

NOTICE REGARDING DOMESTIC CASES
AND COVID-19

As commissioners in the Second District Court, we anticipate that many attorneys and parties may have questions about whether court orders will be interpreted differently to accommodate for the disruption caused by the current pandemic. We have met and discussed possible scenarios, and while there are some situations that will require handling on a case-by-case basis, we would like to offer the following guidelines for your assistance. As always, the word “child” is to be interpreted in the singular or plural as dictated by each case.

1. **REGULAR PARENT-TIME:** There should be no deviation from the normal parent-time schedule unless the child or someone in the child’s home has tested positive for COVID-19. If that is the case, the custodial parent must provide documentation of the positive COVID-19 test to the non-custodial parent within 24 hours. Following provision of the positive test, parent-time will be suspended for a period of two weeks. *During the period of suspended parent-time, the noncustodial parent shall have at least 30 minutes of virtual parent-time (Google Hangouts, Skype, Facetime, etc.) each day.* The missed parent time will be made up during summer break or at another time agreed upon by both parties.
2. **SPRING BREAK:** Pursuant to U.C.A. § 30-3-35(f) and (h), spring break is the custodial parent’s holiday in 2020. The parties will follow the child(ren)’s normal school schedule for the purpose of determining when spring break occurs. Unless there is a positive test (see above) or a travel restriction, spring break will be treated as it would be under non-pandemic conditions.

Similarly, under U.C.A. § 30-3-37(6), spring break is the custodial parent’s holiday this year. If the order does require the child to travel for spring break and that travel is prohibited, the non-custodial parent will be entitled to an equal period of make-up time. This make-up time will be as the parties may agree, but otherwise would be added to the non-custodial parent’s summer time or permit the non-custodial parent to take spring break in 2021, at the non-custodial parent’s election.

3. **RIGHT OF FIRST REFUSAL:** The parties will follow their orders regarding the right of first refusal. The fact that the child may not be attending school does not affect this order.
4. For situations that may not be specifically addressed above, we hope and expect parents to be reasonable and try to work together to follow government guidelines and ensure the safety of their child and others.

This is a time when emotions are running high, and everyone is trying to make the best decisions possible to protect themselves and their families. Parents are strongly advised not to take advantage of the situation and engage in gamesmanship with each other. Children are afraid of the virus as well, and they need the reassurance of frequent, meaningful contact with both parents if at all possible without endangering anyone’s health.

Sincerely,

Commissioner Catherine S. Conklin
Commissioner T.R. Morgan
Commissioner Christina L. Wilson