

Parenting Time and Impact of COVID-19

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At this time, COVID-19 (coronavirus) has had some impact on almost everyone. J.B. Pritzker, the Governor of Illinois, entered an executive order which requires all individuals currently living in the State of Illinois to stay at home, with some exceptions. The Order further prohibits all public and private gatherings and permits essential travel only.

Complying with courts orders is considered essential. The Executive Order specifically included under paragraph 14(e) that parenting exchanges are considered essential travel pursuant to a court ordered parenting schedule. This would include temporary orders that include allocation of parenting time as well as Allocation Judgments or Joint Parenting Agreements which allocate parenting time. The fact that the Governor entered a “stay at home” order and the fact that the courthouses are operating under limited and essential functions only, does not mean that you do not have to follow previously entered court orders regarding parenting time.

Continuing with parenting exchanges may not be in the best interests of your children in your specific case for health and safety reasons. If this is the case, it is important to communicate with the other party regarding the circumstances. If you do not follow the court ordered parenting time, there could be unintended legal consequences. This is not an opportunity to simply deny time to the other parent who has been awarded parenting time through a court order. However, if you need to take precautions or if you think the child or the other parent has been exposed to COVID-19, you will need to work with the other parent to discuss resolution. You can arrange video chats or phone calls with the other parent during their court ordered parenting time if there is a necessity to do so.

Nothing that has taken place during the spread of COVID-19 prevents the parents from modifying their parenting time by agreement. In fact, you are encouraged to reach an agreement regarding necessary modifications to the parenting time schedule as it is impacted by COVID-19, school closures and employment changes. You should act in the best interest of the child(ren) and consider their physical health, including unnecessary or discretionary travel.

If the other parent has recently travelled, it would be reasonable to expect them to self-quarantine and wait to exercise their regular parenting time. This may require some flexibility with making the child(ren) available via Skype or Facetime. These requirements may not be specifically outlined in the parenting agreement. However, a reasonable and practical approach to this situation is going to be required. Additionally, if you are required to meet in a public place to do your parenting exchanges, you may need to consider a new temporary location. You can also limit your contact during parenting exchanges by not having contact with the other parent and following the social distancing guidelines.

A copy of the Executive Order in Response to COVID-19 is included in this newsletter for your convenience and reference.