

Subject: FW: hearings

THIRD DISTRICT COURT NOTICE REGARDING DOMESTIC CASES AND COVID-19

As commissioners in the Third District Court, many attorneys and parties have questions about whether court orders will be interpreted differently to accommodate the disruption caused by the current COVID-19 pandemic. We have met and discussed possible scenarios, and while there are some situations that will require handling on a case-by-case basis, the following guidelines should govern in the absence of health care directives for specific persons..

1. **REGULAR PARENT-TIME:** There should be no deviation from the normal parent-time schedule unless the child or someone in the child's home has tested positive for COVID-19. If that is the case, the primary custodial parent should provide documentation of the positive COVID-19 to the noncustodial parent within 24 hours. If positive, parent-time with the noncustodial parent should be suspended for a period of two weeks. During the period of suspended parent-time, the noncustodial parent shall have at least 30 minutes of virtual parent-time (Google Hangouts, Skype, Facetime, etc.) each day. The missed parent-time will be made up during the summer break, or at other times agreed upon by both parents. If a child remains positive after conclusion of the two week period, this provision should be extended until the child is no longer positive.
2. **SPRING BREAK:** Pursuant to Utah Code 30-3-35(f) and (h) spring break is the custodial parent's holiday in 2020. The parties will follow the child(ren)'s normal school schedule for the purpose of determining when spring break occurs. Unless there is a positive test (see above) or a travel restriction, spring break should be treated as it would under non-pandemic conditions.

Similarly, Under Utah Code 30-3-37(6) spring break is the custodial parent's holiday in 2020. If the order requires the child to travel for spring break and that travel is prohibited, a parent losing time due to the travel prohibition should be entitled to an equal period of make-up time.

3. **RIGHT OF FIRST REFUSAL:** If the governing order allows for the right of first refusal to provide child care, the fact that a child may not be attending school does not affect the order.
4. **SCHOOL CLOSURES:** COVID-19 school closures will not be treated as snow days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend or holiday period under Utah Code 30-3-35 (b)(iv) and (c). Thus, until the conclusion of the academic year, children should be returned to the other parent at the time the children normally would be delivered to school or the other parent.
5. **HEARINGS:** As of March 19, 2020, all hearings are being conducted telephonically and the commissioners generally are hearing only matters deemed critical, including TRO and protective order matters, and issues involving child safety. Motions and conferences deemed non-critical are being postponed. New hearing dates may be obtained, but circumstances may necessitate additional continuances. At this time, for safety reasons, court support staff is also being reduced to the minimum necessary to conduct critical operations. Thus the ability of the court staff to respond to requests for rescheduling may be delayed. We will respond as soon as possible, and this situation remains fluid.

For situations not specifically addressed above, we hope and expect that parents will be reasonable and will try to work together and follow government guidelines to ensure the health and safety of their children, themselves and others. Should parents attempt to take improper advantage of the court's present inability to hear many matters, this could eventually result in the imposition of appropriate sanctions when full court operations resume.

-Commissioner Russell Minas

FOURTH DISTRICT NOTICE REGARDING DOMESTIC CASES AND COVID-19

As commissioners in the Fourth District Court, we anticipate that many attorneys and parties have questions about whether court orders will be interpreted differently to accommodate for the disruption caused by the current COVID-19 pandemic. We, Commissioner Ito and Commissioner Petersen, have met and discussed these possible scenarios, and while there are some situations that will require handling on a case-by-case basis, we offer the following guidelines, to assist in the absence of health care directives for specific persons.

1. **REGULAR PARENT-TIME:** There should be no deviation from the normal parent-time schedule unless the child(ren) or person(s) in the child(ren)'s home has tested positive for COVID-19. If that is the case, the primary custodial parent should provide documentation of the positive COVID-19 to the non-custodial parent within 24 hours. If positive, parent-time with the noncustodial parent should be suspended for a period of two weeks. During the period of this suspended parent-time, the noncustodial parent shall have at least 30 minutes of virtual parent-time, each day. Platforms for virtual parent-time can include but are not limited to *Google Hangouts, Skype, Facetime*, etc. The missed parent-time shall be made-up during the summer break, or at other times agreed upon by both parents. If the child(ren) or other individual(s) with COVID-19 remains positive after the conclusion of the two week period, this provision should be extended until the child(ren) or other individual(s) is no longer positive.
2. **HOLIDAY PARENT-TIME:** Pursuant to Utah Code 30-3-35 each parent is entitled to various holiday parent-time over the unforeseeable future during the current COVID-19 pandemic. Including but not limited to the child(ren)'s birthday(s), spring break, Mother's Day, Father's Day, Memorial Day, and so forth. The parties will follow the child(ren)'s normal school schedule for the purpose of holiday parent-time falling within the academic school year in 2020. Unless there is a positive test (see above) or a travel restriction, holiday parent-time should be treated as it would under non-pandemic conditions.

Similarly, under Utah Code 30-3-37, if the order requires the child(ren) to travel for holiday parent-time and the travel is prohibited, the parent losing time due to travel prohibitions should be entitled to an equal period of make-up time. Ideally, make-up time should occur as the parties agree, but otherwise should be added to that parent's summer parent-time or should permit that parent receive holiday parent-time of the missed holiday in the following year, at the election of the parent losing time.

3. **RIGHT OF FIRST REFUSAL:** If the governing order allows for the right of first refusal to provide child care, the fact that a child(ren) may not be physically attending school does not affect the order.
4. **SCHOOL CLOSURES:** COVID-19 school closures will not be treated as snow days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend or holiday period under Utah Code 30-3-35(b)(iv) and (c). Thus, until the conclusion of the academic year, children should be returned to the other parent at the time the children normally would be delivered to school or the other parent.
5. **HEARINGS:** As of March 16, 2020, all hearings are being conducted virtually via telephonic/video conferencing and the commissioners generally are only hearing matters deemed mission critical, including temporary restraining order and protective order matters, and issues involving child safety. Motions and conferences deemed non-critical are being postponed. New hearing dates may be obtained, but circumstances may necessitate additional continuances.

6. **SUPPORT STAFF:** At this time, for safety reasons, court support staff is also being reduced to the minimum necessary to conduct critical operations. Thus the ability of the court staff to respond to requests for rescheduling may be delayed. We will respond as soon as possible, and this situation remains fluid. For immediate assistance only, please email the commissioners' case manager Candice Mead at candicem@utcourts.gov.

For situations not specifically addressed above, we hope and expect that parents will be reasonable and will try to work together and follow government guidelines, in the best interest of their child(ren) and to ensure the health and safety of their child(ren), themselves and others. Should parents attempt to take improper advantage of the court's present inability to hear many matters, this could eventually result in the imposition of appropriate sanctions when full court operations resume.

-Commissioner Marian H. Ito
-Commissioner Sean M. Petersen