

Information on divorce, custody, and other family law cases in Oregon during COVID-19

Are courts open for family law cases?

While the courts remain open, most courts have rescheduled divorce and custody trials and hearings, or postponed them indefinitely. As an exception, Oregon circuit courts are still hearing certain family law matters relating to:

- Restraining and protective orders,
- Temporary custody orders based on immediate danger, and
- Orders of assistance to obtain physical custody of a child held in violation of a custody order.

In addition to delaying most hearings or trials in family law matters, Oregon courts have temporarily suspended many of the self-help resources (such as family law clerks, facilitators, and forms assistance) that used to be available. The resources that remain available will vary by county. To see what your local court is doing, select your court from the [drop-down menu here](#).¹

For survivors of abuse, limited services continue to be offered by the [Gateway Center](#) in Multnomah County, [A Safe Place Family Justice Center](#) in Clackamas County, and the [Family Justice Center](#) of Washington County.² Check their websites for details.

If you want to start a custody or divorce proceeding, you can still do so. All courts are accepting petitions to start a case. Likewise, the courts continue to accept responses to family law petitions. **Please note that any applicable response deadlines are still in effect.**

For more information on court operations during COVID-19, [click here](#).³

Parenting time during COVID-19

If you have a custody order signed by a judge, you should generally continue to follow the parenting plan as it is written. A state-wide taskforce has written recommendations regarding how to handle parenting time.

The goal of these recommendations is to encourage the parties to follow their parenting plan as closely as possible, as doing so will ensure a level of consistency and stability that is in the children's best interests.

Please note that not all courts have adopted these guidelines. You should check with your local court to determine whether they are following these guidelines.



Definition of spring break, summer break, or holidays

While the schools are closed, parenting time shall continue as if the children are still attending school in accordance with the school calendar of the relevant district. "Spring break," "summer break" or other designated holidays, means the regularly calendared breaks, vacations, or holidays in the school district where the children are attending school (or would attend school if they were school aged). The closure of the school for public health purposes will not be considered an extension of any vacation or holiday period or weekend.

Denial of parenting time

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 their care. This day-to-day care includes following the Oregon Health Authority and your county public health directives regarding social distancing and sanitation-related measures (such as frequent handwashing).

Parenting time in public places

Governor Brown has forbidden all nonessential gatherings, regardless of size. If the parenting plan states that parenting time will occur in a public place, parenting time should continue at locations that are permitted under the health and safety guidelines for the state, such as a large park or nature hike. Public places where people routinely touch common contact surfaces (such as parks and play equipment) should be avoided. However, activities where parents and children can maintain social distancing and avoid such surfaces are encouraged. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.

Supervised parenting time

If parenting time is ordered to be supervised, and the supervisor is unavailable due to COVID-19-related issues or government orders, the parties should work collaboratively to ensure parenting time continues to occur in a manner that promotes their children's safety and wellbeing, such as finding an alternative supervisor. If that is not possible, then the parenting time should be conducted virtually via videoconferencing or by telephone.

Governor's executive orders regarding travel

The Governor has issued executive orders that restrict travel except for essential activities, which generally include caring for minors, dependents and/or family members. Therefore, unless otherwise directed by the Governor or other executive order, the parties should continue to follow the parenting plan as written while such orders are in effect.

Parenting time exchanges

During the exchange of the children, all parties should follow the CDC guidelines for limiting the spread of the virus, which may mean choosing an alternate location for the exchanges that has less people congregating and less touching of public items (changing from the

restaurant to the grocery store parking lot for example).

Safety-related issues

Our first responders must remain available for true emergencies and for support related to the COVID-19 outbreak. Please do not call them for parenting-related disputes but rather only in the circumstances of real, immediate, and significant safety-related reasons.

Transparency

Unless the parties are restrained from communicating, parents are encouraged to communicate about precautions they are taking to slow the spread of COVID-19. A parent is not permitted to deny parenting time based upon the other parent's unwillingness to discuss their precautionary measures taken, or belief that the other parent's precautions are insufficient.

Makeup parenting time

If parenting time is missed due to COVID-19-related issues or government orders, parents are encouraged to work collaboratively to schedule makeup parenting time that promotes their children's safety and wellbeing. Local courts are strongly encouraged to order makeup parenting time, when appropriate.

The recommendation document can be found by [clicking here](#).⁴

If you are experiencing domestic violence, sexual assault, or stalking, and would like to speak to an attorney, please consider contacting your local legal aid office. For a county-by-county directory of legal aid programs in Oregon, [click here](#).⁵

Note: This section is part of a larger document "[Resources for families experiencing divorce, separation, or domestic violence during COVID-19](#)." That resource includes an appendix of the full website addresses for each of the referenced websites.