



COVID-19 and Family Law Cases: General Information

Introduction

Courts in each county are reacting to the epidemic in different ways and adopting their own precautionary measures. To find out what is happening in your local court, go to the court's website. Look at its emergency order. You can also contact the clerk of your county's court.

Many courts are only hearing family law motions and cases that involve emergencies. Otherwise, courts are continuing (postponing) matters or deciding matters **based upon the pleadings**. This means the court makes its decisions based solely on what you and the other party filed with the court.

Can I or should I file a new family law case now?

It depends.

You can file a new case. But many courts are only scheduling hearings for family law motions and cases that involve emergencies. Otherwise, courts are continuing (postponing) matters or deciding matters **based upon the pleadings**. This means the court makes its decisions based solely on what you and the other party filed with the court.

If there are concerns or allegations of abuse, the courts are still supposed to be scheduling hearings in protection order cases. If safety is a concern, getting a domestic violence protection order is probably a good way to access the courts.

What counts as an emergency for a family law case?

As of April 2, 2020, there is no statewide definition. Generally, emergency matters are those necessary to protect your safety, health and basic welfare, or your children's. Cases involving domestic violence or child abuse allegations are probably emergencies.

If your request is purely about money, you must show it is necessary for you or your children's safety or health, such as a danger of losing your housing or medical care due to a lack of money.

I don't think my case is an emergency.

If there are no violence or safety concerns, and you and your spouse know that you cannot live in the same household during this time, think about using a mediator or an arbitrator.

- A **mediator** helps you make decisions on your own. Read [Mediation: Should I Use It?](#)
- An **arbitrator** will make decisions in a similar matter as the court.

These can cost a lot. Your county might have its own dispute resolution program that costs less. You can also come to an agreement without a mediator or arbitrator and file a joint petition.

Do I have to file my case in person?

It depends. Many counties allow fax, electronic, or mail filing, but you may not be able to ask for a fee waiver (permission not to pay the filing fee) without appearing in person. Contact your court clerk.

What if I already have a case open?

If there are no emergency issues, any hearings already scheduled for before April 24, 2020 will probably be cancelled or continued (postponed), or the court will decide the matter upon the pleadings. Contact your court clerk to be sure.

Your case will stay open and timelines will continue. For example, you must wait 90 days before your divorce is final. That 90-day requirement will not change during this outbreak.

Some other deadlines may change. For example, the court could give you longer to finish discovery or the parenting seminar.

What can I do to support my case while I'm waiting for the courts to fully re-open?

- Get documents or evidence together to support your requests. It may take more time to get things like bank or health records right now.
- Get declarations from friends, family, and other people who have direct knowledge of issues in your case. Use our [How to Write a Declaration in a Family Law Case](#) packet.
- Make better, or prove wrong, any negative issues the other parent has raised about you. For example, you could enroll in treatment or parenting classes. You could get evidence together showing what the other parent said about you is untrue.
- Keep a diary, calendar, or journal of how parenting happens during this outbreak. This will help you write an accurate declaration in the future if you need to.
- Try to keep things as stable for your child as best as you can.
- While school is out, try using the learning resources here with your school-age children: <https://bit.ly/2yxUmQH>.

Do I still need to do the parenting seminar?

Eventually, yes. Some counties allow for online or mail-in parenting seminars. If your county's parenting seminar is only offered in-person, it is probably on hold for now. Check with your local court.

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