

Family Law During COVID19 Quick Reference Sheet

Custody: Do I still have to follow the custody schedule ordered by a court?

Yes. In general, you can and should continue to follow the custody schedule ordered by the court. Given these uncertain and strange times, it's more important than ever to be flexible and communicate effectively with your coparent about issues like custody exchanges, sharing of information, and resources about remote schooling.

If you have concerns related to children's safety or risk of COVID-19 exposure through your co-parent, contact your attorney immediately to discuss your options.

Child Support/Alimony Payments: I've lost my job and I can't pay my child support and/or alimony obligation(s). What do I do?

Contact your attorney and discuss whether it is appropriate to file a Motion to Modify Child Support or Motion to Modify Alimony. Your existing child support and/or alimony obligations will continue as-is until modified by the Court. The Court *can* retroactively adjust your child support and/or alimony amounts but only back to the date you filed your motion to modify.

Continue making good faith payments in the amount you're able until your hearing.

Divorces: I filed (or my spouse filed) for divorce recently. When will it be granted?

Judges are not hearing divorces until after June 1, 2020. However, if you do not have other claims (such as alimony or equitable distribution) pending in the same file number, you may be able to obtain a clerk divorce. Contact your attorney for assistance with that process.

Court Hearings: I had a hearing set in March, April, or May. What is going to happen?

All family court hearings that are not deemed "essential"¹ are being continued until after June 1, 2020. Stay in touch with your attorney, who will be notified of new dates. As you're probably aware, the district courts are very busy, especially in Wake County. It will likely take months for all hearings to be rescheduled. Prepare to be patient.

But I need relief immediately! What can I do?

Settling your dispute out of court is always an option. Many private mediators are offering virtual mediations during this time. If you need immediate relief, it may be possible to "come to the table" with your spouse/ex-spouse/co-parent to try to reach a resolution with the help of your attorney and a mediator.

¹ Essential hearings are those such as emergency custody motions and domestic violence hearings. Non-essential hearings include: non-emergency custody hearings, child support hearings, postseparation support and alimony hearings, and equitable distribution hearings.