

# Co-Parenting in the Era of COVID-19



When Governor Walz signed the initial Stay at Home Order on March 25, 2020, he made an important exception for two-household families — that is, families who have experienced divorce or separation. Recognizing that parenting time schedules require a back-and-forth between two homes, the Stay at Home Order specifically exempted existing parenting time schedules from its terms. These are certainly extraordinary and stressful times for everyone, but for two-household families, the pandemic has created a unique set of challenges.

## Emerging Issues and Guidance

Although the Stay at Home Order has been eased in Minnesota, the Centers for Disease Control and Prevention (“CDC”) is still recommending that families limit interactions and gatherings to their immediate household. This recommendation is complicated for two-household families. Co-parents may have different risk-tolerance levels when it comes to the coronavirus. In the context of a pandemic, a once innocuous issue has the potential to become a source of conflict.

Co-parents may disagree about allowing their children to travel, participate in sports, or spend time with friends and family members outside of their “bubble.” They may have different views of what precautions are required, especially if someone is high risk for COVID-19 in one household (e.g., a grandparent, stepparent, or step-sibling) but not the other.

The American Academy of Matrimonial Lawyers (“AAML”) and the Association of Family and Conciliation Courts (“AFCC”) have issued *Seven Guidelines for Parents Who Are Divorced / Separated and Sharing Custody of Children During the COVID-19 Pandemic*. These Guidelines encourage co-parents to:

- follow CDC recommendations to maintain a healthy home;
- provide calm and age-appropriate answers to any questions children have about the pandemic;
- follow the court-ordered parenting time schedule when possible;
- embrace virtual forms of parent-child communication like Skype and FaceTime;

- communicate openly and honestly about COVID-19 concerns and potential exposure;
- be accommodating and flexible with the parenting time schedule; and
- be understanding if one parent is facing a financial hardship.

## Resolving Disagreements

The Guidelines are a useful resource and starting point for two-household families navigating pandemic-related issues. But if an issue arises that cannot be resolved between parents, there are a number of mediators who offer their services via video conference. Most video conference platforms allow the mediator to caucus between virtual breakout rooms and negotiate a settlement in the same manner they would in-person.

## Access to Courts

If mediation is unsuccessful, judicial officers are still holding hearings by video conference. While most hearings are being scheduled two to three months out, the court may expedite the hearing if your case involves an urgent health or safety issue.

## Conclusion

We are now nine months into the pandemic, and even with the development of multiple vaccines, it is unclear when the pandemic will end and what post-pandemic life will look like. New issues will likely continue to arise, making it all the more important to find creative and flexible solutions for families. If you want to know more about how COVID-19 may impact your family law matter and what options you have, please contact one of Moss & Barnett’s family law attorneys to assist you.



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Brittney M. Miller is a member in our Family Law group. She assists clients in all family-related matters, including parenting, support, division of assets, stepparent and same-sex adoptions, antenuptial agreements, and many other issues confronting modern families.