

# Divorce attorneys: Many parents feuding over back-to-school plans

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Rippowam Middle School Principal Matthew Laskowski looks on from a socially distanced cafeteria on September 03, 2020 in Stamford, Connecticut.

Photo: John Moore / Getty Images

While divorces have dropped since the COVID-19 pandemic began affecting Connecticut in March, tensions are rising among parents about their children's back-to-school plans, attorneys say.

More people are seeking legal advice to modify post judgment agreements, including alimony, child support, relocations — and now — how children will be schooled, according to experts in the field.

Westport attorney Dori-Ellen Feltman, specializing in family law, is seeing more divorced parents who are unable to agree on how their child will start school this fall.

"Pediatricians and therapists won't weigh in on that," Feltman said.

But it's not yet known if the courts will listen to the argument, she said.

"I didn't see the courts preventing kids from going to summer camp," she said.

The pandemic has sparked a different school argument for divorced parents, according to Judge Michael A. Albis, chief administrative judge for family matters.

“Not which school should the child attend, but — if the school the child is already attending offers options — which option should be chosen,” Albis said. “But the procedure would be the same, expect that the hearing will be virtual, with similar constraints. I recognize that COVID presents the special difficulty that the options are being announced by school districts, and creating potential disagreements, so close to the first day of school.”

Schooling has become a hot-button issue throughout the country as parents and educators grapple with the best method of learning during the pandemic, which has killed more than 4,000 Connecticut residents and 180,000 nationwide.

Some school districts in Connecticut, such as New Haven, are starting this fall with virtual instruction only. Other districts are using the “hybrid” model, which has students rotating between in-person and remote learning to allow for additional space and more cleaning. Others are starting with instruction in-person every day. All could be subject to change depending on community spread of COVID-19, state officials said.

The problem arises when divorced parents can’t agree about the best option for schooling their children, said attorney Richard Rochlin, who specializes in family case law in West Hartford and became widely known for representing Fotis Dulos in his divorce and custody proceedings after his estranged wife, Jennifer, disappeared last year.

“I had a situation last week where one parent was adamant that the child go to school remotely and the other wanted the child in school,” Rochlin said. “At this point, there is no way to deal with an emergency motion with the courts scaled back. I don’t know how the court will deal with this since school is starting (this) week.”

There has been no official determination on how to deal with the school issue, he said.

“Does it default to virtual learning until it’s decided or does it default to in-person?” Rochlin said. “I haven’t heard what the courts are doing in this regard.”

Albis recommended that parents work together to reach a resolution. “They know their children and their school system better than we possibly can,” Albis said. “If they can’t reach an agreement, which of course can happen for good faith reasons, the courts and family judges are available to help.”

But it is a challenge for a judge to gather the necessary information for a last-minute hearing, he said. “As in most things, the best solution is for parents to take a step back and try to discuss the issue with each other rationally and attempt to reach a consensus, with the common goal of doing what’s best for their children,” Albis said.

Feltman is also seeing more people seeking to modify their custody agreement so they can move since their jobs can now be done remotely.

“People are losing their jobs or they no longer need to stay in Connecticut to do their job,” said Feltman, who has handled five COVID-related relocation requests in recent weeks.

“Relocation is a huge issue and a lot more people are asking the courts to relocate with their kids,” she said.

Rochlin has also seen more people seeking post judgment modifications because they have lost jobs or had a reduction in income since the pandemic started.

“I had a man who was paying \$425 in alimony a week and now he’s getting \$500 in unemployment a week,” Rochlin said. “Normally, I’d get into court in 30 days, but they gave me a Jan. 15 hearing date and it’s a virtual date. I’d say unless it’s an emergency, you have to work with the other side.”

## Decline in divorces

The amount of divorce filings has been one area not jamming the courts in recent months, Judicial Branch figures show.

Compared to 2019, the number of couples seeking a divorce since March initially plummeted and has been slowly increasing. In March 2020, 996 couples filed for divorce compared with 761 who filed this year. In April, as the pandemic took hold in Connecticut, 214 couples filed for divorce, compared with 1,001 in 2019.

Between Aug. 1 and Aug. 21, 533 couples filed for divorce, compared with 679 during the same period in 2019, Judicial Branch officials said.

Family court officials do not have specific information about why divorces have dropped since the start of the pandemic. But Albis speculated it could be due to a few factors, including less people able to afford a divorce due to lost income and the perception that court functions have been limited because of the public health crisis, which isn't necessarily the case, he said.

"The one main thing that we've done is facilitate allowing people without an attorney to e-file (for a divorce)," Albis said. "They can sign up for e-services without having to come to court."

People can submit all documentation for uncontested divorces and have their cases heard virtually, Albis said. They can also have their post judgment modifications done virtually, he said.

"Judges are working remotely and hundreds of cases have been handled this way," Albis said. "Part of it is getting the word out to the public that they can do it this way."