



COVID-19: Parenting Time Questions

Is my custody or parenting time order still valid?

- Yes. All existing court orders about custody and parenting time should be followed during COVID-19.

Does the March 23, 2020 “Stay at home” order mean my child can’t be moved between parents?

- No. Governor Holcomb’s Order allows for essential travel, which includes travel required by court order, which includes transporting kids for custody or parenting time.

Does my child’s school closing impact parenting time?

- No. The school calendar published at the start of the school year will be the one to use for custody and parenting time. Custody and parenting time should not be affected by a school’s closure during the COVID-19 pandemic.
- E-learning may require a change in parenting or custody time. You and your child’s other parent need to make sure that your child has access to the technology they need, and a parent is available to supervise their schoolwork.

Can my child’s other parent and I agree to temporarily change our parenting time or custody?

- Yes, if your current order allows for a change (called a modification). The courts want to make sure during this time parents are flexible and can cooperate for the best interest and health of children.
- You can agree to change your custody or parenting time, but the agreement should be in writing. You don’t need to file the agreement with the court if each parent keeps a copy of the new agreement.

What happens if my child must miss scheduled parenting time due to illness or quarantine?

- During any time of illness or quarantine of your child or of a parent, there should be contact by phone, text, email, Skype, Facetime, or something similar. If a child misses scheduled parenting time because of illness or quarantine, the time must be made up within a reasonable time after the COVID-19 restrictions have been lifted.

Can my child be taken on spring break or summer vacation during the pandemic?

- The parent who has the child during a school break can decide whether to travel. If travel would be harmful to your child, you could ask the court for an emergency order to stop the trip. Factors the court may consider in deciding if there is an emergency or the trip should be stopped are:
 - Government limits on non-essential travel
 - CDC travel recommendations,
 - Any physician statements about the child's health
 - The type, location and length of the
- There is a big difference between flying overseas and driving two hours to visit a relative.

Can one parent decide that a child can't see their other parent because of the coronavirus?

- No. One parent cannot decide to limit parenting or custody with the other parent.

Can I get a court hearing if my child's other parent and I cannot agree on our child's schedule during the pandemic?

- It depends. Many Indiana courts are only emergency hearings. General disagreements about custody may not be treated as emergencies. However, if you feel that your child's safety is at risk, you can file an emergency petition to change (or modify) custody or parenting time.
- If a judge doesn't think your case is an emergency, they will schedule your hearing after the courts return to normal. This could be several weeks or months after you make the request, depending on the court's calendars. You should beware that many judges have said they will not allow parents to try and use the COVID-19 pandemic as an excuse to manipulate parenting time or deny visitation. If a judge thinks a parent has done this, they can order make-up visitation time and have the parent pay the attorney's fees for the other parent.

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