

# THIRD JUDICIAL DISTRICT COURT

For Immediate Release

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## **District Court recommends precautions for child custody and visitation arrangements during COVID-19 outbreak**

The Third Judicial District Court recommends that parents and other parties work together when possible to keep children safe in custody and visitation arrangements during the public health emergency. These measures may include visits with children by video and telephone conferencing when in-person visitation is not possible.

“Parents should plan ahead for the possibility that visitation may be altered by the potential risk of COVID-19 infection,” said Chief Judge Manuel I. Arrieta. “Rather than waiting for the situation to develop and then requesting the court to resolve visitation disputes, parents should look for ways to ensure not only continued visitation, but visitation that is safe and protects children from potential exposure to the virus.”

Before any visitation, parents should follow state [Department of Health \(DOH\) guidelines](#) to assess COVID-19 risks, including determining whether any individual has experienced symptoms of the virus such as a fever, cough, or shortness of breath; recently traveled internationally or out of state; or been in contact with someone who has traveled outside of New Mexico.

The law requires the “best interests of the children” be considered when making decisions on custody or visitation. When COVID-19 concerns are raised by parents, a judge will review the DOH guidelines about coronavirus and the individual factors affecting parents and their circumstances.

Among the court’s recommendations to parents:

- When in-person visits are no longer possible, parents should consider using technology for audio and videoconferencing to continue visitations. There are many apps for use on smartphones and other electronic devices, including Skype, FaceTime, Google Meet, Zoom and WhatsApp. These steps may help in using remote technology for visitations:
  - Schedule visits during reasonable hours and ensure children are comfortable with the connection. Children should not feel compelled to visit for a long period of time because they often have a short attention span and may have a limited ability to focus on communication.

- Parents and other family members involved in visitations should each have the same app on their cell phones, tablets, computers or other electronic devices.
- For in-person visitations, parents should minimize the number of family members and other individuals in contact with their children to control the risk of exposure to COVID-19. Other possible steps for both parents to consider:
  - Have one person consistently pick up the children and drop off the children after a visitation.
  - Perform errands, such as grocery shopping and refueling of vehicles, and attend to other appointments before the children are brought home.
  - Hold family celebrations such as birthdays with only immediate family members or celebrate the event at a later date after the public health emergency.
  - Maintain a child's toys and belongings in the homes of each parent rather than sending items with the child to the other parent's residence. This may help reduce the possibility that items exposed to the virus will be brought into another home.
  - Make an ongoing analysis of potential high-risk circumstances for children, including whether children have underlying medical conditions that puts them at an increased risk of a severe COVID-19 illness and whether any household residents work in jobs that limit their ability to practice proper social distancing or pose a greater risk of exposure to the virus.

We hope that these recommendations and suggestion might be of assistance to you and the visitation that you have with your children. Thank you for your patience and understanding during this health emergency period.

Third Judicial District Court