

## ***Parenting Plans During an Unprecedented Pandemic***

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The current COVID-19 Global Pandemic has created unique challenges for all of us with significant impact to those divorced/separated parents attempting to follow their Parenting Plan or time-sharing schedules and has caused much confusion when making the decision to rigidly follow the stay-at-home restrictions instituted in an area or the terms of a Parenting Plan/Court Order. While there are some parents that are attempting to utilize the provisions set forth in local stay-at-home orders to permit the retention of their children during this Pandemic, in direct contravention of their Parenting Plans, we have not found any authority to support such position in the Broward County, Florida Order. Because many of the governmental stay-at-home orders that have recently gone into effect both nationally and internationally have failed to specifically address whether or not an exception is carved out for children to freely move between the residences of their separated parents during the Pandemic, parents are left confused, bewildered, and fearful that they may not see their children for an indefinite period of time; or conversely, perhaps they will be forced to be the sole caretaker for their children for an unidentified period of time. Several State Supreme Courts, including Michigan and California, have issued statements ordering that all parenting time-sharing orders are to be followed throughout any government restrictions on travel or freedom of movement. After significant confusion to parents in reports from the UK Government, UK Minister Michael Gove has now made it publically clear that children who split their time between their separated/divorced parents' homes in the UK, are free to continue to move between the residences during any governmentally mandated lockdown period. France has similarly permitted the movement of parents during their lockdown to facilitate time-sharing exchanges of their minor children. However, there have been reports of the Police in Spain, a country facing some of the strictest lockdown measures (including the prevention of outdoor exercising), are enforcing the lockdown against separated/divorced parents leaving their homes to exchange their minor children. Our best advice is to make every effort to utilize this worldwide, unprecedented, pandemic to bridge some of the distance between you and your co-parent, despite what may have been years of combativeness and perhaps, litigation. This is an extremely challenging time for every family, even those intact families living under one roof. Try to be mindful of what is best for your children during what is likely a very scary and overwhelming time for them. Perhaps continuing to institute as much routine and stability, including mealtimes, academics, and play, along with adhering to the time-sharing schedule that your children have come to anticipate, as much as possible, is best and most comforting to their young minds. Be flexible. If you legitimately believe that exchanging your children with your co-parent will be to the child's detriment, perhaps because your co-parent refuses to adhere to, or is unable to adhere to the recommendations of the CDC, then try to be creative to ensure continuous remote access. Set up frequent, regular and ongoing opportunities for your child and co-parent to communicate via FaceTime, Zoom, Skype, or the like. Let the other parent come and visit the children from outside your residence, ensuring social-distancing. If allowable in your area, and suitable for your aged children, meet in a public place, park six (6) feet apart and remain in your vehicles at all times with the windows down so the children can see their other parent face-to-face and know they are okay. In short, absent specific written governmental prohibitions, if you have a Parenting Plan or a Court Order in place, follow it; if you have an informal time-sharing schedule that you have been following, continue to follow it. If you have legitimate and justifiable fears that your co-parent will not follow the social-distancing and protective practices recommended by governmental bodies and accordingly may risk exposure to the children, then we recommend contacting an experienced family law practitioner so that your personal situation can be properly assessed, before you unilaterally disregard the terms of your agreement or prior court order and risk penalties for the same. Further guidance from the American Association of Matrimonial Lawyers can be found here: [Seven Guidelines for Divorced/Separated Parents with Children During Pandemic](#).

***Disclaimer: This article is intended to provide you with general information regarding the impact of a potential or actual coronavirus pandemic. The contents of this article are not intended to provide specific legal advice.***

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