



# MOSAIC

FAMILY SERVICES

## **Family Law Court COVID-19 Updates**

### **Dallas, Denton, Collin and Tarrant Counties Family Courts as of 3/30/20:**

*Please note that each individual county's policy is in a constant stage of flux and subject to change with little notice. Due to this, please take note of the date of validity above.*

*This is **general information** and cannot substitute legal advice from an attorney, based on each client's individual circumstances and the language of each client's order (if applicable).*

### **Conservatorship/ Possession and Access (P&A)/ Supervised Visitation**

- Current conservatorship, possession and access orders remain valid during the Stay at Home Order.
- If there is no current order in place (temporary, final, or OAG):
  - And parties have been informally agreeing on possession and access, parties are NOT obligated to continue on agreed possession and access. If a client has been informally agreeing to access by an opposing party (OP), the client may discontinue this at any time if there is no court order in place.
  - And client and OP have not been exchanging the child(ren) or otherwise been having visitation, there is no obligation to start visitation.
- **IF a client has a current order (whether temporary or final) detailing the possession and access of the children, look for the following:**
  - *Where do exchanges occur?*
    - If at a party's home: Continue exchanges and P&A as usual
    - If at a neutral exchange location: Continue exchanges as usual, even if the parties usually go inside the location, but are not allowed to anymore
  - **If Order stipulates there is supervised visitation:**
    - Is the supervisor still comfortable supervising the access (sometimes this works if it is a family member that lives at home with one of the parties)?
      - No: get the supervisor to explicitly state (in written form) that they are not able to supervise during this pandemic
      - If the order allows for multiple options for supervisors: must exhaust each option, and receive the written statements from potential supervisors that supervision is not an option
      - Yes: Continue supervised visitation as usual
    - If the order states that visitation must be overseen by a supervision facility (like FLP) that is closed: ensure the client has documentation from the facility that it is closed and not overseeing any supervision at the time.



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- In which case, the client is able to temporarily suspend visitation.
  - *In all of these circumstances, it is important to inform the other party in writing that visitation will temporarily be suspended due to this pandemic, including details as to why visitation is not feasible at this time, and to keep all documentation in case OP decides to file an enforcement action in the future.*
  - **Reasonable alternative arrangements concerning supervised visitation:**
    - If it is *reasonable* for the client to agree to supervised visitation outside of the terms of the order they should do so to alleviate potential future enforcement issues
      - Only agree to alternate arrangements if the client feels comfortable with it and it is safe for the client
    - Alternative agreement must be in writing, signed by both parties, and confirmed with the agreed upon supervisor (also in writing).
- **If the client is concerned that OP, while exercising their possession/access, is not following County Orders regarding COVID-19, and has evidence to support this:**
  - It is possible that the client can file for an emergency Temporary Restraining Orders on the basis that the children are at physical risk around OP. This is still being developed, but please ask clients to keep documentation if they are able in the event that this becomes an issue.
- **Current state of Family Courts**
  - Family Courts in Dallas, Denton, Collin, and Tarrant are only hearing cases where emergency relief is sought such as protective orders, and Temporary Restraining Orders.
  - All Courts are awaiting news on April 3rd as to how each county proceeds.
  - Ex Parte Relief requests have to be e-filed, so it could possibly take some time to either be heard, or get a signature at this time, which is why documenting any deviations from these orders is important in the event a matter cannot be addressed in Court right now.