In the Indiana Supreme Court

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Indiana Supreme Court
Court of Appeals
and Tax Court

In the Matter of Custody, Parenting Time, and Child Support During the 2019 Novel Coronavirus (COVID-19) Pandemic.	Supreme Court Case No. 20S-MS-238

Order

On March 6, 2020, Governor Eric J. Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19), and on March 23, 2020, issued Executive Order 20-08. Paragraphs 16(b) and (e) of that Order define transporting children pursuant to a custody order or agreement, and to care for minors and dependents, as essential travel.

Being duly advised, the Court now ORDERS as follows:

Custody and Parenting Time Orders. Existing court orders regarding custody and parenting time shall remain in place during the COVID-19 pandemic and shall be followed. For purposes of interpreting custody and parenting time orders, the school calendar as published at the start of the academic year from each child's school shall control. Custody and parenting time shall not be affected by the school's closure during the COVID-19 pandemic.

If both parents and any other parties to their court case ("the parties") believe there is a reason to temporarily modify or change the terms of a custody or parenting time court order during the COVID-19 pandemic and modification is not prohibited by the terms of their existing order, they may informally agree in writing to temporarily modify their existing order. This temporary agreement may be filed with the court, but filing is not necessary so long as the agreement is kept by the parties.

If the parties cannot reach a temporary agreement or do not remain in agreement, any party may file an emergency petition to modify the existing order.

Child Support. Many county child support offices are closed or are not accepting payments in person. Existing court orders for child support payments remain in place and shall be followed. Child support payments can be made online, by telephone, by mail, and at other locations, as described on the Indiana Department of Child Services, Child Support Bureau website: https://www.in.gov/dcs/3504.htm. Parents who are unable to make their full or any child support payments as a result of the COVID-19 pandemic may file an emergency petition to modify child support with the court.

Agreements, petitions, or motions should be filed electronically, as documents sent by U.S. Mail or fax may not be reviewed by the judge as promptly. Filings with the court for a party represented by an attorney shall be made by the attorney.

Parties should be flexible and cooperate for the best interests and health of the children during this time.

Done at Indianapolis, Indiana, on 3/31/2020.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.