YOUR COVID-19 GUIDE TO DIVORCE AND CO-PARENTING

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By: Hugo E. Acebo

As if going through a divorce is not stressful enough, you are now asked to navigate the dissolution of your marriage during a worldwide pandemic. The key is to remain calm, be patient and recognize what can reasonably be done. The most important thing you can do for yourself and your family is to heed the CDC suggestions.

The courts have been closed and all non-essential hearings have been suspended. This does not mean that you cannot proceed with filing for divorce or that your case is also suspended. If you were contemplating moving forward with a divorce proceeding, know that the steps necessary to file a divorce petition are still available to you. Today, most filings can be submitted electronically, and the majority of attorneys are working remotely. It is also important to note that applications for injunctions against domestic or repeat violence, (commonly referred to as restraining orders) are still being accepted and hearings on such applications are still being conducted. If your divorce has already been filed, hearings on pleadings and motions have been deferred until the courts reopen. It will take some time to get through the backlog, nevertheless, there is a lot you can do while the courts are closed.

If you are a parent, now is the best time to practice good and effective co-parenting. The American Academy of Matrimonial Lawyers and Association of Family and Conciliation Courts has released the following suggested guidelines for co-parenting during the COVID-19 pandemic:

1. **Be Healthy**
Comply with all CDC and local and state guidelines and model good behavior for your children with intensive hand washing, wiping down surfaces and other objects that are frequently touched, and maintaining social distancing. This also means BE INFORMED. Stay in touch with the most reliable media sources and avoid the rumor mill on social media.

2. **Be Mindful**
Be honest about the seriousness of the pandemic but maintain a calm attitude and convey to your children your belief that everything will return to normal in time. Avoid making careless comments in front of the children and exposing them to endless media coverage intended for adults. Don’t leave the news on 24/7, for instance. But, at the same time, encourage your children to ask questions and express their concerns and answer them truthfully at a level that is age appropriate.

3. **Be Compliant with court orders and custody agreements**
As much as possible, try to avoid reinventing the wheel despite the unusual circumstances. The custody agreement or court order exists to prevent endless haggling over the details of timesharing. In some jurisdictions, there are even standing orders mandating that, if schools are closed, custody agreements should remain in force as if school were still in session.

4. **Be Creative**
At the same time, it would be foolish to expect that nothing will change when people are being advised not to fly and vacation attractions such as amusement parks, museums, and entertainment venues are closing all over the US and the world. In addition, some parents will have to work extra hours to help deal with the crisis

and other parents may be out of work or working reduced hours for a time. Plans will inevitably have to change. Encourage closeness with the parent who is not going to see the child through shared books, movies, games and FaceTime or Skype.

5. **Be Transparent**
Provide honest information to your co-parent about any suspected or confirmed exposure to the virus and try to agree on what steps each of you will take to protect the child from exposure. Certainly, both parents should be informed at once if the child is exhibiting any possible symptoms of the virus.

6. **Be Generous**
Try to provide makeup time to the parent who missed out, if possible. Family law judges expect reasonable accommodations when they can be made and will seriously consider concerns raised in later filings about parents who are inflexible in highly unusual circumstances.

7. **Be Understanding**
There is no doubt that the pandemic will pose an economic hardship and lead to lost earnings for many, many parents, both those who are paying child support and those who are receiving child support. The parent who is paying should try to provide something, even if it can't be the full amount. The parent who is receiving payments should try to be accommodating under these challenging and temporary circumstances.

Wherever you are in the process, know that there are steps you can still take care of yourself and your family and possibly move forward towards the conclusion of your case. Berger Singerman is here to help guide you through the process during this difficult time.

Attached is the Administrative Order on Parenting in Domestic Relations Cases from the 17th Judicial Circuit for reference.

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Hugo E. Acebo

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