

# What We Know

## ARTICLES & INSIGHTS

### ABOUT THE AUTHOR

## Custody, Co-Parenting, and the Coronavirus

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In North Carolina and many other states, “stay-at-home” or “shelter-in-place” orders are in effect, and by now, we all know about “social distancing.” But how do these new, pandemic-era concepts impact you, your children, and your custody case? Here are some insights into frequently asked questions during this unprecedented time:

### ***“I HAVE A CURRENT CUSTODY ORDER OR AGREEMENT IN PLACE. DO I STILL HAVE TO FOLLOW IT?”***

The short answer is yes. The [Executive Order](#) entered by Governor Roy Cooper on March 27, 2020, orders that all residents of North Carolina stay at home except for “travel for Essential Activities.” One essential activity that is explicitly allowed in the Executive Order is “to return to or travel between one’s place or places of residence for purposes including, but not limited to, child custody or visitation arrangements.”

Having such a clear exception is helpful, but it doesn’t address some major concerns: how can you make sure both parents are exercising their visitation while maintaining appropriate social distancing, limiting you and your child’s exposure to at-risk or symptomatic individuals, and practicing safe travel?

This is where co-parenting is key. If you and your child’s other parent can come to a temporary agreement about coronavirus custody protocol, everyone benefits. It creates even the smallest degree of certainty in what is an incredibly uncertain time. However, some decisions are more difficult than others. Here are some things to consider as you work to arrange custody exchanges and schedules while the stay-at-home order is in place:

**Where will the exchanges take place?** Many custody orders or agreements have exchange locations at schools, daycares, or extracurricular activities. With [schools closed until at least May 15](#), you won’t be able to pick up your child at the end of the school day to begin your custodial time or drop them off in the morning. Other custody exchanges take place at gas stations, shopping centers, or other public, crowded venues where social distancing is all but impossible. Consider making alternate plans for pick up and drop off, whether it’s door-to-door or a neutral location where you can maintain the now-standard six feet away from other people. Keep you and your child’s safety in mind

when making these arrangements.

**What if one parent lives out-of-state?** Out-of-state travel may be especially worrisome for parents during this time, particularly as individuals cross into other states and regions that are differently impacted by the coronavirus and have different protocols. Follow the [recommendations](#) of the North Carolina Department of Health and Human Services as well as the Centers for Disease Control and Prevention in making decisions about travel. Be flexible and patient in working with the other parent and take into consideration your child's best interests in deciding what precautions to take.

**What if my child (or I, or the other parent) is high-risk or has underlying health conditions?** First and foremost, follow all recommendations of your family's primary care physician, pediatrician, or another healthcare provider. Consider what is best for the continued health and safety of all members of your family. Transitioning children between households regularly may open everyone up to health risks, particularly for those living in blended families or parents who are still working out of the home and potentially interacting with third parties. Be honest and forthright about any possible exposure you may have had and engage with the other parent in order to make a decision that best protects everyone.

***"I DON'T HAVE ANYTHING IN PLACE, THE OTHER PARTY IS IN CONTEMPT, OR I NEED TO CHANGE THE CURRENT ORDER. HOW SOON CAN I GET TO COURT?"***

Chief Justice Cheri Beasley of the North Carolina Supreme Court [issued an order on March 13, 2020](#), postponing all non-essential, non-emergency court hearings for at least thirty days. This postponement may extend beyond mid-April. ***Update: April 3, 2020 - On April 3, 2020, Chief Justice Cheri Beasley issued an order that extended her previous directive, and court proceedings have now been postponed until June 1, 2020.***

Unless you are in an emergency situation, you will not be able to have a hearing until the expiration of Chief Justice Beasley's order – which, as of right now, is April 15. Attorneys, court staff, and judges around the state are tuned in for any updates on court closures or scheduling future hearings.

If you already had a hearing scheduled for any time between March 16 and April 15, it will need to be rescheduled. Working on rescheduling your hearing sooner rather than later is imperative as a surge in cases immediately after the courts resume is anticipated. The Wake County Clerk of Court and Wake County Family Court offices are open and are currently working on rescheduling matters that have been delayed because of coronavirus concerns.

***"I HAVE EXPERIENCED DOMESTIC VIOLENCE, OR MY CHILD IS IN DANGER. WHAT CAN I DO?"***

If you or your child are experiencing domestic violence and can safely leave, courts in North Carolina remain open for you. The order issued by Chief Justice Beasley explicitly allows for domestic violence protective order proceedings to continue, both for *ex parte*

and return hearings. The order also allows judges to exercise “any *ex parte* jurisdiction conferred by law upon that judge,” meaning that motions for emergency custody may still be filed and determined by a judge.

If you are worried about self-isolating, quarantining, or staying at home with a person who is a danger to you or your family, the following organizations may be able to help:

[National Domestic Violence Hotline](#): 1-800-799-7233

[InterAct of Wake County](#): 919-828-7740

[SAFEchild](#): 919-743-6140

[Wake County Child Protective Services](#): 919-212-7990 (English); 919-212-7963 (Español)

[North Carolina Coalition Against Domestic Violence](#): 919-956-9124

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Every family is different, and what works best for each family during the tenure of the stay-at-home order will vary widely based on each parent and child’s needs. This is a uniquely stressful time in our society that requires creative solutions for you and your family. We are here to help. Our family law team is dedicated to helping you navigate the challenges of this ever-changing environment, and this page will be updated as new information becomes available. We are available for consultations over the phone or through video conferencing technology, and [our firm remains fully operational](#) during this time.

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