

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
20-18

IN RE: DOMESTIC RELATIONS – COVID-19 VISITATION & TIMESHARING GUIDELINES

WHEREAS, the World Health Organization (WHO) has declared the Coronavirus Disease 2019 (COVID-19) pandemic, a severe acute respiratory illness that can spread among individuals through respiratory transmission;

WHEREAS, the Florida Supreme Court has suspended most in-person proceedings due to the public health emergency;

WHEREAS, Florida Governor Ron DeSantis, on April 1, 2020, signed Executive Order #20-91 in which the Governor ordered all persons in the State of Florida to limit their movements and personal interactions outside of their home to only those necessary to conduct essential activities;

WHEREAS, Executive Order #20-91 defines “essential activities” to include the caring of a loved one;

WHEREAS, the Court finds, under the present circumstances and language of Executive Order #20-91, that caring for and spending time with one’s child is an essential activity;

WHEREAS, the laws of the State of Florida and public policy expect parents to work together in the best interests of their children regardless of whether they are in an intact family;

WHEREAS, the laws of the State of Florida provide that, where a parent refuses to honor the time-sharing schedule without proper cause, the court may consider such actions in assessing sanctions against the noncompliant party. Such sanctions may include, but not limited to, granting makeup timesharing in the best interests of the child, determining what timesharing arrangement ultimately serves the best interests of a child, and assessing attorney’s fees and costs; and

WHEREAS the court must weigh the need to protect the public health against the need to enforce particular timesharing arrangements during the effective period of Executive Order #20-91;

THEREFORE, pursuant to Rule 2.215, Florida Rules of Judicial Administration, charging the Chief Judge with ensuring the efficient and proper administration of all courts within the circuit, and as an ongoing effort to mitigate the effects of COVID-19 on the courts and its participants,

IT IS HEREBY ORDERED that:

1. Any timesharing order now in effect shall remain in full force and effect.
2. Parties to an existing timesharing order shall comply with the terms of those orders unless modified by a court of competent jurisdiction.
3. Each parent to an existing timesharing order is prohibited from unreasonably restricting the other parent from access to a child.
4. Regular timesharing as set forth in any existing court order shall continue as set forth in that order; the parties shall continue to follow the calendar of the school designated in any such order notwithstanding that school attendance may have been suspended.
5. Exchanges that were to take place at a child's school or daycare that is not currently open should be arranged between the parents in writing by email, text, or parenting app. In the event the parents cannot agree on an alternate arrangement, the exchanges shall take place at the police station or sheriff's office that is located closest to the school or daycare. The closest police station or sheriff's office shall be determined by the distance shown on Google Maps.
6. Videoconferencing and telephone contact, as set forth in a court order, shall be honored and should be reasonably increased to "regular and consistent contact" to alleviate fears and concerns a child may be experiencing during this time. Unless previously ordered, video and phone contact should not be monitored or interrupted by a parent or third party.
7. For as long as Executive Order #20-91 is in effect, the court will not conduct any hearings for the enforcement of any existing timesharing orders or for the establishment of any timesharing orders.
8. Notwithstanding the fact that the court will not conduct any such hearings while Executive Order #20-91 is in effect, any party who had been deprived of timesharing while such order was in effect may bring an action to enforce the timesharing order or ask that the noncompliant party be found in contempt of court after Executive Order #20-91 is no longer in effect.
9. Nothing in this AO is meant to prevent parents from complying with the Center for Disease Control directives on matters of health and safety for the children who are subject to timesharing order regarding visitation.
10. Parents are strongly cautioned that unreasonable, hurtful, or destructive behavior may be severely sanctioned by the court; and the non-offending parent may be awarded substantial make-up time, including summer and consecutive holidays; and the court may award attorney's fees and costs to be paid to the non-offending parent. Such actions may also impact the court's long-term decision for timesharing pursuant to Chapter 61, Florida Statutes.
11. The deferred enforcement policy set forth herein shall not be construed as limiting the court's ability to respond to emergencies. No party shall seek emergency relief except by verified motion, based upon personal knowledge, alleging evidence of imminent harm to a child. Mere allegations that a child may be safer in the home of one parent shall not be a sufficient basis for the establishment or modification of a timesharing order.
12. A parent testing positive for COVID-19 shall immediately notify the other parent of the positive test. A parent learning that a household member has tested positive for COVID-19 shall immediately notify the other parent of the positive test, though the identity of the person testing positive shall not be disclosed.

13. All parents shall comply with “social distancing” and the general protective measures recommended by the CDC and shall encourage their children to do the same.
 14. This order shall remain in full force and effect until further order of this court.
- DONE AND ORDERED this 6th day of April, 2020.

LISA DAVIDSON
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CHIEF JUDGE

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