

Court Guidance on Parenting Procedures During COVID-19 Pandemic

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As the impact of the COVID-19 Global Pandemic rages on, divorced/separated parents continue to struggle to balance the need to follow their instituted parenting plans or historical time-sharing routines, against their parental judgment to protect their children from any possible exposure.

On April 2, 2020, Chief Judge Jack Tutor and the Family Bench of the 17th Judicial Circuit in and for Broward County, Florida made significant and impressive efforts to reduce the confusion for such parents, and reassure separated or divorced co-parents that their time-sharing exchanges are essential, and that co-parents shall (and have been so ordered) continue to adhere to the terms of their Parenting Plans and/or Court orders regarding time-sharing. The Broward Order states that it is intended "to be utilized and complied with immediately in all...Domestic Relations cases" (including newly filed matters). The Order goes on to state that "continued adherence to all orders by all parties is expected". The Order prohibits parents from "unreasonably restricting access to the child(ren) to the other parent". The Order gives further guidance to parents to continue to follow their non-summer time-sharing schedule through the last day of school designated in the 2019-20 official school calendar, even though children are not physically attending school at this time.

Broward County Temporary Administrative Order 2020-30 also carves out instructions for co-parents in the event tougher lockdowns are put into place in Florida. If the free movement of individuals in the community is halted, the parent with majority time-sharing (183 overnights annually) is to keep the child(ren) until that governmental order is lifted. Parents are to assume that they will be provided make-up time-sharing in the event such provision is effectuated, and unreasonable behavior by a parent will be sanctioned by the Court. There are certainly many Parenting Plans currently in place where both parents are designated to have 182.5 overnights with the child(ren) per year; these parents will be forced to communicate to determine what is best for their family's specific needs, if such restrictions arise.

The Broward Order also recommends that video-conferencing and phone contact between a non time-sharing parent and the child(ren) should be increased during a restrictive period, to mitigate any fears or anxieties the children may be experiencing during difficult times and periods of absence.

Miami-Dade County Chief Judge Soto also entered a similar Order on April 2, 2020, with comparable guidance to co-parents in Miami-Dade County. The Miami Order further advises all parties and attorneys that the Court expects good faith efforts and cooperation in converting existing appointments to virtual or telephone venues. The Miami Order also takes judicial notice of the CDC recommendations, along with all Florida Supreme Court Administrative Orders, and advises all parties that adherence to these orders and recommendations is expected.

The expectation is that Orders of this kind will significantly reduce the power of any parent attempting to utilize the Pandemic to wrongfully retain their child(ren) indefinitely, irrespective of the directives set forth in their Parenting Plans, and further prevent parents from rushing to the Courthouse to try and obtain emergency relief. At a minimum, these Orders will make parents think further before resorting to "self-help".

The entirety of the 17th Judicial Circuit Administrative Order 2020-30-Temp, Parenting In Domestic Relations Cases can be found here: [Broward Order](#)

The full language of the Miami-Dade County Administrative Order No. 20-06 can be found here: [Miami Order](#)