

IN THE 32ND JUDICIAL CIRCUIT
STATE OF ALABAMA

ADMINISTRATIVE ORDER 2020-08

Relating to Child Visitation during the Current COVID-19 Pandemic

As part of the local court response plan to contain the spread of COVID-19, it is hereby ORDERED, after consultation with the other judges in this circuit, that the following rules are adopted in all child custody or dependency cases within the jurisdiction of the courts of the 32nd Judicial Circuit:

1. Visitation and Custody Exchanges During COVID-19 Pandemic in Domestic Relations, Juvenile and District Court Custody Cases.

It is understandable that parents will be concerned about the safety and health of their minor children during the present health crisis and have legitimate concerns about their minor children leaving their homes to go to the home of their other parent. However, under the law, each parent is presumed to be fit and to make the health of their children a top priority. Sadly, we know from experience that this is not always true. But unless one parent can present *admissible facts* that will support an assertion that the other parent is acting in such a way as to put the health and safety of minor children at risk, there will be no suspension or modification of court ordered visitation or custodial time. Mere speculation and unsubstantiated fears will not constitute sufficient evidence to temporarily alter existing visitation or custody orders. However, parents are expected to put the needs and interest of their children above their own wants and

desires and are encouraged to communicate with one another about visitation and custody exchanges to arrive at common sense solutions to protect their minor children from COVID-19.

Parents shall comply with CDC Standards. As of now, the Centers for Disease Control and Prevention (CDC) recommends that a person self-quarantine if he or she recently traveled from an area deemed a hot spot for COVID-19, if he or she has symptoms of COVID-19 or lives with a person with symptoms, or if he or she has come into close contact with another person who has been confirmed with COVID-19. Individuals who should be in self quarantine should not be around others during the quarantine period and this would include their own minor children. All parents with minor children are also expected to adhere to CDC guidelines and to obey the proclamations issued by federal, state and local government officials that are intended to slow the transmission of COVID-19. The failure of a parent to follow those guidelines and government directives may be used as evidence that a parent is placing the health of a minor child at risk. Upon proof that a parent has engaged in a pattern of disregard for the health and safety of a minor child that is subject to the court's jurisdiction, a temporary order may be entered suspending or modifying visitation or physical custody orders until such time as the present crisis has passed.

2. Court Ordered Supervised Visitations. In any case in this judicial circuit that a Circuit, District or Juvenile court has ordered that visitation between a child and his or her parents be supervised, the following rules shall apply.

Video Conference Visitation. If there is an existing court order requiring that visits between a minor child and parent be supervised and the facility or third party is no longer able or willing to supervise visits between parent and child, all previously court ordered supervised visits

between the child and his or her parent(s) shall occur using available video conference technology, such as Skype, Facetime, Zoom, Teams or any other software agreeable to the parties. The parent who has been allowed supervised visitation only shall file a notice with the court clerk providing: (i) his or her name, (ii) the name of the minor child or children subject to the court order, (iii) the email address or telephone number the parent will use for the video conference visitation, and (iv) a list of all video conference software that is available to the parent. The clerk shall maintain the information provided as confidential and the information shall not be accessible to the general public but may be shared with parties and counsel of record to facilitate video conference visitation. If a parent does not have the capability to engage in a video conference visitation, telephone visitation shall be substituted in its place.

If the minor child or children of a party is in the legal custody of the Alabama Department of Human Resources, the parent shall also contact the caseworker assigned to the case and provide the worker with the same information provided to the court clerk so that video conference visits can be arranged between the child and parent. In those cases, in which the Department is not involved, a parent exercising supervised visitation shall contact the custodial parent or guardian of the child to arrange for video conference visitations. All video conference visitations shall occur at the same times and for the same duration as previously court ordered, unless the parties mutually agree otherwise.

Recording of Video Conference Visits. Unless expressly authorized by a court with jurisdiction of the parties, there shall be no video or audio recording of the video conference visitation by any party or any other person. Failure to abide by this order may result in the offending party being held in contempt of court and punished for contempt as provided by law.

Done this the 7th day of April, 2020.

/s/ Gregory A. Nicholas

Gregory A. Nicholas
Presiding Circuit Judge
32nd Judicial Circuit
State of Alabama