

Information for Parents Sharing Custody of Children During the Covid-19 Pandemic

By the Superior Court of The State Of California, County of Mendocino

The COVID19 pandemic has significantly affected many people's day-to-day lives. Children are no exception: children must stay inside, are unable to go to school or day care, and cannot have contact with friends and extended family due to the "shelter-in-place" orders.

Children deserve to have consistency and stability during this difficult time. For that reason, we encourage parents to follow their existing parenting plan as closely as possible during this time.

Below, we give parents general guidelines to ensure that children have frequent and continuing contact with both parents, as is California policy. These guidelines are not meant as legal advice and do not apply to every situation. The health, safety and welfare of children is the primary goal of any parenting plan.

We urge you to work cooperatively to ensure the safety of your children! If you and your children's other parent cannot resolve your disagreements, the Family Court is available to decide child custody issues.

General Guidelines for Your Parenting Plan:

1) Communicate with Each Other

Unless there are restraining orders that keep parents from communicating, parents should discuss how they are working to reduce the risk of the children being exposed to the COVID-19 virus. In general, a parent cannot deny the other parent their parenting time based on a subjective belief that the other parent is not protecting the children well enough.

2) Do Not Deny the Other Parent Their Parenting Time

COVID-19 is not a reason to deny parenting time. Parents are considered fit to care for their children and make the day-to-day parenting decisions, unless a court has decided differently. Day-to-day care includes following orders and recommendations by the State of California and Mendocino County Public Health, such as social distancing and frequent hand-washing.

3) Treat Your Parenting Time the Same as if Your Children Were Attending School as Usual

While schools are closed, parenting time should continue as if the children are attending school in their regular school district. Parents should not treat the school closure as the child's spring or summer break. It is also not treated as a "weekend" under the parenting plan.

4) Make Changes to Your Parenting Time Exchanges if Needed

During the exchange of children, parties should follow public health directives for limiting the spread of the COVID-19 virus. This may mean choosing a different location with fewer people or fewer risks of contamination from objects or surfaces. (Example: moving the exchange from inside a store or restaurant to the parking lot)

5) You May Need to Change the Parenting Time in Public Places

If the parenting time is supposed to take place in a public place that is now closed, such as a park, the parents should try to agree to a different and safe location. If that is not possible, the parenting time should instead take place by video or telephone.

6) Make Changes, if Needed, to Your Supervised Visitation

If a parent is ordered to have supervised visitation with a child, and the supervisor is unavailable due to COVID-19 related issues, the parents should work together to make sure that a safe visit can happen. For example, the parents could agree to having a different supervisor for the visits, or allow the visit to take place by video or telephone.

7) Make Up Parenting Time that May Be Lost Due to the Pandemic

If a parent cannot spend time with a child under the existing parenting plan due to COVID-19 related issues, parents should work together to schedule makeup parenting time in a way that ensures the children's safety and wellbeing.

8) Options When One Parent Does Not Follow the Court Orders

If you need to change the existing parenting plan because you and the other parent cannot agree on needed changes, the Family Court offers hearings and child custody mediation by telephone or video. If you have evidence that there is an immediate threat to a child's health or safety, you may ask the court for emergency orders.

Our first responders (Sheriff, police, fire, EMTs) are providing much needed support for issues related to the COVID-19 pandemic, and must be available for true emergencies. So please do not call first responders regarding enforcement of child custody orders unless an immediate and significant safety issue is present.