



COVID-19 Child Custody Guidance for Families: FAQs

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March 24, 2020



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COVID-19 has had a significant impact on all facets of our lives; this includes child custody disputes. Here are some frequently asked questions to help you understand how to navigate this difficult period.

1. Are custody orders still in effect?

Yes, all orders remain in full effect.

2. How are we supposed to transfer our child back and forth when the Governor's Order requires us to stay at home?

The Governor's most recent order permits travel that is required by court order and travel that is required to care for minors and dependents. We do not anticipate any change in this permitted travel.

3. My co-parent and I do not have a court order; what should I do?

Continue to follow your existing custody schedule. Confirm the details by text or email with your co-parent so that you have a writing that confirms your existing schedule. Parents who have been following a schedule that is not set forth in a court order have a *de facto* custody schedule, which is enforceable by the courts.

4. My co-parent and I do not communicate very well under normal circumstances; is there an app that can help us right now?

Yes, we recommend the Our Family Wizard application, which is being recommended more and more by family court judges and by family therapists; you can find it at: <https://www.ourfamilywizard.com/>. Should you need to take legal action later, the app creates the documentary road map that your counsel will present in court.

5. My co-parent works in health care; do I still have to transfer our child?

Yes. However, if you are a health care worker, we advise you to work cooperatively with your co-parent to implement all necessary safety systems, maybe even going a bit beyond in order to address fears of your co-parent. We are finding that some situations may require temporary, agreed suspension of overnights. We are also finding, however, that some parents are overly concerned and/or taking undue advantage of one another in this emergency situation.

6. My co-parent is already playing games with our child and courts are closed; do I have any legal remedies?

Yes, but you cannot pursue them in court unless they are an emergency. The courts are open for emergency custody situations, which, while not defined in the various orders that have been entered in each county, is being interpreted as situations of physical harm or threats of physical harm. We are finding that these disputes can usually be worked out through counsel, most of whom are working remotely.

7. Will my co-parent face any consequences for playing games with my custody time during this emergency period?

Yes. Keep careful track of all communications with your co-parent. When court resumes, you may file the appropriate petition and seek makeup time and any appropriate sanctions, which can include fines and reimbursement of legal fees. With respect to custody modifications, the statute requires judges to consider whether a parent is cooperative and flexible with the other parent, especially in emergency or new situations.

8. Any practical tips for how I can help my child with this new normal?

Understand that you and your child are feeling the effect of the loss of normal routines, which included school, extended family, and outside activities. Your child may not be able to tell you what she or he needs, nor have the inclination to do so. You are in the same boat right now, as are we all! The one routine that you can control and to which you can adhere is the custody schedule. Not only is it good for your child, it gives you and your co-parent much-needed breaks and opportunities to recharge.

9. All this stuff sounds good, but my child is clingy and doesn't want to go to the home of the other parent. What do I do about that?

Consider approaching your co-parent about splitting time so that each child has one-on-one time with each parent. Explain to your child that you will be following the normal routine, while working together in order to address reasonable concerns that the child may have. Do not fall into the trap of letting your child call the shots.

10. OK, what do I do with situations that you haven't covered in this FAQ summary?

Take the high road. Always take the high road. Your child will remember this strange time for the rest of his or her life. The parent who models ethical and balanced behavior will be rewarded with an ethical and balanced child. The parent who is not willing to do that will be the one who loses out in the long run.

About the Author: Ms. De Shong is one of Pennsylvania’s leading family law attorneys. She has counseled hundreds of men and women on all aspects of divorce, child custody, distribution of assets, support, and alimony, as well as property settlement agreements, prenuptial agreements, cohabitation and partnership agreements, family business agreements, protection from abuse matters, and more. She is a Fellow of the American Academy of Matrimonial Lawyers, a national organization of approximately 1,600 highly skilled litigators and negotiators who represent individuals in all areas of family law, and the Litigation Counsel of America, a national trial lawyer honorary society. If you would like further information about Ms. De Shong and family law, or if you have a family law matter that you would like to discuss with her, please email Ms. De Shong at adeshong@wispearl.com.

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