

Child Custody & Visitation During COVID-19



As each weekend is fast approaching during the COVID-19 pandemic, we at Provinziano & Associates know that many of you have had lots of questions on what to do during COVID-19 about your child custody and visitation arrangements.

We have put together the following questions and answers to help assist you with the challenges of COVID-19 during custody and visitation challenges. Each case works on a case-by-case basis due to the unique facts of each case.

Currently, there is no clear guidance regarding COVID-19 and the impact it has on child custody and visitation orders that are currently in effect. However, there are common sense, practical practices that can assist families navigate the current crisis with little to no interruption to their current custody orders while still being cognizant of and abiding by the **Stay At Home** order from Governor Gavin Newsom and more broadly, compliance with the Center for Disease Control requirements to stop the spread of COVID-19. It is not clear that there is an exception for child custody exchanges under the Stay At Home Order; however, there are categories listed for the care of children and authorized functions. For reference, essential workers under the Stay At Home Order are defined by the Public Health Officer's **Order**.

As always, feel free to contact us at **310-820-3500** or click **here** to schedule an appointment to check in regarding how best to resolve the challenges that you are facing in your case.

Questions & Answers

If I have a child custody order in place, should I follow it?

In general, if you have a custody order, you can continue to follow it. "Providing care to a family member" and following the Court order are likely exceptions to the Stay at Home Order, thus allowing custody exchanges, however there is no clear guidance regarding this issue. It is best practice to carry your Court order with you at all times while traveling to and from exchanges in the event you are questioned by law enforcement.

What if I live a few hours away from my child's other parent?

Communication is key during this time. You may want to discuss with your ex switching to a week on/week off custodial arrangement to limit the amount of exchanges and travel time for both parties and their child(ren).

My Child's Other Parent is not abiding by our custody order, what legal options do I have to enforce court orders?

Again, there is no clear guidance regarding the Court's response to a parent's violation of their current custody orders if they cite COVID-19 concerns. If a parent is not following orders as a result of their genuine fear for the safety of the child in the face of coronavirus, the Court may be more likely to practice leniency during this time. The best practice approach would be to communicate with your child's other parent to work out agreements amongst yourselves, as the Court is highly impacted and only allowing emergency filings at this time.

My child's other parent is not practicing social distancing and/or works in a high risk environment, what should I do?

If you are worried about your child getting COVID-19, speak with your child's pediatrician for advice. Communication is key during this time. You can ask the other parent to modify your custody schedule on a temporary basis, and propose alternatives such as:

- Postponing in-person visits for a period of time
- Scheduling daily phone calls and/or "virtual visits" using FaceTime or Zoom
- Having your child's other parent come by in-person to say hello, but keep a safe distance from your child if your child's doctor thinks this is safe (some family members are visiting vulnerable relatives through windows while talking on the phone)
- If you or your child's other parent is currently sick with a cold or flu, speak to your child's doctor right away—postponing visits may be the most reasonable course of action

How do I keep my child safe during custodial pickup and drop offs?

Continue to practice common sense social distancing during drop off and pick up. For example, utilize curb side pick-up options if it is age appropriate to do so, wash your hands and your child's hands before and after pickup/drop off, use hand sanitizer, maintain at least six feet of distance when possible, cough and sneeze into your elbow or a tissue and then wash your hands. If you have early signs of a cold, contact your doctor and stay away from your loved ones as much as possible. Make arrangements to see your child via FaceTime or Zoom until it's safe to see them in person. Let the best interests of your child(ren) be your guide!

How to get a hold of us

You can still call us or email as usual during our regular office hours of 8am to 6pm. There is hope through all of this and we are here to be by your side during this very challenging time!

Main Line
310-820-3500

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