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DIVORCE/SEPARATION

WHAT ARE YOUR LEGAL OPTIONS DURING THE CORONAVIRUS (COVID-19) OUTBREAK?

Protect Your Children, Your Assets
and Your future

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What Are Your Legal Options During the Coronavirus (COVID-19) Outbreak?

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The impact of Coronavirus in the United States has been swift and severe.

Normal life has changed. This pandemic has reached all areas of our life, the way we live, the way we interact, the way we shop and even our judicial system. Our court system is on "pause", for most matters, but that doesn't mean your family law issues need to be paused.

I have been practicing in the area of Family Law for over 25 years. While we are all mandated to "work at home", I can still assist you to reach your legal goals in this difficult period, prepare for filing a divorce matter, or if necessary, seek judicial intervention for an essential matter that needs immediate attention.

Divorce, separation, custody disputes, parenting plans, support issues, bring uncertainty. This pandemic has created a whole new realm of uncertainty.

- What if I don't trust my ex to make good decisions to protect our children? Can my ex take our children on vacation during the Coronavirus Outbreak? Can my ex take our children near other people during the Coronavirus Outbreak?

- Am I required to follow the Parenting Plan during the Coronavirus Pandemic? And what if the other parent is not letting me see my children during the outbreak; can we enforce the existing custody order?
- How do I get a divorce or family law matter handled during the Coronavirus Outbreak? How has the process changed?
- Can we move our parenting disputes forward despite the courts being closed or proceedings delayed?
- Can I file for downward modification of my support obligations if I've lost a job or business due to COVID-19?
- How do I protect my assets in the event of a divorce during the Coronavirus Outbreak?

These are all very valid concerns in this unprecedented time. This is a time when even visits with extended family, such as grandparents, aunts and uncles, can put children at risk.

The Coronavirus Outbreak has also led to delays in divorce and other court proceedings and many courts have even closed. You may be worried about how long your divorce is going to take and what you can expect as the pandemic moves forward.

I am here to help guide you through this uncertain period.

I understand that even though many of us are staying home, life doesn't stop. There are concerns that must be dealt with and the welfare of children must be protected.

I handle each contact and case with the utmost urgency and empathy. I will address your legal issues and help you avoid the stress that can come with uncertainty about your divorce, separation, welfare of your children, your home, retirement, support or health insurance.

I created this guide to help you more easily get the answers you need to the Coronavirus Outbreak and its effects on divorce, separation and child custody cases. You are going to learn what steps you can take to protect your family and your assets and if you should continue moving your divorce forward.

BUT FIRST, HERE ARE SOME FACTS ABOUT CORONAVIRUS:

What is Coronavirus?

Coronavirus, or COVID-19, is a newly identified type of virus that has caused a recent outbreak of respiratory illnesses. Coronavirus was first discovered in December of 2019 in Wuhan, China.

What does COVID-19 stand for?

The CO 'stands for 'corona,' the 'VI' stands for virus and the 'D' stands for disease. This disease was formerly known as the “2019 novel coronavirus” or “2019-nCoV”. Now it is widely called COVID-19. There are actually many types of human coronaviruses in existence, including some that commonly cause mild upper-respiratory tract illnesses.

What are the symptoms of Coronavirus?

People with Coronavirus may experience: tiredness, a dry cough, fever and difficulty breathing (severe cases).

Who is affected by Coronavirus?

Anyone can catch Coronavirus but elderly individuals who struggled with previous health issues like hypertension are particularly at risk.

How does Coronavirus compare to the flu?

The CDC estimates that 38 million Americans got the flu this season, which led to over 23,000 deaths. In comparison, the Coronavirus has produced

417,206 cases so far with 14,183 deaths as of April 8, 2020. Those numbers are expected to continue rising.

In fact, Tom Frieden, former director of the Centers for Disease Control (CDC) in the US just recently said as much. When asked about the Coronavirus pandemic, he said flatly: “it’s going to get worse.”

Most experts believe it is going to get a lot worse before it begins to get better.

That means the court system could be impacted even more than it has already been. There could be more closings, more delays, more uncertainty.

I am here to help!

CORONAVIRUS CHILD CUSTODY & DIVORCE TIPS:

These tips may ease your stress and give you some answers to difficult situations.

Tip #1 – Carefully consider each parenting action that you take

How your act and interact with the other parent during the Coronavirus Outbreak will have an impact on your child custody matter. Your actions and behavior will be a factor for the Judge to consider when determining who should be the custodial parent or if custody should change.

That means if you have an existing custody order, you should continue to follow it. Please keep in mind that failing to follow the order and withholding access could lead to negative consequences in the future. If it is not feasible to follow an order or prior parenting agreement, (perhaps a parent is sick, or a work schedule has changed, or there is another adult in the house that has compromised health), be flexible, cooperative, and courteous towards the other parent. Seek a temporary resolution, such as adjusting the weekend visits to include mid-week overnight stays, extended Face time or outdoor visits that minimize close contact.

If your spouse isn't letting you see your children, involving law enforcement is not the best option at this time. Talk to a lawyer first to see if he or she can help you resolve the situation. Attorneys are still available to reach their clients and bring resolution. If there is a court order that your spouse is not following, talk to a lawyer about what can be done as some courts will address this immediately.

Tip #2 – Articulate your concerns to the other parent

Many issues are caused by a lack of communication. Talk to your ex and explore ways to meet each other's expectations. Prepare to compromise.

Depending on how acrimonious the split, it may be difficult to effectively communicate with a former partner but it may be worth a try. Everyone is experiencing a new normal, and the other parent likely has the children's best interests at heart, as you do.

In difficult times like this we need to set aside disagreements and work together to keep family safe and lessen any unnecessary concerns the children are experiencing. Children always know when their parents are fighting.

If at all possible, talk to your ex and try to come to an agreement on what the children will and won't be allowed to do.

In most areas of the country right now, it is recommended that children stay home. They shouldn't be playing with classmates, or visiting extended family. Children will need to be reminded of social distancing and hand washing.

Tip #3 - Protecting your children and yourself.

If you are seriously concerned about the welfare of your children or yourself, don't ignore your concern. Contact me to see what types of legal protections can be put in place.

A restraining order, changes to custody or visitation agreements may be necessary.

Talking to an attorney can provide you with knowledge, insight and advice about what to do in your unique circumstances. Each divorce, separation, custody dispute is unique and what works for a friend, neighbor or co-worker may not be the right resolution for you.

Tip #4 – Talk to a lawyer about protecting your assets in case of a divorce

The Coronavirus Pandemic that is sweeping across the country (and the globe) isn't just affecting people's health; it is also causing a tremendous loss of wealth.

Concerns about the Coronavirus have sent the markets – and people's retirements, spiraling downward.

It is reported that Amazon owner Jeff Bezos lost \$7 billion in one night. Elon Musk lost \$4 billion. Regular investors have lost thousands.

Businesses, especially small businesses, like restaurants, bars, hair salons, are closed. People have lost their jobs and are uncertain how they are going to pay their monthly bills.

Perhaps filing for a divorce now, while there has been a decline in your assets may reduce the sum you need to share with your spouse. Or perhaps, you need to reduce your support obligations to your ex, due to unemployment, even if your unemployment is only temporary.

You should act now, even if the matter will not reach a courtroom for several months.

Talking to a lawyer could help you decide whether to proceed with a divorce, petition to reduce support obligation or take other steps to protect your interests.

THE BOTTOM LINE...

Family Law cases are proceeding, whether it is a new matter or adjusting the terms of a closed matter. This time can be viable to having your matter properly prepared. For example, you could:

- Draft an inventory of your assets & liabilities
- Send letters of intent
- Prepare financial documents
- Explore parenting agreements & options
- Negotiate a stipulation

If you have questions, call me at 516-399-1992 or email me at dorothy@dgoinglaw.com.

THE NEXT STEP...

Whether you are looking for a simple uncontested divorce or are facing complex issues including the division of assets and liabilities, child custody, maintenance, or protecting business interests, the support and advice of a seasoned attorney is vital.

Contact me today to schedule a free consultation.

Coronavirus does not have to delay your decision to move forward with legal action.

Don't risk making the wrong decision, talk to me about your case by calling 516-399-1992 or emailing dorothy@dgoinglaw.com.

Appointments by phone or video conference.

*Get the legal advice you need to
take the right next steps!*



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