

19TH JUDICIAL DISTRICT EMERGENCY STANDING ORDER

(Issued March 20, 2020)

19TH JUDICIAL DISTRICT STANDING ORDER REGARDING PARENTING SCHEDULES DURING SCHOOL CLOSURES

This order is a standing order of the 19th Judicial District that applies in every suit affecting the parent-child relationship filed in the 19th Judicial District. This includes any pending divorce case with children or parenting plan modification case. Hereinafter, “child” refers to a child or children who are the subject of a court order. IT IS ORDERED THAT:

For purposes of determining a person’s right to visitation/physical custody of a child under a court-ordered parenting plan, the original published school schedule shall control in all instances. Visitation/physical custody shall not be affected by the school’s closure that arises from an epidemic or pandemic, including but not limited to, what is commonly referred to as COVID-19. A person currently exercising visitation/physical custody that is not entitled to visitation/physical custody under the court-ordered parenting plan and originally published school schedule SHALL immediately return the child to the parent entitled to visitation under the schedule. The following are the only exceptions to this rule:

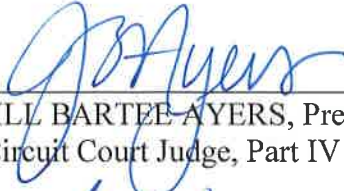
1. If either parent’s state or city is under a government-mandated lockdown and the child is with that parent at the time the lockdown goes into effect, then exchanges will be suspended through the end of the lockdown.
2. If the child, parent or an in-home sibling or family member is diagnosed with COVID-19 while the child is in the home, visitation shall be suspended for 14 days following the diagnosis upon presentation to the other parent of a doctor’s note confirming the diagnosis.

Example A: If a parent had custody of the child for Spring Break, but the school has cancelled classes for the week following Spring Break, that parent is NOT entitled to physical custody of the child after the end of the break. That parent MUST return the child as if school had resumed following the Spring Break vacation as set out in the original published school schedule.

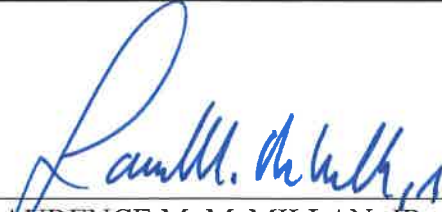
Example B: If a parent has the right to custody of the child on Thursdays during the regular school year, that parent is still entitled to that visitation while school is closed until the regular school year ends, based on the original published school schedule.

WARNING TO ALL PARTIES: FAILURE TO OBEY A COURT ORDER FOR VISITATION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO 10 DAYS, A FINE OF UP TO \$50.00 FOR EACH VIOLATION, AND A MONETARY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.


Entered this the 20th day of March, 2020.




JILL BARTEE AYERS, Presiding Judge
Circuit Court Judge, Part IV




LAURENCE M. McMILLAN, JR.
Chancellor




ROSS H. HICKS
Circuit Court Judge, Part I



WILLIAM R. GOODMAN, III
Circuit Court Judge, Part II



TED A. CROZIER
Circuit Court Judge, Part III



KATHRYN W. OLITA
Circuit Court Judge, Part V