

## COVID-19 FAMILY LAW UPDATE

### Custody and Parenting Time

With the spread of Coronavirus, the closure of Michigan schools, and the Governor's Order to "stay at home," families in Michigan have been wrestling with how to address parenting time exchanges and related co-parenting concerns.

Last week, on March 16, 2020, the Michigan Supreme Court issued a [Statement on Matters Concerning Children](#). The Statement included the following notice for families:

"The Supreme Court wants to remind parents that all court orders for a child's custody, parenting time and support are still in force. Only a new court order can change that. Parents should continue to follow their court order."

On March 23, 2020, Governor Whitmer issued [Executive Order 2020-21 \(COVID-19\)](#), which requires that effective 12:01 am on March 24, 2020, all residents of Michigan must "stay at home or at their place of residence" until at least April 13, 2020 at 11:59 pm. There are specific exceptions to the Stay-at-Home Order, which allow Michigan residents to leave their homes. One specific exception to the stay home order is for individuals who must travel as required by a court order to transport children pursuant to a custody [or parenting time] agreement. (Section 7(b)(4)).

Read together, the Statement by the Supreme Court and the Governor's Stay-at-Home Order requires Michigan parents to follow their specific custody and parenting time orders. We are advising our clients to comply with all parenting time, custody and child support orders, and to carry a true copy of their relevant Order at all times while transporting children for parenting time exchanges. Again, the Stay-at-Home Order does NOT prohibit parents from leaving their homes for parenting time exchanges

However, even in the best of times, problems can and do arise while co-parenting, and problems will likely continue to occur during this pending outbreak. Due to on-going health concerns, ordered business closures and limited court access, the Michigan Supreme Court has encouraged families to work together to maintain as close as normal of a schedule for the children. In the event one home has a family member who tests positive with Coronavirus or if the regular schedule becomes unsafe for the children, parents are encouraged to work together to alter their schedule so as to maximize contact with each parent and cooperate toward arranging for make-up parenting time as the situation normalizes. Parents are encouraged to increase the use of FaceTime and other means of tele- and virtual communication, in an effort to further the best interests and well-being of the children. However, if disagreements continue, the existing court orders should be followed until amended.

On March 18, 2020, the Michigan Supreme Court issued [Administrative Order No. 2020-2](#), which directs trial courts to limit access to courtrooms and other spaces to no more than 10 persons, including staff, and to limit court activity

to only essential functions through Friday, April 3, 2020, or as provided by subsequent order.<sup>1</sup> These essential functions as to family court matters include reviewing and determining requests for ex parte relief in domestic relations proceedings necessary for the safety and well-being of a party and/or children and other emergency motions in the discretion of the court. Accordingly, absent an emergency, most family law matters that require the assistance of the court are on hold until the state of emergency is lifted. While the definition of emergency varies considerably between different counties and even different judges within the same county, there are actions that can be taken to preserve and protect your rights and your family during these unprecedented times even if the issue does not rise to level of an emergency.

As always, the Jaffe team is available to discuss your concerns, answer your questions, and work with you to create solutions during this difficult time. While our offices may be physically closed, we are virtually open for business to assist you.

Stay safe.

For questions, please reach out to Susan Lichterman at 248.727.1423 or [slichterman@jaffelaw.com](mailto:slichterman@jaffelaw.com)



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<sup>1</sup> Individual courts throughout the state may have alternative, lengthier deadlines. As this situation is ever-evolving, be sure to consult us or your local court's website for updates.