



Frequently Asked Questions for Family Law – Information for Parents Sharing Custody or Parenting Time of Children During the COVID-19 Pandemic

Due to the COVID-19 Pandemic, most, if not all, schools in Placer County are closed for an extended period to reduce the transmission of the virus. The American Academy of Matrimonial Lawyers (AAML) and the Association of Family and Conciliation Courts (AFCC) have published important guidelines for parents during the pandemic and all parties may reference this resource. (<https://www.thecenterforfamilylaw.com/afcc-aaml>).

This information is intended to encourage all parties 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. Following the parenting plan recognizes California's Legislative policy of: assuring minor children frequent and continue contact with parents who have shown the ability to act in the children's best interests; encouraging such parents to share in the rights and responsibilities of raising their children; and considers the best interests of the children (Family Code section 3011 and 3020).

If there is a change in circumstance brought about by the public health crisis, parents may agree to modify their parenting plan by written agreement. Agreements to modify a court ordered parenting plan are permitted and the agreement must be in writing. Parents needing to modify parenting plans may use form PL-FL017 "Child Custody Agreement and Order" found on the court's website. Both parties must sign the agreement to modify and the signed agreement can be mailed to the court for review and processing.

BEST PRACTICE RECOMMENDATIONS

Unless the parties agree otherwise:

1. Definition of Spring Break, Summer Break/Vacation or Holidays:
While the schools are closed, parenting time shall continue as if the children are still attending school in accordance with the school calendar of the relevant district. 'Spring break,' 'summer break/vacation' or other designated holidays, means the regularly calendared breaks/vacations or holidays in the school district where the children are attending school (or would attend school if they were 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:
Absent a specific emergency regarding the best interests of a child, COVID-19 is not, in and of itself, a reason to deny parenting time, unless otherwise ordered by the court.



3. **Parenting Time in Public Places:**
Governor Newsom has issued a shelter in place order. If the parenting plan states that parenting time will occur in a public place, parenting time should continue at locations that are permitted under the Governor's executive orders and the health and safety guidelines issued by State and Local Public Health officials. Activities that are permissible where parents and children can maintain social distancing and avoid potentially infected surfaces are encouraged. If that is not possible, then the parents may want to consider parenting time be conducted virtually via videoconferencing or by telephone.
4. **Supervised Parenting Time:**
If parenting time is ordered to be supervised, and the supervisor 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 wellbeing, such as finding an alternative supervisor. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.
5. **Any Executive Orders Regarding Travel:**
Executive orders may have been issued that restrict travel except for essential activities, which generally include caring for minors, dependents and/or family members. Therefore, unless otherwise directed by executive order, the parties should continue to follow the parenting plan as written while such orders are in effect or collaborate on mutually agreeable solutions.
6. **Exchanges:**
During the exchange of the children, all parties should follow the CDC guidelines for limiting the spread of the virus, which may mean choosing an alternate location for the exchanges that has less people congregating and less touching of surfaces in public areas (changing from the restaurant to the grocery store parking lot for example).
7. **Transparency:**
Unless the parties are restrained from communicating, parents are encouraged to communicate about precautions they are taking to slow the spread of COVID-19.
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 wellbeing.
9. **Consistency:**
Parents may not agree to any provisions that are not consistent with public health guidelines established by federal state or local government.