

# COPING IN THE TIME OF COVID-19

ROCHFORD LAW AND MEDIATION

Volume 1 / Issue 1

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## PARENTS AND CHILDREN WORKING AT HOME

While we all practice social distancing and many of us are working from home, I know it is particularly difficult for parents trying to work themselves while also assisting their children with virtual learning. Following are a few sites and articles that I thought might be helpful to all of us coping with this new norm.

### Articles for working parents with children

- [How to Master Working from Home—While under Quarantine with Kids](#)
- [Parenting in the Time of Coronavirus: How to Balance Working from Home While Caring for Kids](#)

### Active and Educational Activities for Kids

- [Cosmic Kids Yoga](#) available via YouTube and Amazon Prime
- Safari trip at home via [Cincinnati Zoo](#) or virtual field trip to [Yellowstone National Park](#)
- [Online book club for kids](#) helps to make reading extra exciting with discussions and thought-provoking questions about the books kids read
- [Scholastic has a digital learning hub](#) that supports “virtual learning plans,” including English language arts, social studies, and social-emotional learning
- Disney at home provides [virtual rides](#) and [parades](#)

## CUSTODY AND COVID-19

The COVID-19 pandemic has virtually upended all aspects of our lives, from how we work, to how we socialize, even with our own families. It is likely that the current crisis has caused existing parenting arrangements and schedules to be disrupted and possibly called into question. Each family has its own unique issues and complications and there is no “one size fits all” solution. However, the NYS Bar Association as well as specific judges have given guidance to issues you and your family may be facing. Following are some

questions I have recently received from past and current clients, some may be pertinent to you as well.

### SHOULD WE LIMIT TRANSITION OF CHILDREN BETWEEN HOUSES?

Given the directives from government and public health officials, it is clear daily routines and activities are suspended in favor of strict social distancing and limited community interactions. However, we know that meaningful personal contact

with both parents is in the best interest of children. And in these troubling and disorienting times, children need the love, guidance and support of *both* parents. To apply a blanket policy that children should not leave their primary residence for time with their other parent, is contrary to the best interests of the children. The NY Statewide Coordinating Judge for Matrimonial Cases has issued a memorandum stating, in most situations, there is a presumption that existing parenting arrangements and schedules should continue, subject to whatever modifications may be necessary to ensure that all COVID-19 precautions are adhered to. What that means is that children and parents should follow the agreed upon parenting schedule while taking the necessary precautions to keep everyone safe.

## EXCEPTIONS

A parent may not deny access to the other parent unless the first parent can demonstrate a failure, inability, or refusal by the other parent to adhere to appropriate protocols. In these specific cases, custodial or access parents may have to forego their time with a child if they are subject to specific restrictions (i.e. 14-day quarantine, personal illness or exposure to illness). If a parent's lifestyle or behavior conflicts with public health directives; he or she fails to comply with social distancing, or does not take reasonable health precautions, then direct-parent contact can be reconsidered. The courts have indicated zero tolerance for any parent who recklessly exposes a child to any COVID-19 risk.

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*“Given the troubling and disorienting times children need the love, guidance and support of **both** parents”*

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## CHILDREN AND THE COURT

Many of our social and government institutions are being severely affected by the current pandemic, including the court system. Although cases involving the safety and health of children are always prioritized, parents and lawyers must be aware of the practical limitations the courts are facing due to court closures and limited personnel availability. We cannot presume that the existence of the COVID-19 crisis will automatically result in a hearing or a change/suspension of in-person parenting time. If a parent has a concern that the current COVID-19 pandemic is creating a safety or health issue for his or her children, that parent may initiate an emergency motion. But before initiating urgent court proceedings, the parent must make a good faith effort to communicate respectfully to the other parent, and work towards developing creative and flexible child-sharing proposals that demonstrate both parental and COVID-19 awareness. I personally urge parents to renew their efforts to address these vitally important health and safety issues in a conciliatory and productive manner during this unprecedented time. And remember that mediation, or the collaborative process is available should you need assistance.

## TALKING TO CHILDREN ABOUT CORONAVIRUS

The current COVID-19 pandemic has changed all aspects of our lives and is anxiety inducing for many. It is even more confusing for children, who may have a difficult time understanding why they cannot go to school or play with their friends or see other family members. In times of stress and fear children require the adults in their lives to behave in a cooperative, responsible and mature manner. It is important to speak to your children about the COVID-19 crisis in a way that is truthful but compassionate; focus on helping your children feel safe but don't tell them more than is appropriate. For more information and best practices for how to talk to children about coronavirus go to: <https://kidshealth.org/en/parents/coronavirus-how-to-talk-child.html>

*“I personally urge parents to renew their efforts to address these vitally important health and safety issues ... in a conciliatory and productive manner”*

## CHILD SUPPORT AND SPOUSAL SUPPORT PAYMENTS

Losing your job or having your small business close is devastating. Especially if you are obligated to pay child or spousal support. Please remember that you are not alone; this is happening to people in communities across the country. But there are ways to adjust so you can continue to make payments, but at a level that is more appropriate given the state of your current income. Keep in mind that in order to be enforceable, any adjustments to spousal and child support payments will need to be in writing in a court order. With the courts currently closed, except for emergency or pre-existing matters, you may be wondering how to make an adjustment. I can assist you in calculating revised child support or spousal support payments based on currently reduced incomes, and then prepare a modification to your separation agreement and the documents needed to file with the court once the courts have re-opened for all matters.



## WHERE DO I START?

The first step is to talk to your ex directly and explain the situation, even if you're only *anticipating* a drastic change in your income. Be forthright and honest and make it clear to your ex that you want to maintain open communication during these difficult times, and that you will readjust payments when your income picks up again. Your ex is receiving this money in the first place because he or she needs the support. Acknowledge that both of you will need to adjust your expenditures if payments are reduced as a result of reduced income. Be considerate of the fact that while you have no control over your income reduction, neither does your spouse. Keep communications open, polite and respectful; demands or criticism will only serve to hamper conversations and result in lost opportunities to figure this out together. If you can work things out without third party involvement, you will save both time and money. If you and your ex are able to agree on support adjustments, remember that the agreement must be in writing and filed with the court to be enforceable.

## WHAT IF WE CANNOT REACH AGREEMENT?

If direct, straightforward conversation is not an option for you and your ex, then you might consider contacting a mediator to help you with these discussions. Mediators are trained to assist parties in reaching solutions in difficult times and situations. While there is the possibility to file a court action, court closures throughout the state may make you unable to get a court date, which is not helpful if you need the adjustment now. Make sure to check your current separation agreement. Agreements often allow adjustments to child support if an individual's income has increased or decreased by 15 percent or more. The agreement may require you to attempt mediation with your ex to try to resolve financial issues before resorting to court. It may also require that you notify the other party in writing as soon as something changes with your income. And finally, if your income has suffered or if you have lost your job, know that you are not alone and there are resources to provide advice and support.

## STIMULUS BILL

On March 27<sup>th</sup> the president signed the Coronavirus Aid, Relief and Economic Security Act (CARES ACT). The highlights of this legislation are meant to provide economic support for businesses and individuals who have been impacted by the coronavirus pandemic. Some of the benefits the Act provides include:

- Low interest loans that may be forgiven,
- Direct payment to individuals/families
- Suspension of certain federal student loans
- Payroll tax credits and deferrals
- Various tax relief provisions
- Enhanced unemployment benefits



Click on the link below for helpful information regarding the CARES Act.

[https://www.sbc.senate.gov/public/\\_cache/files/2/9/29fc1ae7-879a-4de0-97d5-ab0a0cb558c8/1BC9E5AB74965E686FC6EBC019EC358F.the-small-business-owner-s-guide-to-the-cares-act-final-.pdf](https://www.sbc.senate.gov/public/_cache/files/2/9/29fc1ae7-879a-4de0-97d5-ab0a0cb558c8/1BC9E5AB74965E686FC6EBC019EC358F.the-small-business-owner-s-guide-to-the-cares-act-final-.pdf)

## INDIVIDUAL PROVISIONS

One of the most noteworthy provisions of the CARES ACT is the direct payment to individuals/families of a stimulus check. However, many of you may be unsure if you're eligible for payment and how much you will be receiving. Eligible individuals (including children) must have a valid social security number. Nonresident aliens, trusts/estates, and/or individuals claimed as a dependent by another will not qualify. Rebates are available to individuals with no income or income from tax-exempt benefit programs such as Supplemental Security Income (SSI). Individuals will receive up to \$1,200 and couples will receive up to \$2,400, plus an additional \$500 for each qualifying child. Payments begin to decrease for individuals with an adjusted gross income of more than \$75,000 (\$150,000 for couples). The value decreases by \$5 for every additional \$100 of adjusted gross income. Individuals making more than \$99,000 will not receive anything. Payments will be direct deposited if you have previously provided the IRS with bank account information. Otherwise the checks will be mailed. To calculate how much you can expect to receive go to:

<https://www.washingtonpost.com/graphics/business/coronavirus-stimulus-check-calculator/>



## RETIREMENT PLANS

The COVID-19 pandemic has people worrying about more than their income; it has created concern and worry over the security of their savings and retirement accounts as well. The CARES ACT addresses many of these concerns and provides benefits to help people protect their assets. The Act waives the 10% penalty on early distributions, up to \$100,000, from a retirement plan or IRA for any individual diagnosed with Coronavirus or experiencing financial hardship as a result of quarantine, layoff, reduced hours or inability to work as a result of the virus. Also, all required distributions for 2020 are waived, regardless of whether the taxpayer was impacted by Coronavirus. The Act also includes that any income tax due to early withdrawal is subject to tax over a 3-year period; the withdrawn amounts may be recontributed to a qualified retirement plan without regard to annual caps on contributions if made within three years. If you are considering a withdrawal from your qualified retirement plan, please contact your tax advisor or plan administrator for specific information on requirements and procedures.

## SMALL BUSINESS PROVISIONS

One of the largest sections of the CARES ACT details provisions to help and support small businesses. The demand for this program has been so high that currently all money allocated for this relief has already been spent. However, it is very likely that Congress will allocate additional funds to this program so make sure you keep current to new developments. Under the CARES ACT small businesses (defined as 500 employees or less), sole proprietors, self-employed individuals and independent contractors may be eligible to receive assistance under the Paycheck Protection Plan or PPP. The Act provides loans for small businesses that employ less than 500 employees. Proceeds from these loans may be used for the payment of payroll costs, group healthcare benefits/premiums, employee salaries and commissions, etc. Most importantly, if used for payroll and other expenses within 8 weeks of receiving



funding, a significant portion of the loan may convert to a grant. Assistance may also include deferment of payment of Social Security taxes for employers and self-employed individuals from the date of enactment of the Act through December 31, 2020. And eligible applicants may receive a credit against payroll taxes equal to 50% of qualified wages paid to employees who are not working due to their employer's full or partial cessation of business.

Applications for these loans are generally completed online. I have heard from several clients that smaller, local banks in the area have been faster to process applications than some of the larger banks. These are only a handful of the measures included in the CARES ACT to help small business. Because this a new and unprecedented program, please contact your tax advisor on specific questions you may have.

## UNEMPLOYMENT



Given the general uncertainty we are all facing during this time I know there are many people that have been laid off or furloughed and are concerned about how they will continue to support themselves and their families. The CARES ACT includes added unemployment benefits to aid individuals that are dealing with unemployment. The CARES ACT extends benefits to workers who would not normally be eligible for unemployment compensation. Now individuals are eligible if they fall into any of the following categories: self-employed workers, independent contractors, gig workers, furloughed employees and even workers that were unable to start a new job as a result of a company shut down. Other workers, such as those that are unable to work due to self-quarantine, or forced to leave their job because of a risk of exposure to the virus to themselves or a relative may also be able to file for unemployment assistance. The

maximum weekly benefit varies by state but under the federal relief bill everyone will get an additional \$600 a week until July 31. It is important to remember that unemployment checks are taxed and you must report these benefits as income. The length of time that an individual is able to receive unemployment benefits also varies by state. However, the CARES ACT extends benefits, regardless of state policy, by 13 weeks. Therefore, even if an individual has previously exhausted his or her benefits, that individual may be able to reapply and receive the additional 13 weeks of payments provided by the federal government as well as the \$600 in additional pay. In addition to increased unemployment benefits the bill provides relief to those dealing with federal loans; federally held student loan principal and interest payments are temporarily suspended. The bill also includes income exclusion of up to \$5,250 for employees receiving education payment assistance from an employer.

## WHAT DO I DO NOW?

We are all facing unique challenges and anxiety during these uncertain times. It can be confusing and overwhelming to figure out what to do to help yourself and your family through this period. Individuals should continue to gather their 2019 tax materials and file as soon as possible so they can receive their stimulus check in a timely manner. Those that are unemployed should go to their state's unemployment site and file as soon as they can; here is the link to New York's unemployment benefit resources:

<https://labor.ny.gov/unemploymentassistance.shtm>. Small business owners should contact their payroll service to get the deferred payroll tax payment documentation needed for the PPP application and work with their bank to get the loan process started. Most importantly, try to stay calm and focus on protecting the health and wellness of all those around you. Listen to all directives from government and healthcare officials; stay home, practice social



distancing and limit social interaction. If we all work together, we will be able to limit the spread of COVID-19 and save lives. If you have any questions or concerns, please do not hesitate to reach out. I am here to help and support your family during this time!

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