

Guidelines for Custody Orders and Agreements

- Each family law case is unique and the Court is required to consider the facts of each case before making a decision regarding custody and parenting time. Once an order is entered it cannot be modified unless by subsequent Court order or mutual agreement.
- The mere fact that there is a pandemic is NOT grounds to deny parenting time. Denial of parenting time could result in a finding of contempt against the offending party.
- Actual COVID-19 in a home could be a basis to adjust or temporarily suspend contact with a particular home which could mean modification of existing orders.
- Parties are always encouraged to discuss appropriate and responsible care of their children. If appropriate and in the best interest of their children, parties should reach a mutual agreement in writing to adjust or suspend a parenting time order which agreement should include increased telephone and video communication and makeup parenting time.
- Self-help is not an acceptable course of action. Therefore, if you cannot reach a mutually agreed written agreement to modify your order, you may then have to seek assistance from the Court to modify your agreement. This will require that you file an appropriate Motion with the Court to have your matter decided. You may want to consult the advice of an attorney if you are unsure how to proceed.