

Co-Parenting Considerations In Light of Gov. Murphy's "Stay at Home" Executive Order 107 & COVID-19 - Client Newsletter

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Gov. Murphy's Executive Order 107, Paragraph 2.(4) of March 21, 2020, requires all New Jersey residents to "remain at home unless they are . . . visiting family or other individuals with whom the resident has a close personal relationship, such as those for whom the individual is a caretaker or romantic partner" Consequently, transporting children to engage in parenting time with a co-parent is technically appropriate under the "Stay at Home Order." Nonetheless, co-parents should communicate and act responsibly in addressing parenting time schedules and unique accommodations during this difficult time. The best interests of the children are always paramount. To that end, leaders from the American Academy of Matrimonial Lawyers (AAML) and Association of Family and Conciliation Courts (AFCC) have released the following "Seven Guidelines for Parents Who are Divorced/Separated and Sharing Custody of Children during the COVID-19 Pandemic." Please do not hesitate to contact the PSWH Family Law Group if you have any questions regarding parenting time or any other family law matter; we remain available to all clients around the clock by phone, email and video conference.

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 though 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 at all possible. Family law judges expect reasonable accommodations when they can be made and will take seriously 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.

Adversity can become an opportunity for parents to come together and focus on what is best for the child. For many children, the strange days of the pandemic will leave vivid memories. It's important for every child to know and remember that both parents did everything they could to explain what was happening and to keep their child safe.