

Custody Exchanges During the Time of COVID-19

Do custody exchanges and orders remain in place during a stay-at-home order?

Yes. Custody exchanges should be treated as essential and parents should continue to follow custody orders even during a stay-at-home order with consideration for the safety of their child.



What topics should parents discuss in response to the COVID-19 pandemic?

Communication between parents is essential during this unprecedented time. Topics parents should discuss include, but are not limited to, whether it is safe to continue in-person custody exchanges, the precautions that will be taken by each parent in response to the pandemic, how the pandemic will be explained to their child, and how their child is coping with the current situation. It is important that parents are honest with one another during this time, especially if they think they may have been exposed to COVID-19 or have experienced symptoms of COVID-19.



What if it is necessary to create an adjusted parenting plan?

If both parents agree to follow an adjusted parenting plan, this plan should be recorded in writing (paper, e-mail, text message, etc.) to prevent disputes in the future. If a parent will lose in-person time with their child as a result of the adjusted parenting plan, ways this lost time could be made up for should be discussed and included in the adjusted plan.



What if my co-parent and I cannot reach an agreement about an adjusted parenting plan?

Parents may contact an attorney or mediator and meet virtually to receive help with reaching an agreement about an adjusted parenting plan.



Are courts still accessible during this time?

During the COVID-19 pandemic, the power of courts is limited, so parents must play a greater role in refereeing situations. However, if a dispute arises, take the following general steps:

1. Check whether your court is closed or open.
2. If your court is closed, figure out whether it is closed to all matters or if it only closed to non-essential matters.
3. Determine whether your dispute is essential or non-essential.
4. If your dispute is essential, determine how you can get it to court. Check if your court has adjusted its protocols in response to the pandemic and figure out how these adjustments may impact your access to court.

Keep in mind that protocols may vary by court. For more information on the status of your court, follow the link [here](#) and select your county.



If in-person custody exchanges are not possible, what are some alternatives?

If in-person custody exchanges are not possible or if the time between custody exchanges must be lengthened due to the pandemic, virtual alternatives can be implemented to allow for the continuance of parental contact. Platforms such as Skype, Facetime, and Zoom can be used for such virtual contact. Parents can read books or play games with their child virtually over these platforms. An extensive list of virtual activities can be accessed [here](#). Zoom's screen sharing feature allows parents to engage in on-screen virtual activities with their child even if they are not in the same physical location. For more tips on making the most of video chats with your young child, click [here](#). For other ways to stay connected with your young child while separated, click [here](#).



What if a parent or child is at a higher risk of contracting a severe illness from COVID-19?

The safety of parents and their children must be prioritized. Parents should work together to create a plan that takes into account the safety of all while allowing each parent to maintain a relationship with their child. In some instances, it may be necessary for in-person custody exchanges to be suspended temporarily. In such cases, virtual alternatives can be implemented, and an adjusted parenting plan should be created. In other instances, it may be safe for in-person custody exchanges to continue to occur. In such cases, precautions should still be taken to safeguard the health of both parents and their child. For example, during parenting time, it may be necessary to limit the child's contact with individuals who may have been exposed to COVID-19.



What is a parent or child tests positive for COVID-19?

According to CDC (Centers for Disease Control and Prevention) guidelines, anyone who is sick with COVID-19 should limit contact with other people as much as possible. If a parent or child tests positive for COVID-19, it will most likely be necessary for in-person custody exchanges to be suspended temporarily. In such cases, virtual alternatives can be implemented, and an adjusted parenting plan should be created.



What if it is necessary for a parent or child to self-quarantine?

According to CDC (Centers for Disease Control and Prevention) guidelines, anyone who has recently come into close contact with a person with COVID-19 or has recently traveled to certain locations should self-quarantine for 14 days. If it is necessary for a parent or child to self-quarantine, in-person custody exchanges will most likely need to be suspended during the self-quarantine period. Virtual alternatives can be implemented during this period, and an adjusted parenting plan should be created.



Can I interfere with my co-parent's vacation plans if I am worried about the risk of infection such travel entails?

Although your concerns may be valid regarding your co-parent's vacation plans, you must follow your court order unless you and your co-parent agree to modify the court order or enforcement of the court order. When making travel plans, both parents should adhere to CDC (Centers for Disease Control and Prevention) guidelines as well as state and local orders. However, COVID-19 concerns are not a sufficient reason for a parent to violate a court order. If concerns arise, parents are encouraged to work together to reach an agreement. If an agreement is unable to be reached, it may be necessary to file an emergency motion in order to modify the court order or enforcement of the court order.



Can my child still travel between parents via airplane?

According to the CDC (Centers for Disease Control and Prevention), air travel may increase your child's risk of exposure to COVID-19. It may be safer for your child to travel between parents via car (avoiding as many stops as possible along the way). Parents may choose a central location to meet and exchange custody in order to reduce the travel time for each parent. If car travel is not possible, parents must decide what is in the best interest of their child. Air travel may be deemed appropriate (taking the appropriate precautions as outlined by the CDC) or a virtual alternative to in-person custody exchanges may be implemented temporarily.

What if parenting time is ordered to be supervised?

If parenting time is ordered to be supervised and the usual supervisor is unable to supervise due to the pandemic, an alternative supervisor may supervise parenting time if agreed upon by both parents. Alternatively, virtual parenting time may be implemented temporarily.



What if parenting time is ordered to take place in a public place?

Parenting time can still take place in a public place, but the health and safety guidelines of the state must be taken into account. Activities that can be done in public places and that allow for social distancing include visiting a drive-in movie theater, hiking, and other outdoor activities.

Sources:

- <https://aaml.org/page/AAMLPressRelease19TipsforParentingDuringCOVID-19L?&hhsearchterms=%22covid%22>.
- <https://www.jurist.org/commentary/2020/04/julie-colton-child-custody-pandemic/>
- <https://courts.michigan.gov/Administration/SCAO/Resources/Documents/COVID-19/CustodyPT-FAQ.pdf>
- <https://www.stanct.org/information-parents-sharing-custody-or-parenting-time-children-during-covid-19-pandemic>
- <https://www.law.com/texaslawyer/2020/05/28/the-continuing-impact-of-covid-19-on-child-custody-must-i-exchange-my-child-for-summer-visitation/?slreturn=20200510160952>
- <https://www.lynchowens.com/blog/2020/march/can-coronavirus-fears-allow-parents-to-cancel-co/>
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