VENTURA
SUPERIOR COURT
FILED
MAY 18 2020
MICHAEL D. PLANET
Executive Officer and Clerk
BY: _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

ADMINISTRATIVE ORDER RE: IMPLEMENTATION OF MANDATORY GUIDELINES FOR CUSTODY / VISITATION ORDERS IN RESPONSE TO COVID-19	**ADMINISTRATIVE ORDER NO. 20-09** **ADMINISTRATIVE ORDER RE: MANDATORY GUIDELINES FOR CUSTODY/VISITATION ORDERS IN RESPONSE TO COVID-19** **AMENDED MAY 18, 2020**

Due to the COVID-19 epidemic, a "Stay Well at Home" order has been issued by the Ventura County Public Health Officer for the protection of the health and safety of all Ventura County residents. These orders may impact custody and visitation orders currently in effect. While the court is open for essential services, including emergency ex parte requests regarding the health, safety and welfare of children, these services must be strictly limited for the protection of the public and court personnel. Therefore, before any such ex parte relief is requested, the following guidelines must be adhered to.

As of June 1, 2020, considering the relaxing of the Public Health Officer orders and the implementation of safety measures by some common carriers, the guidelines are modified as follows. Changes to the original order are in bold font.

IT IS ORDERED that parties with custody / visitation orders shall follow the guidelines as set forth below prior to filing an ex parte motion to modify an existing custody order:

1. The existence of the COVID-19 crisis is not a sufficient basis for a modification of an existing custody / visitation without specific articulable facts supporting the request for the modification. Any request based on fear, concern, or belief on the part of the requesting party,

without supporting facts, shall not constitute a basis for a modification of a custody order.

2. COVID-19 is not a reason to deny parenting time. Unless otherwise ordered by the court, parents are considered fit to care for their children and make decisions regarding the day-to-day aspects of parenting while the children are in his or her care. This day-to-day care includes complying with all the directives from the Public Health Department and all federal, state and local government directives regarding the current COVID-19 crisis.

3. During the school closures in response to the COVID-19 crisis, the existing school-time custody orders remain in effect. The closure of any school for the public health purposes will not be considered an extension of any break/vacation/holiday/non-school day or weekend.

4. Modification of exchange locations due to school closure: If an existing order states a custodial period is to start at pick-up from school or any extra-curricular activity, the receiving parent shall pick up from the relinquishing parent's home. If possible, based on the age of the child and ability to observe the child, the pick-up shall be curbside. The child shall go to the receiving parent's vehicle unassisted. If a restraining order is in effect, the pick-up location shall be the parking lot of the police station nearest to the home of the relinquishing parent. If possible, the child shall transfer between vehicles unassisted. The parties may mutually agree to any other exchange location.

5. Modification of exchange locations – public places: If a current order requires the parties to exchange the children inside a public location, i.e. Starbucks, McDonalds, etc., the exchange shall be in the parking lot of the location. If possible, based on the age of the child, the child shall transfer between vehicles unassisted.

6. Parenting time in public places: If a current order requires the visitation to occur in a public location, visitation may continue at a location that is in compliance with public health directives. The parties shall work cooperatively to find a suitable location. If such a location cannot not be found, visits shall be by video call or telephone.

7. Supervised visitation:

a. Supervised visitation – non-professional: If a current order requires a parent's custodial time to be supervised by a non-professional family member, the supervision

may continue as ordered so long as the supervisor is willing to serve and the visits can be in a location that is in compliance with the public health directives such as the home of the supervised parent.

b. Supervised visitation – professional: If the current order requires the visits to be supervised by a professional supervisor, these visits **may resume if the supervisor is able to provide services that comply with the current public health directives in place at the time of the visits**. The parties may stipulate to alternate methods of visitation that can occur in a location that complies with the public health directives.

c. Video visitation: For parents whose visits are currently ordered to be supervised, and the supervision cannot go forward due to the COVID-19 crisis, visits shall take place via video such as Facetime or Skype or by telephone calls.

8. **Travel for court ordered or written stipulated visits**: If visits are to occur via travel on a common carrier such as an airline, train or bus, **travel to / from** these visits **may resume on common carriers that have taken precautions regarding COVID-19. If no acceptable common carrier is available, the parents shall make alternate arrangements, such as meeting half-way for exchanges before requesting court intervention. COVID-19 shall not be a basis for refusing to <u>return</u> a child from a visit.**

9. Transparency: Unless a restraining order prohibits contact, the parents shall communicate regarding precautionary measures they are taking regarding COVID-19 so that the children shall have the same procedures in both parent's homes. Transferring items between homes shall be limited to essential clothing and educational materials.

10. Denial of the other parent's custodial time: Unreasonable denial of the other parent's custodial time due to COVID-19 shall be considered in any subsequent modification of custody / visitation.

11. Return to current custodial order: Upon removal of the public health restrictions due to COVID-19, the parties shall immediately return to following the current custodial order if that order has been affected by the COVID-19 crisis.

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12. Not exclusive remedy: These guidelines are not an exclusive remedy to all issues that might arise during the COVID-19 crisis. However, before any ex parte request is brought to the court, compliance with these guidelines shall be considered.

IT IS SO ORDERED:

DATED: May 18, 2020

JoAnn Johnson, Supervising Family Law Judge