

Cohen, Wolf buy  
UI building for  
new law offices



An Invitation  
Cohen and Wolf, P.C.  
 cordially invites you to celebrate  
the Opening of its New Office  
in the Former United Illuminating Building  
1115 Broad Street, Bridgeport, Connecticut  
Thursday, November 17, 1983 4:30 to 7:30 PM

## Family Law Alert: Parenting Plans During 'Shelter in Place' and Pro Bono Services

03.26.2020

### Pro Bono assistance during health crisis

Cohen and Wolf's Family Law Group is dedicated to giving back to the community. As part of that commitment, our group handles 5-10 pro bono family law cases each year. For the balance of this calendar year, in response to the COVID-19 crisis, it is our goal to accept an additional 10 pro bono cases from clients who have specific needs for assistance due to this crisis.

### Parenting Plans during "Shelter in Place"

Parenting plans (and court orders based upon such plans) in Connecticut are designed to set forth the rights and responsibilities of parents as to decision making for their children, parental access to their children, and other common parenting issues and concerns. However, no court order can address every possible situation and most Connecticut judges recognize that even the most specific court orders may need to be interpreted to accommodate unpredictable circumstances: illnesses, injuries, power outages, weather related issues, and the like. The COVID-19 crisis is a specific example of a situation that most parents could not have contemplated when they prepared their parenting plans. Accordingly, most parenting plans probably do not include specific language about how to go about making parenting decisions in this specific situation. In recent weeks, we have been fielding many questions from clients about how best to adhere to the terms of their parenting plans, while recognizing "shelter in place" orders, limiting nonessential travel, and avoiding children's exposure to unnecessary risk. While some parenting plans make provision for school breaks, like vacation, most do not specify what happens when schools are closed for an emergency health crisis. While we expect that every situation will be evaluated by courts on its own merits, the following guidelines are important to keep in mind as you make day to day parenting decisions for your own family. These are especially important in light of the fact that the COVID-19 crisis has resulted in some courthouse closures and statewide only emergency matters are being considered.

If you are in the process of divorcing, your parenting plan may be temporary in nature. In that instance, it may be less specific than a "final" parenting plan that is generally filed and approved by the court at the time of your divorce or legal separation. In either case, courts generally expect parents to comply with clear provisions of these plans. Parenting plans are not suspended during this type of family health crisis notwithstanding the fact that enforcement may necessarily be delayed as a result of the courthouse closures or limitations. If a party does not follow the specifics of a parenting plan, the court has the power to hold that party in contempt. Generally, a finding of contempt requires: a clear, unambiguous court order; a clear violation of that court order; and a demonstration that the violation was willful. If a party has a good faith belief that his or her actions are consistent with the terms of a court order, this fact can excuse a party from being held in contempt.

The guiding principle for all Connecticut family courts on child-related matters is the "best interests of the child" standard. So, while adherence to court orders is critical, our experience is that courts will often permit a "good faith exception" to strict adherence to a parenting plan's terms where such strict adherence would be dangerous or even inadvisable from the child's perspective. These instances generally arise when, for example, a snowstorm makes roads impassable; a child is ill to the point where he or she should not be transported to the other parent; or other unforeseen emergencies arise.

Because these guidelines are somewhat subjective, parents should first attempt to find ways to make compromises on parenting questions that are not specifically resolved by their parenting plans. If you cannot work out a compromise on your own, your lawyer may be able to make suggestions. In addition, although courts are presently unavailable for any issues that are not truly emergency in nature, many mediators are offering their services to resolve parenting issues telephonically or by video conference. These services can be a good alternative to courts at times like these.

### We're here to help

Within Cohen and Wolf's family law group, all of our attorneys and paralegals are working remotely right now and are available to answer your questions or assist you with specific questions, if you should need assistance. Please reach out to us directly if we can be of help. We are happy to schedule phone consultations or videoconferencing consultations. Stay well!

## PRACTICE AREAS

Family Law

