

All,

I am hearing from family law practitioners and families regarding very serious issues with parenting time and access to enforcement and safety. The recommendations below were sent to me today by a local family law attorney. Please consider adding these to the list of whatever package of executive orders or statutory changes may be emerging.

In addition, there are many families that do not have a formal custodial parent--- ie, when the parents were never married and they worked out parenting informally. There should be some executive order or other measure to ensure that if either household has medically involved/fragile/at risk/over 60 individual that the quarantine/isolation/distancing needs dictated by the most vulnerable family member will apply to BOTH households if parenting exchange is to occur. Otherwise, we risk spreading the virus to the most vulnerable through custodial exchange and increasing pressure on hospitals when people are totally isolated except for children moving between households. If the lower risk household does not agree to observe the necessary isolation/quarantine/distancing guidelines, the default for parenting time during the pandemic should be to the family with the most stringent quarantine/isolation/distancing measures. Otherwise, older parents, those in multi-generational households, and those living with disability will be severely disadvantaged in maintaining contact with their family during this crisis. No one should have to choose between parenting time with their child and putting another family's life at risk. Conversely, practicing extreme social distancing will not cause comparable harm to the other family.

There are also conflicts arising between households that have family members in the health care workforce. Consideration needs to be made for the children of parents who are essential workers to ensure safe care for these children, and assistance providing emergency care in the event a caregiver becomes ill.

Here are the recommendations from family law:

1. Courts need to allow hearings on temporary custody/parent time orders, parenting time enforcement orders, & status quo orders by video/phone.
2. They need to allow ex parte orders of assistance (directing law enforcement to bring a child back to the parent who has custody) to be heard.
3. The Supreme Court should issue an opinion that quarantine, including level of quarantine, is a medical decision to be made by a custodial parent & make-up time will be appropriate later. This is needed so that everyone has clear, consistent guidance/rules. This would result in lawyers knowing what to tell people. Because right now, it is absolute chaos with lawyers taking different positions on different cases. Some lawyers are not working right now and are inaccessible, while other attorneys are taking this opportunity to be incredibly aggressive on behalf of their clients.

Thank you,  
Sara

Senator Sara Gelsler  
Chair, Senate Human Services Committee  
[Sen.saragelsler@oregonlegislature.gov](mailto:Sen.saragelsler@oregonlegislature.gov)  
(503) 986-1708\* 900 Court Street NE, Salem, OR 97301  
Pronouns: She/Her/Hers

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