

Co-Parenting During the Coronavirus Pandemic

Parenting Time Guidelines for the Jefferson County Domestic Relations Court (Birmingham Division)

These guidelines are being published to provide guidance to divorced or divorcing parents in Jefferson County. In publishing them, the Court hopes to help families avoid unnecessary disputes during this unprecedented time. Your children's lives and yours are already being turned upside down. It is always best to avoid unnecessary litigation, but never more than now. Furthermore, the Courts are currently limited, by Order of the Alabama Supreme Court, as to what hearings they can have. The Domestic Relations Court of Jefferson County strongly encourages parents to work with one another to resolve disputes around parenting time without Court intervention.

To the extent that parents are unable to resolve matters wholly on their own, the Court provides these Guidelines to help inform their choices. They are Guidelines and not Court Orders. However, they do provide insight into how the Domestic Relations Court in Jefferson County will view these issues if matters eventually are heard in Court. By providing this guidance now, the Court hopes to reduce the number of such matters that will require Court intervention.

1. **Parents' Agreements.** If the parents jointly agree to temporarily exercise parenting time different than what has been Ordered (or in cases where there is not yet an Order, but the parents are working together to facilitate parenting time), then the Court will not have a problem with such agreements. In fact, the Court encourages such co-parenting. Generally, the Court feels parents are in the best position to decide what is best for their families. Such agreements do not need to be ratified by a Court Order nor require a formal written agreement. However, they should at least be informally committed to in writing so there is clarity about the terms of such an agreement. The Court will not prejudice either party by such agreements and will assume the parties intend to return to the terms of their original Court Order once this pandemic has been resolved.
2. **General Rule: Follow Your Court Order.** Absent an agreement to vary from what has been previously Ordered, **parents should comply with Parenting Time Orders, absent extraordinary circumstances.** The Court understands this coronavirus pandemic is an extraordinary event. However, the Court intends to communicate that even during this extraordinary event, that unless the parties otherwise agree, they should abide by Court Orders unless your particular case is especially extraordinary. Examples of such extraordinary circumstances may include where one party or a child has been diagnosed with COVID-19, or where one party or a family member living in the home, is under self-imposed or medically Ordered quarantine or where one party has had a known exposure to the coronavirus. In those instances, the parenting time should not take place until the patient has recovered from COVID-19 or the quarantine period has ended.

NOTE: Where a child is under quarantine but is asymptomatic (i.e. not showing any symptoms of COVID-19), the Court assumes that such quarantine can take place at either

parent's home, subject to the rest of these Guidelines. In those instances, generally the Court will assume the parenting time should take place.

The Court is likewise aware of the Statewide Stay at Home Order. It specifically provides that a person may leave his or her place of residence to travel as required by law enforcement **or court order, including the transportation of children required by a custody agreement.**

The Statewide Stay at Home Order does not override your custody and visitation Order. The Court has considered them in setting out these guidelines.

YWCA Supervised Visits and Exchanges have been suspended until further notice. The Supervised Visitation Manager (SVM) and Domestic Violence Services (DVS) Director are working to explore technology-assisted options that do not put clients or staff at risk of viral exposure. The SVM Manager is in regular contact with clients to provide support and resources.

3. **Air Travel.** Notwithstanding paragraph 2 above, the Court does not expect parenting time that requires air travel to take place at this time. The Court will not currently hold a party in contempt for failing to allow parenting time that requires air travel.
4. **Public Health Guidelines.** The Court fully expects that during Parenting Time each parent will abide by all CDC, local, state and federal guidelines with respect to social distancing and personal hygiene. Where such guidelines conflict with one another, the most restrictive guidelines that apply to our geographic location should be followed. This should be modeled by both parents in both homes. Social distancing will require curtailing who is present during parenting time. The parties should attempt to reach reasonable agreements about who will be allowed in the home during this period of social distancing and/or quarantine. The Court expects parents to err on the side of over protecting the children from exposure. Parents should likewise be aware of exposing those that are at increased risk, i.e. the elderly and those with preexisting illnesses or those with compromised immune systems.
5. **Alternative Arrangements.** Where a parent misses parenting time due to the coronavirus outbreak, the parties should reasonably work together to work out alternative arrangements in such cases. Such alternative arrangements may include but not be limited to make up visitation and/or frequent video chats/telephone calls.
6. **Remote Education.** Both parents shall ensure that children comply with all their educational requirements during their respective Parenting Time. Where the child has only one portable, electronic device that is used for remote learning, both parents will make sure that such device goes with the child during any parenting time during which the child will need access to same.
7. **Contempt of Court.** If this Court finds a parent in contempt of Court for violating prior Order of this Court, then the Court will consider make up visitation, attorney's fees, and

in the most egregious cases, time in the county jail for contempt and/or modification of custody. In short, follow Court Orders as informed by these Guidelines and absent the most extraordinary of circumstances as described in paragraph 2 above

8. **Common Sense and Kindness.** This is a time when our community needs to come together. This starts with individual families. Be kind to one another. Be reasonable. Be flexible, and make reasonable accommodations where you can. In later hearings, the Court will be attuned to whether you did so or not.

Judge Patricia Stephens

*Presiding Judge, Domestic Relations Court
Birmingham Division*