outbreak

The novel coronavirus (COVID-19) is a contagious respiratory disease that is easily spread from person to person and can result in serious illness.

Governor Whitmer declared a state of emergency and issued [Executive Orders](#) that require Michigan residents to shelter in place and restrict travel from March 24 through June 12, 2020. The state of emergency may last longer.

The resulting changes to daily activity raise new questions about how custody and parenting time orders work during this public health pandemic. The following are general answers to common questions parents may have in determining what to do regarding custody and parenting time.

Questions about COVID-19?



Call the **COVID-19 Hotline** at
888-535-6136

7 days a week from 8 a.m. to 5 p.m.



E-mail COVID19@michigan.gov 24/7.

E-mails will be answered 7 days a week, 8 a.m. to 5 p.m.



Subscribe to e-newsletter updates at
Michigan.gov/Coronavirus.



Centers for Disease Control and Prevention (CDC):

[What you need to know about COVID-19.](#)
[What to do if you are sick with COVID-19.](#)



Talking to children about COVID-19:
[A Parent Resource](#)

Q1. Do I have to follow my parenting time order during the COVID-19 outbreak?

- A. Yes. Parents should follow their custody and parenting time court order during the COVID-19 outbreak. The [Executive Order](#) allows parents and children to travel when complying with a court order. If possible, parents should carry copies of their court orders when travelling for parenting time.

It is understandable for parents to be concerned about their child's safety. However, the outbreak alone should not be an excuse for denying parenting time. Parents should try to set aside personal differences, try to agree on what is best for all involved including following [CDC guidelines](#) on protecting family from COVID-19 illness, and try to maintain a positive relationship with the child. If following the parenting time order presents a considerable risk for someone, parents should work cooperatively to find an alternative solution that will allow parenting time to be exercised. If someone in either household (custodial or noncustodial) has been exposed to the virus or has a vulnerable person living with them, it is important that parents try to make alternative arrangements to safeguard everyone from unnecessary risk.

Q2. What are some parenting time alternatives that can be used?

- A. When it is necessary to safeguard someone’s wellbeing or to avoid exposing the child to the virus, parents may agree that the child should stay in one household until the state of emergency passes. In addition to promoting a strong relationship between the child and each parent, parenting time is an opportunity for parents to bring stability and reassurance to their child during the unusual situation caused by the state of emergency. When in-person parenting time presents a risk to someone, parents may agree to any of the following options:

Virtual parenting time: If the parties agree the child should not be in the home of one of the parents, the other parent can spend time interacting with a child virtually (using apps such as FaceTime, Duo, Facebook Messenger, Zoom, Skype, WhatsApp, etc.) or talking over the telephone. Shorter, frequent virtual visits encouraged by both parents may help reassure the child during these unusual events.

Makeup parenting time: Once the emergency ends and parenting time resumes, the child can spend extra time with the parent the child missed time with. The added time should be made up as agreed to by the parents or as set by the friend of the court (FOC) or court.

Skipping parenting time: A parent who has parenting time scheduled may choose not to exercise parenting time to avoid exposing someone to the virus.

Parents should record any temporary agreements in writing (paper, e-mail, text message, or other preserved form).

Q3. Where can the other parent and I get help reaching an agreement on changes to parenting time?

- A. All FOCs provide mediation services. Mediation is when a person trained to help people solve disputes meets with both people and tries to help them reach an agreement. Many FOCs also provide other types of alternative dispute resolution services. Check with the FOC office that manages your case for information on [services available during the COVID-19 pandemic](#).

All counties in Michigan are served by one of the state’s [18 Community Dispute Resolution Program mediation centers](#). The centers offer free or low-cost mediation and offer teleconference mediation services during the COVID-19 pandemic.

Parents may also contact an attorney or private mediator for help reaching an agreement. Private mediation by teleconference or web conference is becoming increasingly available.

Q4. What if I cannot reach an agreement with the other parent, and decide not to allow parenting time in violation of the court order?

- A. You must try to get your order changed before you violate it. Because court operations are limited during the state of emergency, getting a hearing quickly might be difficult. Emergency motions to protect health and safety are being held. If possible, you should seek legal advice from an attorney to help decide what you should do.

The court order remains in effect; so parents will need to make sure that they have more than a general fear or suspicion of risk when the other parent does not agree there is more risk in one home than the other. Violating the order without an agreement is serious.

If you violate the order and the other parent files a written complaint with the FOC, it will send a notice and apply one of several remedies. The office may apply a makeup parenting time schedule, schedule a joint meeting or mediation, or schedule a hearing requiring you to show cause for violating the order (commonly referred to as a “show cause hearing”). The other parent may also schedule a show cause hearing without FOC involvement.

If a show cause hearing is scheduled, you will be required to explain to the court why you violated the order. Violations without a good cause are a serious matter, and the court could impose financial penalties as well as jail time, depending on the severity of the violation. In determining whether you had a good reason to violate the order, the court may want to know exactly why you took the actions you did, what attempts you made to reach an alternative agreement, and other actions you took (including filing an emergency motion with the court) to safeguard the child in a manner that would allow parenting time to occur.

Q5. Will there be makeup parenting time later for time missed during the COVID-19 outbreak?

- A. Parents may agree to makeup parenting time without needing to involve the FOC or the court.

When an FOC office receives a written complaint because a parent was denied time with a child, the office is required to enforce the court order. Makeup parenting time is one option that the FOC may apply if it appears that the order was violated.

Q6. What if the public place for our parenting time exchange is closed?

- A. The exchange should still occur; however, parents may have to find an alternative public place that is open. Parents may consider using a place that provides essential services that is open near their normal location, such as a grocery store or gas station.

Q7. What if I make a temporary parenting time agreement with the other parent that was followed, and later the other parent complains that I violated the court order?

- A. To prevent a misunderstanding, parents should document agreements in writing, whether on paper, through e-mail, text message, or other electronic form that can be preserved by both. If the FOC office receives a complaint, it is required to take steps to enforce the court order if it appears a violation occurred. However, the parent accused of denying parenting time will be given the opportunity to explain to the FOC, and if necessary, to the judge. The written agreement will show that the other parent agreed to the alternative schedule.

Q8. What if my child is in a high-risk category for COVID-19, and I am concerned about exposure during parenting time?

- A. Parents must discuss the child's health concerns and make decisions to keep the child safe. Each parent must take the necessary precautions to assure the child's safety. This should include limiting the child's exposure during parenting time to individuals who could be contagious or ill, and anyone who may have been in contact with someone who may be contagious. If a parent believes such precautions include violation of the court's parenting time order, he/she should reach an agreement with the other parent, seek advice from a lawyer, or file an emergency motion with the court.

Q9. What if I think the other parent or someone who lives with the other parent might have COVID-19 or be at risk for exposure to COVID-19?

- A. While the court order remains in effect, parents also have a responsibility to safeguard the children. Parents should work cooperatively and make arrangements that allow the child to safely maintain the relationship with each parent. See Q2 [about alternatives](#) like virtual and makeup parenting above. Parents should avoid exposing children to anyone who is ill or who may have been in contact with someone who may be contagious.

Q10. Does parenting time continue if a parent or child tests positive for or has been exposed to COVID-19?

- A. Each parent must do their part to keep their child safe and healthy, as well as reduce the spread of COVID-19. Following [guidance from the CDC](#), anyone who is sick with or has been exposed to COVID-19 must limit contact with other people and should stay away from others in the home as much as possible.

Parents should work together to keep the child safe and maintain the relationship with each parent. See Q2 [about alternatives](#), like virtual and makeup parenting.

Q11. Will I lose custody or parenting time if I get COVID-19?

- A. If you are sick and unable to safely care for your child, you must take necessary precautions to assure your child's safety. If the child temporarily stays with the other parent for a time different from your court order, it will be up to you and the other parent to resume your court-ordered custody and parenting time schedule once you recover. If you agree to temporary custody or parenting time changes, you may want to put that agreement and its temporary nature in writing.

If the other parent starts court proceedings for custody or parenting time changes, you may ask the court to include that the changes are temporary. Once you have recovered, if you are unable to resume the court ordered custody and parenting time on your own, you may go to court and ask the court to go back to the original court order.

After changes in custody or parenting time arrangements, the other parent could ask the court to change the custody or parenting time more permanently. The court will have to decide if there is a change in circumstances, and if so, does it change the relationship between the child and the parents. Under any temporary change in custody and parenting time arrangements, the parents should work together to ensure the child has an opportunity to continue to have a parenting relationship with each of the parents as approved by the court.

Q12. Will I still have supervised parenting time during the COVID-19 outbreak?

- A. Supervised parenting time services provided by an agency under contract with the FOC office have likely suspended in-person services during the state of emergency. Some agencies may provide video or teleconference visitations. If you have a court order for supervised parenting time by an agency, you should contact that agency to confirm the level of services currently provided.

If your parenting time is supervised by a family member or friend who is still able to supervise, it can continue if safely possible. If your supervisor is unable to supervise, try to reach an agreement with the other parent for a different person to supervise. If you are denied parenting time due to the lack of a supervisor, keep track of the time the child loses with you so you can ask for the appropriate amount of makeup time after the state of emergency is over.

Q13. Does my child have to go on parenting time over spring break even though school is cancelled?

- A. Parenting time should continue on the dates originally scheduled on the school calendar, as if schools had continued to operate. The information in previous questions applies equally to spring break parenting time, and parents are encouraged to work together to

find solutions to safeguard health while preserving parenting time and promoting the child's relationship with both parents, which may include alternative parenting time or travel arrangements. Parents may find it necessary to avoid public transportation, alter their plans, and drive to a central location for an exchange.

Q14. If school is already cancelled, has summer parenting time started?

- A. Many parenting time orders provide that parents will divide time the child is not in school. Often the order refers specifically to "Summer Vacation." Because of changes to the school schedule, parents may disagree over when vacation time starts if language in their court order references something in the school year. Parents are free to agree to alternative arrangements that are necessary or desirable due to the change in the school schedule. However, if they have a dispute over the schedule, FOCs are being [directed](#) to use the original 2019-20 school calendar in enforcing parenting time complaints, because that was the calendar the court used to decide when parenting time would occur. The FOC should only change or use another interpretation if the court orders it on its own motion or after a parent files a motion to interpret or change the order.

As with any situation, the Court encourages parents to try to accommodate each other in providing support and care for their children.

Q15. Do I have to send my child on a plane to parenting time?

- A. Leaving the state is currently allowed. Parents will have to evaluate their family's specific circumstances and act in the best interest of the child to maintain the relationship with both parents. The [Executive Order](#) allows travel to transport children required by court order. It also allows travel between Michigan and out of state residences. If parents are concerned about their child traveling during the COVID-19 outbreak, especially where mass transit makes social distancing difficult, they may want to make alternative parenting time arrangements. One option may be for each parent to drive to a central place to make the parenting time exchange. See Q2, above, [for other alternatives](#).

Q16. If I purchased a plane or other ticket for my child, and the other parent doesn't send my child, will the other parent have to reimburse me?

- A. Some airlines are giving refunds, credits, or allowing cancellation of travel plans. After checking with the airline, parents should discuss travel expense reimbursement if parenting time cannot occur because of the COVID-19 outbreak.