

# COVID-19 AND CHILD CUSTODY LAW



Custody can be the most contentious area that family law attorneys and families must deal with on a daily basis. Now, the closing of businesses and virtual school learning (or hybrid attendance) have added an extra level of strain and acrimony. The present situation has come with some challenges that are wrought with potential conflict.

Custody is affected in several ways during this period. Initially, many parents were afraid to engage in custody exchanges, thereby exposing their children to two separate households. Many parents worked it out between themselves, but many turned to the court for guidance. The general rule of thumb is that Custody Orders must be followed. Parents naturally have a concern. Bucks County President Judge Wallace H. Bateman, Jr., in his Emergency Order of April 8, 2020 pertaining to the Family Division of the Bucks County Court of Common Pleas, addressed this issue:

“All parties to [custody] Orders shall (a) adhere to CDC-recommended protocols for COVID-19 (such as washing hands before touching a child, cleaning surfaces the child may contact with Lysol or other appropriate disinfectant, social distancing, etc.); (b) practice social isolation in their homes; and (c) refrain from taking any child to a public place.”

Are you or the other parent showing symptoms? Judge Bateman's Order speaks to this. “All parties shall immediately report to the other party if a person in

their household becomes infected with COVID-19 or is showing any signs of being infected with COVID-19.” When this condition arises:

1. If the reporting party does not have custody of a child or children subject to an order of custody at the time of the report, the physical custodial rights of the reporting party shall be suspended and the child(ren) shall remain with the other party until the infection or condition has resolved.
2. If the reporting party has custody of a child or children subject to an order of custody at the time of the report, then the physical custody rights of the non-reporting party shall be suspended and the child(ren) shall remain with the reporting party until the infection or condition has resolved.
3. Any party whose physical custodial rights are suspended shall instead have the right to have daily contact with the subject child(ren) involved through any electronic means they have available, including telephone, Skype, FaceTime, or other such means. The electronic contact shall be liberally allowed in such a way as to maximize the contact with the child(ren) without unnecessarily interfering with the lives of the custodial party. Such electronic contact shall be private and without interference of the custodial party.
4. Should a reporting party having custody of a child or children be unable to maintain custody due to a conflict between the need for in-person supervision of a young child or children and the reporting party's essential employment obligations, the parties shall arrange exchange of the subject child or children in as timely a manner as practicable, after which the reporting party's

custodial rights will be suspended until the infection or condition has resolved, and the nonreporting party receiving the child or children shall take appropriate isolation or quarantine measures regarding the subject child or children.

Unfortunately, parents are attempting to use this emergency to their advantage. We have seen a number of instances where parties are withholding a child because of a belief the other parent is not taking necessary precautions, lives in a high-infection area, or believes someone in one of the households is exhibiting signs of infection. We have filed many Emergency Petitions seeking to end the withholding by one parent, and the Court has held virtual custody conferences and hearings within a few days.

Do not be afraid to ask an experienced family law attorney.

**Liebmann Family Law** remains available to assist all of our clients. Accordingly, we have instituted the following new guidelines:

1. All employees have their temperature taken daily.
2. All non-employees entering the office will be asked to have their temperature taken.
3. A face mask will be provided if you do not already have one.
4. Video conferencing for consultations will be available.
5. We will limit the number of non-employees in the office to one at a time.
6. All social distancing guidelines will be strictly followed.
7. All surfaces at the office will be sanitized 3 times daily.
8. Our case-management system allows for contact-free exchanges of all documents.
9. We have instituted

curbside Will signings for the protection of our most vulnerable clients.

**At Liebmann Family Law**, we offer a free initial consultation. We do this because making the decision to proceed and choosing an attorney are not easy. You must find someone who knows the law and someone you feel comfortable will protect your interest. With the legal answers, you are better equipped to make the emotional decision whether to proceed or not.

Mindy Snyder is an attorney with Liebmann Family Law in Newtown. Each of the attorneys in the office has over 30 years' experience in handling these issues. We appear in Bucks and the surrounding counties, including New Jersey. Please contact our office to schedule the initial consultation to make this decision easier. 215-860-8200. [www.liebmannfamilylaw.com](http://www.liebmannfamilylaw.com).

Divorce | Prenuptial Agreements  
Custody & Support | LGBTQ Law  
Estates & Probate | Adoption  
Domestic Violence  
Paternity  
Grandparents' Rights | Wills

FREE INITIAL CONSULTATION  
Weekend and Evening Appointments Available



**LIEBMANN**  
Family Law

Jeffrey A. Liebmann  
David J. Sowerbutts • Mindy J. Snyder

4 Terry Drive, Suite 4, Newtown, Pa 18940  
215 860 8200 | [www.liebmannfamilylaw.com](http://www.liebmannfamilylaw.com)

