



HOUSTON BAR ASSOCIATION
FAMILY LAW SECTION

FREQUENTLY ASKED QUESTIONS:

1. I have a court order in place. Should it be followed during a “shelter-in-place” or “stay-at home order?”

Yes. As of March 24, 2020, the Supreme Court of the State of Texas issued an order stating that all existing trial court orders currently in effect regarding possession and access shall control. Parties should continue to follow the schedule for visitation in their orders.

2. Should I expect a delay in my child support payments?

The Office of the Attorney General has issued a statement advising that they do not anticipate a delay in the processing of any child support payments received due to the coronavirus. The State Disbursement Unit and payment processing teams have a strong plan in place to ensure that payments continue to be processed and disbursed timely.

3. When am I able to get a hearing set?

Until further notice, the Harris County District Courts are not having in-person hearings except in emergency situations. Beginning April 1, 2020, some hearings may be set via video-conferencing. You should look at the website of the specific court your case is in for further information as each court is issuing their own specific rules.

4. Why is no one answering the phone?

Based upon the directives issued by Government Officials this week, many offices including law firms, court clerks, the Harris County District Clerk, and the Office of the Attorney General are working remotely. Please visit websites and contact staff via email.

5. Are my child custody orders affected by the stay-at-home order and COVID-19?

No. The Texas Supreme Court issued an **emergency order** on Tuesday that applies to possession schedules under suits affecting the parent-child relationship. The order says that a person’s right to possession of and access to a child will still be decided under the parents’ court-ordered possession schedule.

“Possession of and access to a child shall not be affected by any shelter-in-place order or other order restricting movement issued by a governmental entity that arises from an epidemic or pandemic, including what is commonly referred to as the COVID-19 pandemic,” the order said.

But, If you have been tested positive for COVID-19, or have been in contact with someone who has tested positive, notify your child's other co-parent. It is important that parents work together to keep any adult or child who has been exposed or tested positive away from others in order to prevent community spread. If you or your child has been tested or treated by a physician, you should share that information with the other co-parent so they know you are not using this situation to withhold visitation unnecessarily but rather due to a health concern.