

Child Support and Custody in the District During the COVID-19 Emergency (Updated August 30, 2021)

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Child Support

What is child support?

Child support is money a parent is ordered to pay on an ongoing basis to provide financial support to their children.

Who is eligible to receive child support?

The children's custodian can apply for and receive child support. The custodian is the person with whom the children primarily live and spend a majority of their time. In most cases, the custodian is a parent (known as the "**custodial parent**"). Sometimes the custodian is a third party such as an aunt, uncle, or grandparent who is caring for the child.

Who pays child support?

The Court can order **non-custodial parents** (the parents with whom the children spend lesser amounts of time) to pay child support, if it has been established that they are the biological parents.

- Biological mother's parentage is established at birth of the child.

- Biological father's parentage is established through: (1) acknowledgement of paternity; (2) adjudication of paternity; or (3) genetic testing.

How does the court determine who the children's custodian is for the purpose of child support?

If there is a current court order addressing custody of the children, that order will determine who is considered the children's custodian for purposes of child support.

If there is no court order, the adult with whom the children live a majority of the time is the custodian for purposes of child support. If the children spend an equal amount of time in the custody of each parent, the parent with the higher income will likely have to pay child support to the parent with the lower income.

If I get Temporary Assistance for Needy Families (TANF) benefits for my children, can I still get child support?

Once a child's custodian obtains TANF benefits in the District, they are required to waive their right to receive child support payments for that child and assign that right to the government. The government will then start a child support case against the child's other legal parent to recover the money it has paid the child's custodian in TANF benefits.

Under the District's Child Support Pass-Through Program, custodians receiving TANF may keep the first \$150 of any on-time monthly child support payment made by the non-custodial parent; the rest of the child support payment will be kept by the government, until the amount of the money paid to the custodian in TANF benefits is recouped.

How can I start a new child support case?

Normally, there are two ways you can start a new child support case:

- **You can ask the District's Child Support Services Division (CSSD) to start a new child support case.** You will be asked to complete an

[application](#), gather certain documents, and submit these materials in person to CSSD's office, which is located 441 4th Street NW, Suite 550N, Washington, D.C. Unless you receive TANF or Medicaid benefits, you will be asked to pay a \$5 fee in order to receive CSSD's assistance. Once CSSD processes your application, its legal staff will file a Petition for Child Support with the Superior Court, and serve the non-custodial parent with a copy of this Petition.

- **You can file a new child support case on your own at the Superior Court.** The Family Court Self-Help Center, located in Room JM-570, can provide a blank Petition for Child Support for you to fill out on your own, if you do not have an attorney helping you. This paperwork must then be filed at the Central Intake Center, located at JM-540. The cost of filing a Petition for Child Support is \$80. This cost can be waived if you complete and file an Application to Proceed Without Prepayment of Fees, Costs and Security with your Petition for Child Support.

An initial hearing is usually scheduled for a date that is within 45 days of the filing of the Petition for Child Support.

See "[Child Support Proceedings During COVID-19](#)" for information on current court processes and timelines.

Can I ask for child support as part of my divorce or custody case?

Yes. You can request child support in your Complaint for Divorce or a Complaint for Custody, or you can amend your Complaint at any time during the divorce or custody case to include an additional request for child support.

Can I ask for child support as part of a Civil Protection Order (CPO) case?

Yes, but any relief granted as part of a CPO (including an order to pay child support) will only last for the duration of the CPO, which is typically one or two years. If your goal is to receive child support after the CPO expires, it might be better to not request child support in a CPO, and instead file a separate child support case.

For more information on CPO's, please see Legal Aid's Frequently Asked Questions on Domestic Violence.

New Child Support Proceedings in Court During COVID-19

How do I start a new child support case during the COVID-19 pandemic?

Due to the ongoing COVID-19 pandemic, the Superior Court is hearing all child support matters via phone or videoconference. When a case is being rescheduled for a phone or video hearing, Superior Court staff will send a new notice with information about how to participate in the remote hearing.

The Superior Court will accept new Petitions for Child Support filed by individual custodians, their attorneys, or CSSD (on behalf of custodians who receive TANF).

- You can file a Petition for Child Support in person at the Family Court Central Intake Center, located in Room JM-540 of the D.C. Superior Court, Monday through Friday between the hours of 8:30am and 5:00pm. You can file in person even if you are asking the Court to waive filing fees. That request is made by filing an Application to Proceed Without Payment of Costs, Fees or Security.
- You can file a Petition for Child Support with an Application to Proceed Without Prepayment of Costs, Fees or Security by emailing it to FamilyCourtCIC@dcsc.gov.
- If you are not eligible for or do not intend to file an Application to Proceed Without Prepayment of Costs, Fees, or Security, you can file your Petition for Child Support online via [CaseFileXpress](#), and you will be prompted to pay the \$80 filing fee. You will still need to contact the [Family Court](#) to set up a CaseFileXpress case record before you can initiate a new case.

Can I apply for CSSD's help in starting a new child support case?

Yes, CSSD staff are available to help you initiate new Petitions for Child Support.

CSSD's offices are currently closed for in-person intakes. You can contact CSSD by phone at (202) 442-9900 between 8:15 am - 4:45 pm, Monday through Friday or email cssdcustomerservice@dc.gov. As CSSD staff is currently teleworking, response times may be delayed.

What if I had a hearing that was supposed to take place when the Court was closed because of the public health emergency?

At this time, the Court has sent rescheduling notices to all parties. You should call the Court if you have not received a Notice with a virtual hearing date.

When will the Court schedule a hearing on my child support case?

For new child support filings, the Superior Court should give you a hearing date when you file a petition, but it is unlikely that the hearing will happen within 45 days, given the backlog of hearings that need to be held first.

Do I have to meet the same deadlines in my court case?

Yes. Many deadlines must be met, and you should talk to an attorney with specific questions.

Calculating, Paying, and Receiving Child Support

How is child support calculated?

Judges typically rely on the Child Support Guideline ([D.C. Code § 16-916.01](#)) to determine the amount of child support that the non-custodial parent will pay. Some of the factors included in the guideline are the parents' incomes, the number of children for whom support is sought, and the amount of time the children spend with each parent. The guideline also takes into account money spent for childcare, medical insurance or large medical expenses.

You can estimate the amount of child support by using the Child Support Guideline Calculator at <http://cssd.dc.gov/service/calculate-child-supportpayments>.

Judges usually order the amount of child support provided by the Guideline, but they can choose to order a different amount as long as they give a

reason. Also, if both parties to a child support case agree about the amount of support the non-custodial parent should pay, the judge will usually order the agreed-upon amount.

Due to COVID-19, I have been unable to start a child support case. Can I receive child support payments for the period of time before my Petition for Child Support was filed?

Yes. In addition to requesting ongoing child support payments, you can request back child support for up to 24 months before filing of the Petition for Child Support.

My child lives with me and his mother lost her job because of COVID-19. Can I still get a child support order once a hearing is scheduled?

Probably yes. A minimum amount of child support is often ordered even in cases where the non-custodial parent is unemployed. If the Court finds that the unemployed or underemployed non-custodial parent has the ability to make child support payments, it will presume that the non-custodial parent is able to pay a minimum of \$75 per month. However, the non-custodial parent has the right to present evidence that support should be ordered at a rate lower than \$75 per month.

Additionally, the Court typically orders non-custodial parents to conduct up to ten job searches a week until they obtain full-time employment, at which point their child support obligation will be increased.

Child support was being deducted from my paycheck, but I lost my job due to COVID-19. Can I send money or supplies directly to my child's mother to keep up with my child support obligation?

No. If wage-withholding is not in place, you can make child support payments by paying through [CSSD's website](#), mailing checks or money orders to the [D.C Child Support Clearinghouse](#), or by [paying in cash at certain retail locations](#) around the city. These payment methods have not been affected by the COVID-19 crisis. You will only get credit for making payments through one of these methods. Any payment or in-kind contribution that you give directly to the custodian will not be credited as child support, and will instead be treated as a gift.

Child support was being deducted from my child's father's paycheck but he lost his job due to COVID-19. How will I get paid?

If a recently unemployed non-custodial parent has applied and been approved for unemployment insurance, child support payments will be automatically deducted from each of his unemployment checks and sent to CSSD.

If a recently unemployed non-custodial parent is not receiving unemployment insurance, he or she must make child support payments through one of the methods mentioned above.

If child support is being paid during COVID-19, how will the government pay me child support?

You can elect to receive child support payments via direct deposit or automatically loaded onto a child support debit card. If you do not select either of these options, you will receive a paper check from CSSD for child support.

CSSD reports that child support payments are being disbursed as usual. If you are experiencing delays receiving child support payments, you should contact CSSD at (202) 442-9900 between 8:15 am - 4:45 pm, Monday through Friday or by email at cssdcustomerservice@dc.gov. As CSSD staff is currently teleworking, response times may be delayed.

Modifying a Child Support Order

I'm a non-custodial parent, and I just lost my job. How can I get my child support order decreased?

You may ask the Court to modify a permanent child support order when there is a substantial material change in circumstances that affects the needs of the child or your ability to pay child support.

You have to prove to the Court that a *substantial and material change in circumstances* has occurred. You can also ask for a review and modification of your child support order every three years even if your circumstances haven't changed.

Does losing your job count as a “substantial and material change in circumstances”?

Yes. Lay-offs and furloughs due to the COVID-19 related economic crisis would likely be considered qualifying changes in circumstances warranting a modification of a child support order.

How do I request a modification of a child support order?

You must file a [Motion to Modify Child Support with the Court](#). For help drafting a motion, please contact the Family Court Self-Help Center at 202-879-0096. The Family Court Self-Help Center staff members are working remotely but can assist you over the phone.

You may submit a motion to the Court by email. You must access a blank [Motion to Modify Child Support](#) online, fill it out, and email it to the Family Court’s Central Intake Center at FamilyCourtCIC@dcsc.gov.

The Court will only accept filings from unrepresented parties by email if you have a waiver of filing fees. To request a waiver, you must file an [Application to Proceed Without Prepayment of Fees, Costs or Security](#).

You can also file a motion in person at the Family Court Central Intake Center, located in Room JM-540 of the D.C. Superior Court between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

How soon after filing a Motion to Modify Child Support will I get a hearing?

Due to the COVID-19 crisis, the Court is holding few hearings. Because of the backlog of cases, it will likely be several months before you are scheduled for a phone or video hearing.

Given the ongoing nature of the COVID-19 crisis, it is not yet known when modification hearings for newly filed Motions to Modify Child Support will occur.

If a modification is granted, on what date will it take effect?

The Court can modify a child support order back to the date the request for a modification was filed.

- **Example:** *If a modification request was filed on January 1, but the Court did not grant the request until March 1, the Court can adjust child support payments going back to January 1.*

Federal law prohibits the Court from modifying a child support order for any period of time before the date that the modification request was filed. So it is important to try to file as soon as possible after you lose your job.

- **Example:** *If a non-custodial parent lost his job due to the COVID-19 crisis on March 20, but did not file a request to modify his child support order until May 1, the Court can only modify the child support order effective May 1. The non-custodial parent must pay the higher child support amounts that were in place between March 20 and May 1.*

Neither the federal nor the District governments have announced plans to relax filing deadlines for motions to modify child support related to the COVID-19 pandemic.

Enforcement of a Child Support Order

My child's mother is not paying her child support. What can I do?

If a non-custodial parent has not been paying child support as ordered by the Court, you can file a [Motion for Contempt of Child Support Order](#). A Motion for Contempt is a request that the Court find that the non-custodial parent is in violation of the Court's child support order, and order her to spend time in jail until she pays a certain amount of money.

There are other enforcement mechanisms available to CSSD to collect support for families.

How can I file a Motion for Contempt of Child Support Order?

You can file a Motion for Contempt in person at the Family Court Central Intake Center, located in Room JM-540 of the D.C. Superior Court, Monday through Friday between the hours of 8:30am and 5:00pm. You can file in person whether or not you are also filing an Application to Proceed Without Payment of Costs, Fees or Security.

If you prefer to file electronically, you can access a blank [Motion for Contempt](#) online, fill it out, and email it to the Family Court's Central Intake Center at FamilyCourtCIC@dcsc.gov. The Court will only accept filings by email if you have an approved fee waiver, called an [Application to Proceed Without Prepayment of Fees, Costs or Security](#), on file. You can file the Application at the same time as your motion.

If you are not eligible for or do not intend to file an Application to Proceed Without Prepayment of Costs, Fees, or Security, you can file online via CaseFileXpress, and you will be prompted to pay the filing fee.

What is CSSD doing to collect child support during the COVID-19 crisis?

In certain situations, CSSD will file a Motion for Contempt on behalf of a custodian it is assisting. CSSD may also refer non-custodial parents to the Department of Motor Vehicles for license suspension or seize bank accounts in cases where the non-custodial parent is behind on child support payments.

Legal Help with Child Support

How can I get legal assistance?

You can contact the Legal Aid Society of the District of Columbia to request advice and assistance regarding your child support case. Although Legal Aid's offices are closed, our attorneys are teleworking and are available to speak to new clients. You can apply for our services [online](#) or by calling (202) 628-1161.

For same-day advice and/or assistance with a child support hearing, litigants can contact the Child Support Resource Center hotline at 202-791-3996. This

hotline is operating remotely at this time and is staffed by attorneys from Legal Aid and Bread for the City Monday-Friday from 8:30am-12:30pm.

For help with child support matters as part of a divorce or custody case, you can contact the Family Law Assistance Network ("FLAN") (a joint project of the D.C. Bar Pro Bono Center, Legal Aid, and the D.C. Affordable Law Firm) by calling (202) 844-5428.

CUSTODY

What is custody?

Custody is the legal responsibility and right of parents to care for and make decisions about their children until they turn 18. There are two types of custody: legal custody and physical custody.

- Legal custody refers to a parent's ability to make major decisions for the child regarding issues such as education, health, and religion. Legal custody can be awarded on a sole or joint basis.
 - If the Court orders the parties to share joint legal custody, they must consult each other and agree on any important decisions regarding the child. In some cases, the Court may order joint legal custody and award one parent final decision-making rights, meaning the parents are obligated to consult each other regarding important decisions, but if they disagree, the parent with final decision-making authority will make the ultimate decision.
 - If the Court awards one parent sole legal custody, that parent can make decisions regarding the child without having to consult the other parent.
- Physical custody refers to where the child lives and spends time. Physical custody can be awarded on a sole or joint basis.
 - If the Court orders the parties to share joint physical custody, it means that the child spends some time with each parent. Joint physical custody is not limited to the child spending equal amounts of time with each parent.

- If the Court awards one parent sole physical custody, the child will live exclusively with that parent. Additionally, the Court may award the other parent some amount of visitation with the child.

How does the Court decide who should get custody of a child?

After hearing from each side, the Court will consider seventeen factors (known as the “[best interest factors](#)”) in fashioning a custody arrangement that serves the best interests of the child.

How likely is it that the Court will award one parent sole physical and sole legal custody?

In most cases, the Court will award parents joint physical custody and legal custody. This is because District law contains a rebuttable presumption that joint custody is in the children’s best interests.

If there is evidence that one parent has perpetrated domestic violence against the other parent, abused or neglected the children, or committed parental kidnapping the Court will not presume that joint custody is best for the children. Instead the Court will presume that it is best for the children to give sole custody to the non-abusive parent.

Starting a Custody Case

What is required to start a custody case in the District?

Generally, a custody case can be filed in the District if the children have resided here for at least six consecutive months before the filing of the case.

Who can file for custody of a child?

Either parent can start a custody case, regardless of whether they are currently living with the child.

Additionally, people other than parents -- including grandparents, aunts and uncles -- can file for custody in certain circumstances. Third parties can only file a custody case if:

- They have the agreement of the parent who has taken care of the child during the past 3 years;
- They have lived with and taken care of the child for at least 4 of the 6 months before filing for custody; or
- They are currently living with and caring for the child, and the child would be harmed if the third party does not have custody.

Unless third parties satisfy one of these conditions, they may not file for custody.

Do I need a custody order to be legally recognized as my child's caretaker?

No. You do not need a custody order to enroll your child in school, obtain medical care for your child, collect public benefits on behalf of your child, or perform the vast majority of other parenting duties. In the absence of a custody order, either parent can exercise legal decision-making authority for their child.

Do I need a custody order to receive child support from the other parent?

No. You can start a child support case even if there is no order addressing custody of the child. In the absence of a custody order, the parent with whom the children live a majority of the time will be deemed the **custodian** (the person who is eligible to collect child support) solely within the context of the child support case.

How can I file a custody case?

You can go to <https://www.probono.net/dccourts/familycourt/> to fill out a [Complaint for Custody](#). If you need help filling out the Complaint for Custody, you should contact the Family Court Self-Help Center at 202-879-0096. The Family Court Self-Help Center is currently operating remotely and can help you over the phone. Once that form has been completed, you can file it in one of three ways:

- You can file in person at the Family Court Central Intake Center, located in Room JM-540 of the D.C. Superior Court, Monday through Friday between the hours of 8:30am and 5:00pm. The cost of filing a new Custody Case is \$80. This cost can be waived if you complete and file a fee waiver, called an [Application to Proceed Without Prepayment of Fees, Costs or Security](#).
- You can email your Complaint to FamilyCourtCIC@dcsc.gov. The Court will only accept filings from unrepresented parties by email if you have a waiver of filing fees. To request a waiver, you must file an [Application to Proceed Without Prepayment of Fees, Costs or Security](#).
- You can e-file the Complaint on [CaseFileXpress](#) if you do not have or qualify for a fee waiver. First, you have to contact the [Family Court](#) to set up a CaseFileXpress case record.

Seeking Emergency Custody Relief

When would I file an emergency motion in a custody case?

You should consider filing an emergency motion for custody if you believe that your child's health or safety will be at risk unless the judge takes immediate action. For example, if you suspect that the other parent has abused, neglected, or kidnapped your child, you should seek emergency relief.

How do I file for emergency custody during the COVID-19 pandemic?

The Family Court is continuing to hold remote hearings and issue orders, as necessary, in emergency matters. Emergency hearings are being conducted via teleconference.

If there is no existing custody case, you must complete and submit a [Complaint for Custody](#), along with a [Motion for Temporary Custody](#) to the Family Court's Central Intake Center in person or via email at FamilyCourtCIC@dcsc.gov. You must say that the Motion to Temporary Custody is an emergency.

If there is an existing custody order, you must fill out a [Motion to Modify Custody](#) and submit it to the Family Court's Central Intake Center in person or via email at FamilyCourtCIC@dcsc.gov. You must say that the [Motion for Temporary Custody](#) is an emergency.

Once the Court receives your emergency motion, a judge will review the pleading and decide whether it is necessary to hold a hearing by phone. Both parents will be contacted if the Court decides to hold an emergency hearing.

Can I get legal help in my emergency hearing during the ongoing COVID-19 crisis?

Yes. Attorneys with the Family Law Assistance Network ("FLAN") (a joint project of the D.C. Bar Pro Bono Center, Legal Aid, and the D.C. Affordable Law Firm) may be able to represent parents (by phone) at emergency custody hearings. Parents can apply for assistance by calling (202) 844-5428.

Besides filing for emergency custody relief, what else can I do if I think that my child's other parent is endangering her?

If you suspect abuse or neglect, you can contact the Child and Family Services Agency (CFSA) at (202) 442-6100, or make a report of child abuse to their 24-hour hotline at (202) 671-7233.

Modifying a Custody Order

Can a custody order be changed after it is issued?

Yes. After the Court issues a permanent custody order by consent or following a custody trial, the order can be changed by the agreement of the parties, or if one parent files a [Motion to Modify Custody](#) requesting a change in the current order.

How does a Court decide whether to grant a Motion to Modify Custody?

To obtain a modification of a permanent custody order, a parent must convince the Court that there has been substantial and material change in

circumstances that warrants a change in the current custody arrangement, and that the requested change in custody is in the children's best interests. To determine whether the change in custody is in the best interests of the children, the Court will consider the seventeen [best interest factors](#).

Can I file a Motion to Modify Custody during the COVID-19 crisis?

Yes. You must fill out a [Motion to Modify Custody](#) and file it in one of three ways:

- You can e-file the Motion to Modify Custody on [Case File Xpress](#) if you do not have or qualify for a fee waiver. It costs \$20 to file a Motion to Modify Custody.
- You can email the Motion to Modify Custody to FamilyCourtclerk@dcsc.gov if you have an approved fee waiver on file or if you have attached one to your email.
- You can file in person at the Family Court Central Intake Center, located in Room JM-540 of the D.C. Superior Court.

Visitation

What visitation rights can I get in Court?

A parent's visitation with her children can be supervised or unsupervised.

- **Supervised Visitation:** If the judge believes that a child would not be safe in an unsupervised visit, the judge can order supervised visits to occur at the Court's Supervised Visitation Center. The Supervised Visitation Center is also used for supervised drop-offs and pick-ups so that the two parents do not have any contact with each other. Supervised visits can also occur at other locations or be supervised by other people (such as trusted friends or relatives) as ordered by the judge.
- **Unsupervised Visitation:** Unsupervised visits may be limited to daytime visits (where the children spend a portion of their day with

one parent), or include overnight visits (where the children sleep over at a parent's home).

The frequency, nature, and duration of any visits between a parent and the children will be determined either by the mutual agreement of the parties, or by the Court in consideration of the children's best interests.

Do I have to comply with visitation orders during the COVID-19 pandemic?

To the extent that it is safe and feasible, you should continue complying with visitation orders. Judges expect parents to be reasonable with one another and to make sincere attempts to follow visitation orders to the best of their abilities during the COVID-19 crisis.

What is the operational status of the Supervised Visitation Center during the COVID-19 crisis?

The Supervised Visitation Center is closed for in-person supervised visits and exchanges. The Supervised Visitation Center is conducting virtual supervised visits (that take place over the phone or computer).

What should I do during the COVID-19 crisis if my custody order requires visits at the Supervised Visitation Center?

If you have not been able to schedule virtual supervised visits yet, you should contact the Supervised Visitation Center to start these visits. You should use your best judgment and try to be reasonable during this time. You should think about alternatives to visits at the Supervised Visitation Center, and try to communicate with the other party about visitation, if it is safe to do so.

If virtual supervised visits are not possible in your case and safe and appropriate arrangements for supervised visitation cannot be made outside of the Supervised Visitation Center, you can consider filing a Motion to Modify Custody Order.

What should I do during the COVID-19 crisis if my custody order requires visitation exchanges to take place at the Supervised Visitation Center?

You should use your best judgment and try to be reasonable during this time. You should consider safe, alternate exchange arrangements so that visitation can continue during the ongoing pandemic. For example, you should consider doing exchanges at a police station, or through a trusted third party.

If safe and appropriate arrangements for exchanges cannot be made outside of the Supervised Visitation Center, you can consider filing a Motion to Modify Custody Order.

Help with Custody and Visitation

Where can I get legal help with a custody case during the ongoing COVID-19 pandemic?

Attorneys at the Legal Aid Society of the District of Columbia are available to advise parents about custody. While our offices are closed for in-person appointments and walk-in intakes, you can apply for our services by phone at (202) 628-1161 or [online](#).

You can also contact the Family Law Assistance Network ("FLAN") (a joint project of the D.C. Bar Pro Bono Center, Legal Aid, and the D.C. Affordable Law Firm) by calling (202) 844-5428.

For help drafting and filing Complaints, Motions, and other pleadings, you can contact the Family Court Self-Help Center at (202) 879-0096. The Family Court Self-Help Center cannot provide legal advice, but can provide general legal information.