

Information for Parents Sharing Custody and Parenting Time During the COVID-19 Pandemic

Due to the COVID-19 Pandemic, schools in San Mateo County are closed for the remainder of the 2019-2020 school year (<https://www.smcoe.org/other/covid-19-response-and-resources.html>). The goal of these recommendations is to encourage parents with shared custody orders to continue to follow their parenting plan as closely as possible, as doing so will ensure a level of consistency and stability that is in the children's best interests. These recommendations recognize California's policy of maintaining frequent and continuing contact between children and parents; encouraging parents to share in the rights and responsibilities of child-rearing; and considers the best interests of the children. (Family Code sections 3011 and 3020).

Best Practice Recommendations:

- 1) **Spring Break, Summer Break/Vacation or Holidays:** While school campuses are physically closed, many schools are continuing distance instruction or at-home learning. Parenting time should continue as if the children are still attending school in accordance with the school calendar of the children's school district. "Spring break", "summer break/vacation", or other designated holidays, mean the regularly calendared breaks/vacations or holidays in the school district where the children are attending school or would attend school if school-aged. The closure of the school for public health purposes will not be considered an extension of any break/vacation/holiday period or weekend.
- 2) **Denial of Parenting Time:** COVID-19 is generally not a reason to deny parenting time. Unless otherwise ordered by the court, parents are considered fit to care for their children and make decisions regarding the day-to-day aspects of parenting while the children are in their care. This day-to-day care includes following the CDC guidelines and state and county public health directives regarding shelter-in-place, social distancing, and sanitation.
- 3) **Parenting Time in Public Places:** Governor Newsom has forbidden all nonessential gatherings of any size. Many parks and outdoor recreation facilities are closed due to public non-compliance with social distancing orders. Public health officer directives limit the distance that people are permitted to travel from their homes for outdoor exercise. If the parenting plan states that parenting time will occur in a public place, parenting time should continue at locations that remain open to the public and are permitted under the health and safety guidelines for the state and county where the visitation occurs. If there are no open parks or recreation areas where parents and children can maintain social distancing and avoid commonly touched surfaces (like play equipment, picnic tables, etc), then parenting time should be conducted virtually via videoconferencing or telephone.
- 4) **Supervised Parenting Time:** If parenting time is ordered to be supervised, and the supervision provider is unavailable due to COVID-19 related issues or government orders, the parties should work collaboratively to ensure parenting time continues to occur in a manner that promotes

their children's safety and well-being. Options include finding an alternative supervisor or conducting parenting time virtually via videoconferencing or telephone.

- 5) **Governor's Executive Orders regarding Travel:** The Governor has issued executive orders that restrict travel except for essential activities, which generally include caring for minors, dependents, and/or family members. Local health directives also include travel for parental custody arrangements as "essential travel". Therefore, unless otherwise directed by the Governor or local public health orders, parents should continue to follow parenting plans as written. Parents whose custody orders require out of state travel or travel outside of the 9 Bay Area Counties for custodial exchanges should work collaboratively and in the best interests of their children to determine whether such travel is currently advisable or should be rescheduled in light of local health conditions where visits are scheduled to occur and the potential for COVID-19 related travel disruptions.
- 6) **Exchanges:** During the exchange of children, all parties should follow CDC guidelines and local health officer directives for limiting the spread of the virus, which may mean choosing alternate locations for exchanges to avoid high-traffic areas and commonly touched surfaces. If supervised exchanges have been ordered and the regular supervisor is unavailable, parents should either identify an alternative exchange supervisor or conduct the exchange at the police station nearest to the parties' regular supervised exchange location.
- 7) **Transparency:** Unless parties are restrained from communicating with one another by court order, parents are encouraged to communicate with one another about precautions they are taking to slow the spread of COVID-19, and about potential exposure to the virus within their own households. A parent is not permitted to deny parenting time based upon the other parent's unwillingness to discuss their precautionary measures taken, or based on a belief that the other parent's precautions are insufficient. If a parent or any member of a parent's household has been exposed to COVID-19 or begins to display flu-like symptoms, that parent should immediately communicate that information to the other parent. Both parents should then consult their medical providers and the child's medical provider and follow any medical provider advice regarding whether exchanges between households should occur.
- 8) **Makeup Parenting Time:** If parenting time is missed due to COVID-19 related issues or government orders, parents are encouraged to work collaboratively to schedule makeup parenting time that promotes their children's safety and well-being.
- 9) **Flexibility:** Shelter-in-place orders have caused wide-ranging disruption to schools, businesses, and available government services that have dramatically impacted families' day-to-day lives. With many more parents either working from home or not working during this time, COVID-19 presents not only a challenge but an opportunity for parents to work collaboratively to share the responsibilities of child-rearing. If COVID-19-related changes to a parent's employment or health situation make current custody orders impractical, parents are encouraged to work together to reach agreements to modify those orders in the best interests of their children.