

03.27.20

Weber 
Gallagher

What Does Your Child Custody Order Say?

We have all suddenly been forced into the situation of social distancing, quarantine, sheltering in place or staying at home. While the situation has been evolving, we have adjusted to what this specifically means to each of our lives and households. The one constant is the terms of your child custody order have not changed.

Our office has received calls from clients with custody orders, new clients who have been co-parenting for years, and those newly separated from their partners and having to share children. We have learned of legitimate instances of former couples having to use their best judgment when sharing custody after potential exposure or having experienced COVID-19 symptoms. We are also being told of parents using the COVID-19 fears as a reason to deny the other parent custody or visitation of their children. The courts, while closed, have all put in place provisions for emergency procedures.

Also, the Pennsylvania Governor's stay at home orders still permits travel to enforce court orders – like Child Custody Orders. It remains to be seen whether the denial of access to your child by another parent will be considered an emergency by the courts even though it is almost certainly an issue of violation of a court order.

This situation we are all faced with may go on for months. It is sad to think that this problem may be used unreasonably to deny custody to parents who are divorced or have split up. Our suggestion is to pull out your Custody Order and read what it says. What are the terms that deal with notifying the other parent about emergencies? What are the terms having to do with pick-up and drop off and can they be used as a basis for implementing even more protections for your family and child? Provisions common to most Custody Orders should be carefully examined like implementing curbside pick-up and drop off, asking a doctor how long one should wait after being exposed to others before children are allowed to go to the other home, and an inquiry by one parent as to the possible exposure of the members of the other party's household.