

Family Law Issues Amid COVID-19



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*Community Legal Services:
WHO WE ARE*

Community Legal Services is a nonprofit law firm committed to increasing fairness in the civil justice system by advocating, litigating and educating on behalf of Arizona's most underserved communities.



Community Legal Services: WHO WE ARE

Community Legal Services (CLS) is a not-for-profit Arizona law firm incorporated in 1952. As a promoter of “equal justice for all,” CLS:

- 1) Provides high-quality legal advice, assistance and/or direct representation in certain civil matters to indigent and low-income individuals and families residing in CLS service areas (within Maricopa, Mohave, La Paz, Yavapai and Yuma counties);**
- 2) Promotes self-sufficiency through its public education and outreach programs; and**
- 3) Pursues aggressive advocacy on behalf of our client community, who would otherwise have no recourse for the resolution of civil legal problems affecting their “basic survival needs and rights” in the following areas:
Family, Housing, Health, Benefits, Consumer and Employment, and Legal Issues related to Farmworkers.**

CLS Family Law Unit: What We Do



- **Types of Cases:**
 - ✓ **Divorce and Paternity cases with priority given to cases involving domestic violence and children**
- **Service Types:**
 - ✓ **Direct Representation (CLS/VLP)**
 - ✓ **Brief Service/Advice**
 - ✓ **Document Preparation**
 - ✓ **Referral (FLAP/MCBA LRS)**

GENERAL INFORMATION:

AZ Rules of Family Law Procedure:

**[https://govt.westlaw.com/azrules/
Browse/Home/Arizona/
ArizonaCourtRules/
ArizonaStatutesCourtRules?
guid=N1A651810715611DAA16E8D4A
C7636430&transitionType=CategoryPa
geItem&contextData=\(sc.Default\)](https://govt.westlaw.com/azrules/Browse/Home/Arizona/ArizonaCourtRules/ArizonaStatutesCourtRules?guid=N1A651810715611DAA16E8D4AC7636430&transitionType=CategoryPageItem&contextData=(sc.Default))**

Arizona courts:

**[https://azcourthelp.org/home/find-my-
court](https://azcourthelp.org/home/find-my-court)**

DOMESTIC VIOLENCE RESOURCES:

National Domestic Violence Hotline:

<https://www.thehotline.org/>

assistance 24 hours a day, 7 days a week

Arizona Coalition To End Sexual and Domestic Violence:

<https://www.acesdv.org/covid-19/>

COVID-19 INFORMATION:

Arizona Foundation for Legal Services & Education:

<https://covid19.azlawhelp.org/family-law>

Maricopa County Superior Court:

<https://superiorcourt.maricopa.gov/communications-office/covid-19/>

<https://superiorcourt.maricopa.gov/media/6083/4-1-2020-modified-family-department-operations-during-covid-19-pandemic.pdf>

How might COVID-19 affect your family court case?

source:

Arizona Supreme Court Administrative Office of the Courts

*Family Court Guidelines for Parenting Time of Children
During the COVID-19 Pandemic*

PARENTING TIME ORDERS:

Parents must comply with any existing parenting time orders unless they agree otherwise, or until the orders are modified.

If you both agree to modify your parenting plan, you are encouraged to put your agreement in writing and sign it, if possible. If both parents cannot decide on a revised parenting time plan, and one of you believes an adjustment is necessary, you may consider filing a request for temporary modification with the Court under Rule 48, ARFLP.

SUPERVISED PARENTING TIME:

If supervised parenting time is ordered and the supervisor is unavailable for any reason, parents should work collaboratively to ensure parenting time continues to occur in a manner that promotes the children's safety and wellbeing, such as finding an alternative supervisor.

If that is not possible, parenting time should be conducted virtually via videoconferencing or by telephone. The primary residential parent may supervise virtual contact.

important COVID-19 note:

A parent is not permitted to deny parenting time based upon the other parent's unwillingness to discuss precautionary measures taken, or belief that the other parent's precautions are insufficient.

source:

Arizona Supreme Court Administrative Office of the Courts
*Family Court Guidelines for Parenting Time of Children
During the COVID-19 Pandemic*

DEFINITION OF SPRING BREAK, SUMMER BREAK/VACATION OR HOLIDAYS:

While schools are closed, parenting time should continue as if the children are still attending school under the school calendar of the relevant district.

‘Spring break,’ ‘summer break/vacation,’ ‘fall break,’ and other designated breaks/holidays/vacation mean the regularly calendared breaks/holidays/vacations in the school district where the children are attending school (or would attend school if they were school-aged).

LEGAL DECISION-MAKING: SOLE, JOINT, JLDM w/FLDMA*

➤ ARS §25-403.01. Sole and joint legal decision-making and parenting time

(C) An order for sole legal decision-making does not allow the parent designated as sole legal decision-maker to alter unilaterally a court-ordered parenting time plan.

(D) A parent who is not granted sole or joint legal decision-making is entitled to reasonable parenting time to ensure that the minor child has substantial, frequent, meaningful and continuing contact with the parent unless the court finds, after a hearing, that parenting time would endanger the child's physical, mental, moral or emotional health.

* Some judges have ordered Joint Legal Decision-Making with one parent having Final Legal Decision-Making Authority.

LOCAL FAMILY LAW RESOURCES

1. Maricopa County Superior Court Family Court forms

<https://superiorcourt.maricopa.gov/llrc/family-court-forms/>

2. Family Lawyers Assistance Project (FLAP)

602-506-7948

Half-hour consultation with a family law attorney is free if income-eligible, otherwise is currently \$40.

3. Maricopa County Bar Lawyer Referral Service (LRS)

<https://maricopabar.org/index.cfm?pg=LRSHome>

Half-hour consultation with an attorney is currently \$40.

QUESTIONS?

