

COVID-19: Its Effects on Child Custody and Visitation

With the rise of the COVID-19 pandemic, many questions come to mind for parents who have custody and visitation orders. Some of the questions frequently asked are: If school does not resume, does that mean summer visitation starts early? What happens with schedules that allow for additional time in the event there is no school? Can I prevent my child from traveling? Can I restrict contact with the other parent?

Fortunately, on April 2, 2020, the Iowa Supreme Court entered an Order addressing some of these concerns. The Supreme Court Order states that “for purposes of determining a parent’s right of physical custody, care, or visitation to a child under a previously entered court order, any custody, visitation or care schedule that is related to a school schedule shall be uniformly interpreted to refer to the school schedule for the school where the child attends that was in place prior to any school closure or suspension caused by COVID-19 virus.” The Order further states that “custody, care, or visitation of a child shall follow a schedule as if school is in session and shall not be impacted or modified by the school closure. A school closure does not extend or modify a parent’s custody, care, or visitation beyond any period designated in a prior court order. A school closure does not amount to an extension of spring break or the beginning of summer break.”

So, what does this really mean? Existing decrees and orders govern the child custody and visitation schedule. If a visitation schedule permits one party additional time in the summer, that time will not start until it normally would. The language in the decrees and orders shall serve as your baseline for all questions. If a parent is exercising visitation in violation of the court order, that parent should immediately return the child to the original court ordered schedule. However, nothing in the order prevents parents from mutually agreeing to alter their visitation schedule. The best thing for parents to do in this situation is to communicate with each other and find a compromise that could include making up lost time later in the year.

Given the seriousness of this pandemic, the health and well-being of everyone should be top of mind. In Iowa, a governing factor in deciding custody, care, or visitation issues is “the best interest of the child.” During this unprecedented time, it is extremely important to follow the court orders in place, but to also make sure that your child is safe. If you are concerned that your ex-spouse or child is at a high risk for contracting COVID-19, you need to make sure that your decisions regarding visitation and custody are in the best interest of the child to protect their health. The common trend across the



nation is that essential travel includes necessary travel for visitation, and parties are expected to comply to the maximum extent possible. However, for cases where parents do not live in close proximity and flight is necessary, the parent who has custody of the child may feel that it is not a risk worth taking. The Court is still open to hear emergency matters and each case needs to be assessed based on its unique facts.

If you have a child custody arrangement and you fear that the other parent is not abiding by the order, you should consult an attorney to discuss your options. The attorneys at Ellis Law Offices, P.C. are here to listen to your concerns and provide you guidance on how to navigate your custody matters during this difficult time.

Jordan D. Grube

www.ellislawpc.com



(515) 962-9080 | www.ellislawpc.com