

Superior Court of Alameda County

Child Custody and Visitation Guidelines During COVID-19

Public Health Emergency

The Family Division of the Alameda County Superior Court (Court) provides the following guidelines to clarify the Court's expectations for those families and parents with current child custody and visitation orders in place during the "shelter-in-place" and public Court closure resulting from the COVID19 crisis.

The goal of these guidelines is to advise parents that existing Court orders must be complied with as closely as possible to ensure consistency and stability for children while also considering public health directives.

1. **COVID-19 is not a reason to deny parenting time.** Unless otherwise ordered by the Court, parents are considered fit to care for their children and to make decisions regarding their care. These day-to-day decisions include following state and local directives regarding social distancing and hygiene-related issues.
2. **While schools are closed, parenting time should continue as if children are attending school according to their school's calendar.** School breaks, Spring break, Easter week and regularly scheduled vacations/holidays should continue as if school was still in session and parenting orders regarding those breaks shall remain in place. The closure of any school for public health reasons should not be considered an extension of any of those breaks. Custodial parents are expected to engage and involve their children in available distance learning opportunities.
3. **Supervised visitation orders, whether formal or informal, shall be enforced consistent with public health orders.** If supervised visitation cannot occur, parties should seek supervised visitation through remote means such as videoconferencing or by telephone. Parties should inquire with supervised visitation agencies whether remote visitation is available.
4. **Modification of exchange locations shall be by agreement of the parties.** Parties who typically exchanged at schools or extracurricular locations should agree to alternative public settings. If no agreement occurs, the receiving parent should pick up the child curbside at the

relinquishing parent's home. If a restraining order is currently in place, then the entrance or lobby to the nearest police station of the relinquishing parent should be the exchange location.

5. **Unless parents are restricted from communicating by court order, they are encouraged to communicate about measures to be taken to assure the health and safety of their children in light of the COVID-19 crisis.**

The failure to engage in such communication is not, however, the basis to deny parenting time to a parent unwilling to participate in that communication.

6. **These guidelines are not the exclusive remedy to resolve all disputes that might arise during the COVID-19 crisis.** However, before any ex-parte request is brought to the Court, these guidelines should be considered. Now, more than ever, parents need to co-parent and genuinely consider what is in their child's best interests.

7. **Unreasonable denial of a parent's custodial time during the COVID-19 crisis may be strongly considered in any subsequent modification of custody and visitation requests.**