

The Challenges of Co-Parenting During COVID-19

by Erin M. Wilson

COVID-19 has changed the ways of our world on a micro and macro level. As a family law attorney, it is important to know the rights and responsibilities that parents have during this unprecedented time as well as the challenges they face.

As the information we have regarding COVID-19 changes every day, the issues that parents face are changing as well. Specifically, parents have been facing the ongoing challenge of parenting time and how to keep children safe moving between various households. However, as summer ends and the school year approaches, parents will face a new set of challenges of determining what the best option is to transition back to school.

The first guiding order we received on this topic was Governor JB Pritzker's Executive Order No. 8 from March 20. While it ordered individuals to stay at home, it granted specific exceptions, one of which was regarding parenting time. In addition, Judge Grace Dickler's General Order 2020 D 8 ordered that parenting time continue as reasonable during the COVID-19 pandemic. While the governing orders specifically require parenting time to occur, there still are many issues that can arise between co-parents which must be considered for the best interests of children. Also, as Governor Pritzker and Mayor Lori Lightfoot continue to expand and modify allowable activities, it is more important than ever to continue to follow CDC guidelines in order to keep progressing safely.

There is always a level of uncertainty of what is occurring at the other household. While a parent may be able to control the environment that the children are exposed to at their own house, there is less control over the situation when the children are with the other parent. That, combined with a typical lower level of trust in these cases, make the importance of communication crucial. Parents need to honestly discuss what precautions are being taken to prevent the spread of the virus and create specific agreements around social distancing.

There are many tools available for parents to use in order to assist in communication. Talking Parents and Our Family Wizard are two apps that can ease communications. When parents need additional help to facilitate communication, mediation and parenting coordinators are excellent resources to resolve disputes without the need for litigation.

Co-parents frequently have disputes over the involvement of third parties, such as significant others, grandparents, and childcare providers, just to name a few. It is important for parents to be both cautious and reasonable regarding who they allow their children to see and consider what those third parties' role is, who they are exposing themselves to, and what precautions they are taking to prevent the spread of COVID-19.

Frontline workers are also an issue that has come up as a result of COVID-19. When one child lives in a household with a frontline worker, technically parenting time should be enforced, but is this in the child's best interest? In order to consider if it is in a child's best interest to not have parenting time with the frontline parent, consider the following questions:

1. What are the conditions like at work? Are they able to practice social distancing? Are they using personal protective equipment (PPE)?
2. Have they been in contact with anyone with COVID-19?
3. Who else is in the home that could be exposed to COVID-19? What precautions are they taking to prevent the spread of COVID-19? Or are any third parties a parent may be in contact with been taking precautions?
4. Have they had any symptoms of COVID-19? How often are they being tested?

When evaluating parenting time, the goal is that it should occur, but safely. Consider outdoor parenting time, and, either way, require the use of PPE. If the risk of parenting time seems too high, talk to your co-parent about temporarily conducting parenting time over Facetime or other video apps. Additionally, apps such as Facetime, Skype, Google Hangouts, and Zoom allow for communication and face to face contact from a distance. While it is hard for parents to give up their parenting time, in some cases it may be in the best interest of the child's safety.

Parenting time with a parent who lives out of state poses its own set of challenges, especially during the summer when that time typically occurs. To minimize the exposure, encourage different modes of transportation. If possible, driving is

preferable to flying. Another option is to self-quarantine for 14 days before the travel, or to be tested for COVID-19 before the visit. For certain states, the Illinois travel ban requires that individuals quarantine for 14 days after their return, so both parents need to be informed on this list as new states are added each week. Consider following Illinois guidelines if the travel is to a state that has opened up or is experiencing a spike in COVID-19.

As summer ends, the next challenge co-parents will face is whether children will return to in-person school, attend remotely only, join a pod, or a hybrid option. Determining whether or not a child will go back to school is a big decision, and it is possible that parents may be at odds. As always, communication is key to resolving these disputes. Each parent should be informed on what the back to school process looks like and be in communication with one another about what option they believe is best.

With COVID-19 changing every day, keep an open mind to what the options are for the fall 2020 school year. Being flexible and acting in the best interest of the child is important during these unprecedented times. Remote learning is a challenge that every parent is dealing with right now, and it does not appear to be going away with the 2020 school year.

Parents have their own work schedules and responsibilities to balance on top of the children's learning. Additionally, technology can be problematic in itself. Parenting time schedules may need to shift temporarily to allow both parties to work while helping with e-learning, or the parents may need to cooperate to hire a tutor. These uncertainties are why remote learning can be a challenge, but consistency can help with that. Keeping a schedule and routine for children that is consistent with what they are accustomed to will help them adjust to at-home remote learning.

As parents navigate the uncertainties of COVID-19, they will need to rely on the resources that are available to them for guidance. Attorneys are a resource that are available to their clients to assist them in resolving these conflicts. It is always best to attempt to avoid contested litigation, and so, in addition to the use of mediation and parenting coordination, assistance from guardians ad litem and child representatives are all additional resources to be considered as well. In all cases, it is most important to place the children's best interest at the top.

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