

Coronavirus may be challenging to split families in quarantined world

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Coping with the issues presented by a split family is challenging enough in normal times, but the restrictions and anxieties of a pandemic adds to the challenge.

Issues of custody, parenting time and support are sources of conflict even when the world is not worried about the coronavirus, but the stress of not knowing what's going to happen next threatens the balance of already delicate situations, especially when children of divorced parents are involved.

And complicating the situation has been the shutdown of the Family Division of Superior Court which has jurisdiction over matters involving divorce, child support, paternity, custody, parenting time, domestic violence, juvenile delinquency, family crisis, foster care placement, kinship legal guardianship, abuse and neglect, termination of parental rights, and adoption. When the courts are not there to settle the disputes, the problems fester which lands the children in a perilous position.



"Be reasonable, flexible and upbeat," advised Somerville family law attorney Theresa Lyons, who has the rare combination of having both a law degree and a master's degree in social work, the background you need to handle family law matters.

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"Lawyers think too much and social workers feel too much," Lyons joked.

Theresa Lyons (Photo: ~Lyons & Associates)

Conflicts are inevitable, she said. "There are 1.2 million married couples in New Jersey and 50% will end in divorce," Lyons said. "That's 600,000 families."

When conflicts arise during the pandemic, "just take a deep breath and be reasonable," Lyons said, because "all of our children are looking to grown-ups in a time of crisis."

The state Constitution guarantees parents time with their children, but the pandemic is a unique situation with unique problems.

Unfortunately, Hunterdon County family lawyer Lisa Browning said, "some people are taking advantage" of the situation.

Some parents, Browning said, are using the pandemic as a reason "not to exchange children for parenting time."

They are worried that the other parent may not be following the social distancing guidelines or may even have the virus, she said.

Some have even filed motions seeking orders from the Family Court, Browning said.

Lyons, author of "[Sticks and Stones, Life Lessons from a Lawyer](#)," offered a few recommendations on finding alternatives to regular parenting time. For example, if dad can not take the kids to dinner, maybe a walk or a bike ride instead. Or if mom can't take the kids, maybe she could use Skype, FaceTime or even phone calls to talk to them more often.

Parents can also consider making up lost parenting time in the summer.

"Children look to their parents in times of uncertainty," she said. "Being upbeat and flexible will serve your children not just for the crisis, but for the rest of their lives."

Lyons also recommended that parents of children with a health condition, like asthma, should contact their pediatrician, about any potential health risks. "The law does consider a child's individual physical health," she said.

But the pandemic has brought issues other than juggling parenting time. With people staying within the four walls of their home and starting to feel their cabin fever rise, there may be an uptick in the number of domestic violence cases.

While Family Court judges will handle domestic violence cases and temporary restraining orders on an immediate emergent basis, the next step – holding a hearing on them in 10 days – may be delayed.

And that's a problem, Lyon said, because it leaves all the parties in limbo.

Obtaining a divorce may also be slowed by the court shutdown, but the process of mediation can continue either through virtual meetings or telephonic conferences. Those meetings can resolve issues before the cases reaches a judge for the final decree.

"A good lawyer can still make things happen," she said.

The sudden spike in the unemployment rate also may cause problems if alimony and support payments cannot be met.

If there is a problem, lawyers can still file a motion even if the courts are closed. And judges will handle the motions in the order they are filed.

"Get in line," Lyons said.

Before acting yourself, Lyons said you should seek advice from experts.

"Call a family lawyer or a CPA," Lyons said, adding that all those facing troublesome situations should "listen to credible professionals" and not information harvested from the internet or social media.

Email: mdeak@mycentraljersey.com

Mike Deak is a reporter for MyCentralJersey.com. To get unlimited access to his articles on Somerset and Hunterdon counties, [please subscribe or activate your digital account today.](#)

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