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As the global pandemic puts existing custody orders to the test, **Jeffrey A. Liebmann of Liebmann Family Law** helps clients ease the stress and strain.

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# CUSTODY and COVID-19

As the global pandemic puts existing custody orders to the test, family law attorneys help clients ease the stress and strain.

by JEFFREY A. LIEBMANN

**C**ustody can be the most contentious area that family law attorneys have to deal with on a daily basis. Gov. Wolf's March 19 "Stay at Home" order, coupled with the closing of businesses and schools, has added a level of strain and acrimony not seen in my 30 years of family law practice. The present situation has come with some challenges that are wrought with potential conflict.

Custody is affected in a number of ways during this period of isolation and the fear created by this worldwide pandemic. First, parents naturally have a concern regarding the care to be expected from the other parent after the custody exchange has occurred. "He lives in a high infection area," "She takes the kids shopping with her," and "He does not disinfect his house" are complaints we hear on a daily basis. President Judge Wallace H. Bateman Jr., in his Emergency Order of April 8, 2020, pertaining

to the Family Division of the Bucks County Court of Common Pleas addressed this issue, which is universal to a Bucks County custody order:

"All parties to [custody] Orders shall (a) adhere to CDC-recommended protocols for COVID-19 (such as washing hands

before touching a child, cleaning surfaces the child may contact with Lysol or other appropriate disinfectant, social distancing, etc.); (b) practice social isolation in their homes; and (c) refrain from taking any child to a public place."

Are you or the other parent showing symptoms? Judge Bateman's Order speaks to this.

"All parties shall immediately report to the other party if a person in their household becomes infected with COVID-19 or is showing any signs of being infected with COVID-19."

If this condition arises:

1. If the reporting party *does not* have custody of a child or children subject to an



Liebmann Family Law's legal team includes (left to right) Jeffrey A. Liebmann, David Sowerbutts, and Mindy Snyder.

Liebmann Family team photograph by Terree O'Neill Yeagle Photography

order of custody at the time of the report, the physical custodial rights of the reporting party shall be suspended and the child(ren) shall remain with the other party until the infection or condition has resolved.

2. If the reporting party has custody of a child or children subject to an order of custody at the time of the report, then the physical custody rights of the non-reporting party shall be suspended and the child(ren) shall remain with the reporting party until the infection or condition has resolved.
3. Any party whose physical custodial rights are suspended shall instead have the right to have daily contact with the subject child(ren) involved through any electronic means they have available, including telephone, Skype, FaceTime, or other such means. The electronic contact shall be liberally allowed in such a way to maximize the contact with the child(ren) without unnecessarily interfering with the lives of the custodial party. Such electronic contact shall be private and without interference of the custodial party.
4. Should a reporting party having custody of a child or children be unable to maintain custody due to a conflict between the need for in-person supervision of a young child or children and the reporting party's essential employment obligations, the parties shall arrange exchange of the subject child or children in as timely a manner as practicable, after which the reporting party's custodial rights will be suspended until the infection or condition has resolved, and the reporting party receiving the child or children shall take appropriate isolation or quarantine measures regarding the subject child or children.

Unfortunately, parents are attempting to use this emergency to their advantage. We have seen a number of instances where parties are withholding a child or children because of a belief the other parent is not taking necessary precautions, lives in a high infection area, or is exhibiting signs of infection. The Courts in Bucks County have made clear that "all provisions [of a custody order previously entered] shall remain in place and be followed until the Governor of Pennsylvania rescinds or allows to expire any 'Stay at Home' order covering Bucks County ...". The Courts have treated

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—JEFFREY A. LIEBMANN,  
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any withholding of a child during this period as an emergency, and we have filed many emergency petitions seeking to end the withholding by one parent and the Court has held virtual custody conferences and hearings within a few days.

In short, do not be afraid to ask an experienced family law attorney.

### Going Forward

As restrictions ease, it is incumbent on those of us in an industry that provides services to the public to protect the health and safety of our employees and our clients.

Currently, Liebmann Family Law remains available to assist all of our clients. However, the entire staff of Liebmann Family Law is working remotely, and the office is presently closed pursuant to Gov. Wolf's orders. When the restrictions are lifted, Liebmann Family Law will institute the following new guidelines:

1. All employees will have their temperature taken daily.
2. All non-employees entering the office will be asked to have their temperature taken.
3. A facemask will be provided to anyone who does not already have one.
4. Video conferencing for consultations will be encouraged.
5. We will limit the number of non-employees in the office to one at a time.



6. All social distancing guidelines will be strictly followed.
7. All surfaces at the office will be sanitized three times daily.
8. Our case management system allows for contact free exchanges of all documents.
9. We have instituted curbside Will signings for the protection of our most vulnerable clients.

We are committed to providing all our clients with the same level of quality representation they have come to expect from Liebmann Family Law and to do so safely.

Liebmann Family Law in Newtown was founded in 2008, and is one of a handful of firms in Bucks County that focus exclusively on family issues: contested and uncontested divorce, child custody and visitation, child support, spousal support and alimony, prenuptial and post-nuptial agreements, division of property, wills and estates, grandparents' rights, and adoption.

The Liebmann Family Law Team includes three full-time attorneys: Jeffrey A. Liebmann, David Sowerbutts, and Mindy Snyder, as well as four legal assistants. Each of the attorneys has more than 30 years of family law experience, and all are known for their special skills, as well as handling cases with care and compassion. ■



### LIEBMANN FAMILY LAW

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