



**State of North Carolina
Tenth Judicial District
WAKE COUNTY FAMILY COURT**

CHIEF DISTRICT COURT JUDGE

ROBERT B. RADER

FAMILY COURT JUDGES

DAVID K. BAKER
MONICA M. BOUSMAN
VARTAN A. DAVIDIAN
MARGARET P. EAGLES
J. BRIAN RATLEDGE
CHRISTINE M. WALCZYK
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JUDICIAL ASSISTANT

FAITH FINLEY

MEMORANDUM

TO: Attorneys Practicing in Domestic Court

FROM: Judge Christine M. Walczyk, Family Court

RE: **Custody Exchanges and COVID-19**

DATE: March 30, 2020

Members of the Bar:

In light of Chief Justice Beasley's recent announcement, the subsequent courtroom closures, and the new "stay at home" directives, we are receiving a multitude of questions from the public and attorneys regarding court-ordered custody exchanges of minor children.

Before calling the Family Court office to ask questions, please read the Statewide, Wake, and Durham county "stay at home" orders. Governor Cooper's order remains in effect until April 30, 2020. It is attached. The local orders, to the extent they impose greater restrictions on the population will remain in effect. They can be found here:

Wake County Stay at Home: <http://www.wakegov.com/covid19/Documents/FinalSignedSOE3-26-20.pdf>

Durham County Stay at Home: https://durhamnc.gov/DocumentCenter/View/30043/City-of-Durham-Mayor-Emergency-Dec-Second-Amdmt-3-25-20_FINAL

Traveling between residences for child custody or visitation is specifically listed as an essential activity in the Governor's order. The Wake and Durham orders also contain provisions that could be construed as exempting custody exchanges from the "stay at home" restrictions. Please be careful to review a client's custody order before giving any legal advice about exchanges. Additional circumstances may exist that would alter each party's responsibilities as they relate to

custody. For example, if the parties are ordered to exchange a child through Time Together, this facility has now suspended services due to the pandemic.

Some Family Law Advisory Councils, such as the Oregon Statewide Family Law Advisory Council, have issued guidelines for parents who share custodial time. The North Carolina Family Court Advisory Committee has not issued any guidelines to date, but some of the Oregon guidelines might be helpful for parents in North Carolina. You can review the Oregon guidelines here: <https://www.oregonlive.com/coronavirus/2020/03/child-custody-arrangements-amid-coronavirus-statewide-family-law-panel-issues-guidance.html>

Please keep in mind that neither the staff nor the Family Court Judges can give anyone legal advice. The most important thing you can do during this crisis is to encourage your clients to work together with their children's best interest in mind, to have a "pandemic" plan in place in case someone gets sick or must be quarantined, and to mediate any disputes over custody exchanges such that court intervention is not required.

Your counsel and advice to your domestic clients during this challenging time is of the utmost importance.

Thank you,

Judge Christine Walczyk