



Common Questions/Issues that may arise during this COVID-19 crisis:

(Updated 4/22/2020)

- 1. I think my children will be safer staying with me during this pandemic. Do I have to comply with the custody/visitation order?**
 - Try to work something out with the other parent. Explain why you are worried, and ask the other parent if you can keep the children with you until the crisis is over. Some suggestions: ask the other parent if you can write out a temporary agreement for both of you to sign (electronically, if possible) or come up with ideas for how the other parent can still spend time with your child. For example, schedule phone calls or online meetings for your child and the other parent. You may have to figure out a temporary agreement until the crisis is over or the court is open for non-emergency motions to change custody and visitation. But if you decide to do something other than what your custody and visitation order states, the court may hold you in contempt of violating that order. Consult with an attorney to weigh the risks in your particular situation.

- 2. Our Custody Order says the other parent has the children when “school is out.” Because of COVID-19, my child is not “in school.” Does the other parent get the children NOW?**
 - If your child’s school has moved from the physical school building to online, school is not “out.” Again, try to work something out with the other parent, writing out a temporary agreement for both of you sign (electronically, if possible). This may be an opportunity for you to reduce the stress of in-home education on you, the other parent, and/or your child. Once the crisis is over or the court is open for non-emergency motions, you may want to file a motion to ask the court to revisit your custody and visitation schedule. But if you decide to do something other than what your custody and visitation order states, the court may hold you in contempt of violating that order. Consult with an attorney to weigh the risks in your particular situation.

- 3. I just lost my job and cannot pay child support OR the other parent just lost their job and cannot pay child support.**
 - If the child support order is from the Department of Child Support Enforcement (DCSE), you must ask DCSE how to file for relief during this time at <https://mychildsupport.dss.virginia.gov/>. If it is a court order, you should try to file a Motion to Review or Amend the order as soon as possible using this form, <http://www.courts.state.va.us/forms/district/dc630.pdf>. Your request for relief is from the date you filed your Motion. If the court is closed, check with the Clerk to see if you may file your Motion by mailing it to the Clerk of your local JDR Court. Your request for relief can be backdated to when the other parent received notice of your Motion. If there is no order, but you and the other parent have worked out your own informal child support, you or the other parent may agree to forgive a payment. Write out a temporary agreement for you both to sign (electronically, if possible). Consult with an attorney for help figuring out the steps you need to take.

4. My spouse just served me with a divorce complaint. I have 21 days to file an answer to that complaint. When does that 21 days start?

- From March 16 – May 17, 2020, all district (JDR and GDC) and Circuit Courts have been/are closed except for emergencies. Divorces are not considered emergencies. If, for example, you were served with the divorce complaint on March 16th or later, your 21-day clock will start ticking on May 18, 2020 (the 21st day after May 17th is Saturday, June 6th; to be safe, file your answer by Friday, June 5th). Consult with an attorney for help calculating your particular deadlines.

Courts may continue to be closed for cases that are not emergencies beyond May 17, 2020. Check with your local court and come back to this page regularly to see if the timelines have changed.

- Call Southwest Virginia Legal Aid Society at 1-888-201-2772.
- Visit: <https://www.swvlegalaid.org/familylaw> for more information.
- Visit www.valegalaid.org for legal information for more information related to domestic violence, custody, child protective services, separation and divorce and to locate the legal aid office that serves your area in Virginia.
- Or check out <https://virginia.freelegalanswer.org/>

This is general legal information, not legal advice about a specific case. If you have questions or want advice about your individual case, please contact legal aid at the phone number listed above.