

April 15, 2020

COVID-19: Custody, Parenting Time, and Child Support Issues During a Global Pandemic

At Mallor Grodner, we still are committed to providing you the best possible legal and life solutions, even during these uncertain times. We know that family law issues still are occurring and are perhaps more important now than even before. Below is a list of commonly asked questions regarding the COVID-19 pandemic and our response.

I have a family law issue. Is a Mallor Grodner attorney available to assist me with my case?

Yes. The attorneys and staff at Mallor Grodner have always put our clients' needs and best interests at the forefront. That has not changed. While many are working remotely, per guidance from the Centers for Disease Control (CDC) and Indiana State Department of Health (IDH), our attorneys still are accepting new cases and serving client needs. More information regarding Mallor Grodner's response to the coronavirus/COVID-19 pandemic may be found [here](#).

Is my Mallor Grodner attorney available to assist with my family law matter?

Yes. You may reach your attorney via email or telephone, as usual.

How are court hearings affected?

Many Indiana courts have been granted emergency relief from the Indiana Supreme Court to reschedule certain cases, as needed, because of the COVID-19 pandemic. A listing of the Indiana courts that have been granted such emergency relief may be found [here](#).

Whether hearings will go forward as scheduled or delayed depends on the specific court and case. Your Mallor Grodner attorney will be able to confirm this for you.

How are appointments affected?

With limited exceptions, in compliance with recommendations from the CDC and IDH, Mallor Grodner will not ask you to come into our offices for face-to-face meetings. We are able to conduct client appointments via video and teleconferencing.

Can I file for divorce or to modify custody, parenting time, and/or child support?

Yes. Mallor Grodner is continuing to accept new matters for existing and new clients. Electronic filing options allow us to file new cases remotely, though there may be a delay

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until a court hearing may be scheduled. Your Mallor Grodner attorney will be able to discuss the various available options with you.

What if my case is pending, but we have an agreement?

The courts still are reviewing pleadings and signing orders, although the speed with which this is happening may vary from court to court. If you have an agreement, we are able to sign and electronically file it, as usual.

How does the Governor's Stay-At-Home Executive Order affect my parenting time?

The Governor's Stay-At-Home Executive Order defines transporting children pursuant to a custody order or agreement, and to care for minors and dependents, as essential travel. Your parenting time order entered by the court therefore will remain in full force and effect, absent extenuating circumstances. You should consult with your Mallor Grodner attorney if you have any questions regarding your specific parenting time order.

I am a first responder or medical professional. How does the Governor's Stay-At-Home Executive Order affect my parenting time?

The custody and parenting time order entered by the court likely will remain in full force and effect, absent extenuating circumstances. If you have any concern of exposure to COVID-19, you should follow the protocol established by the CDC and your local health department. You also should contact your Mallor Grodner attorney immediately, in the event other arrangements should be made for your parenting time. The best interests of your child is paramount.

What happens if I test positive for COVID-19?

If you test positive for COVID-19, or if you have any concern of exposure to COVID-19, you should follow the CDC and your local health department's protocol for individuals who have tested positive. Be sure to follow your doctor's recommended treatment plan, and keep the other parent informed. In these uncertain times, it is vitally important to be transparent with one another.

If either parent tests positive for COVID-19, alternate arrangements for that parent to maintain communication with the child will need to be made. This could include video and telephonic communication. It is advisable to prepare and establish an emergency plan in advance, in the event of a positive test for either you or the other parent.

What happens if my child tests positive for COVID-19?

If your child tests positive for COVID-19, or if you have reason to believe your child may test positive for COVID-19, you should reference your legal custody order regarding any medical decisions that need to be made.

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It is advisable to prepare and establish an emergency plan with the other parent in advance, in the event of a positive test for the child. If you have more than one child with the other parent, you might agree for one parent to take the sick child, and for the other parent to quarantine with the children who are not sick. If one household has an immunocompromised individual living in the home, this may also affect your emergency plan.

What if my child's school is closed? Does that change my parenting time?

On March 31, 2020, the Indiana Supreme Court issued an advisory order pertaining to custody, parenting time, and child support issues during the COVID-19 pandemic. A copy of the order may be found [here](#).

According to the Indiana Supreme Court, custody and parenting time shall not be affected by the school's closure during the COVID-19 pandemic. You and the other parent may mutually agree on a temporary modification of the parenting time order, which may or may not be filed with the court. Unless such an agreement is reached, or an emergency motion is filed, custody and parenting time will remain unchanged.

Do I still have to pay child support? What if I'm laid off?

Yes. On March 31, 2020, the Indiana Supreme Court issued an advisory order pertaining to custody, parenting time, and child support issues during the COVID-19 pandemic. A copy of the order may be found [here](#).

The Indiana Supreme Court advises that existing child support orders shall remain in effect. If you have lost your job, you should consult your Mallor Grodner attorney to file a request to modify right away.

Will I still receive child support from the other parent? What if he or she has been laid off?

Yes, you should continue to receive child support pursuant to the child support order currently in effect. On March 31, 2020, the Indiana Supreme Court issued an advisory order pertaining to custody, parenting time, and child support issues during the COVID-19 pandemic. A copy of the order may be found [here](#).

If the other parent has been laid off or otherwise is no longer employed, it will be that parent's responsibility to request a modification from the court.

How can we help?

Please feel free to call or email us with any questions you may have concerning any family law issues related to the COVID-19 pandemic. Contact our Bloomington office at 812-332-5000 or our Indianapolis office at 317-453-2000. We are here to help.