

## **Policy of the Chester County Court of Common Pleas, Family Division, regarding custody exchanges and COVID-19 regulations**

Effective March 23, 2020 at 8:00 p.m. Governor Wolf has issued a 'Stay at Home' Orders to Chester County and 6 other counties\* to mitigate the spread of COVID-19.

Guidelines issued with the Governor's Order provide that allowable activities and essential travel include "travel to care for ... **minors, dependents** ... "; and "travel required by law enforcement or **court order**." [emphasis added]. In addition, the Governor's Office of General Counsel has confirmed to the President Judges of Pennsylvania's Judicial Districts that the Governor's order does not prohibit necessary travel to effectuate existing custody orders.

**Accordingly, it is the policy of the Chester County Family Court that existing custody orders which provide for custodial exchanges of children are to be complied with, absent true exigent or emergency circumstances.**

If the exchange is to occur in a public place that may create an elevated risk, the parties should consider exchanging at their respective residences (curbside, if necessary) or such other location as they may agree.

If a party believes emergency circumstances exist which would justify **temporary** suspension of custodial exchanges, he/ she must prepare an Emergency Petition for **Temporary** Modification of the custody order, stating precisely the alleged exigent circumstances. It must also state the currently-used telephone number and email address of both the moving party/counsel and the opposing party/counsel. The petition should be sent to Family Court Administration via email to [smarker@chesco.org](mailto:smarker@chesco.org) or by fax to 610-344-5974. It will be reviewed by a judge. Once reviewed, if approved for filing, the moving party must file the original with the Prothonotary and serve it upon opposing counsel/litigant. A telephone conference between counsel (or self-represented parties) and a judge will be held when service has been verified. If necessary after conference, a hearing on the record may be conducted via telephone .

At the present time, judicial reviews and conferences will only occur between the hours of 9:00 a.m. and 12:00 noon, Monday through Friday. Telephone hearings will be scheduled at the convenience of the Emergency Family Judge assigned for a given day.

These policies are subject to change as the medical and regulatory situation evolves. Counsel and parties are encouraged to use mediation as an alternative to emergency filings. These are difficult times for all, and cooperation between parents will serve the best interests of their children.

\*Those counties are Allegheny , Bucks, Delaware, Monroe, Montgomery and Philadelphia.