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**LEGALLY BRIEF:**

**WHAT DOES GOVERNOR HOLCOMB’S STAY AT HOME ORDER MEAN FOR SEPARATED OR DIVORCED PARENTS?**

With Governor Holcomb’s March 23, 2020 Directive for Hoosiers to Stay at Home, many separated or divorced parents living in Indiana are wondering what this means for their families.

**Parenting Time Exchanges to Occur as Court Ordered**

Two sections of the Executive Order specifically allow parents to continue to travel to exchange their children for parenting time, pursuant to a court order.  Section 7 lists the essential activities for which Indiana residents can leave their home. Subsection (c) specifically allows travel “to care for a family member, friend, or pet in another household and to transport family members, friends, or pets as allowed by this Executive order.”

Furthermore, Section 16(e) provides that “travel required by law enforcement or court order, including to transport children pursuant to a custody agreement” in included in the definition of “essential travel”.

**Parents Who Don’t Have A Court Order?**

In situations where there is no existing court order, but parents are living in two different households, the question as to whether travel is permitted for exchanges under the Executive Order is more complicated. Contact ICADV Legal Counsel for more assistance.

**Social Distancing**

The Executive Order makes it clear that whenever travelling for legitimate purposes under the Order, appropriate social distancing should still be practiced. That includes keeping a minimum distance of at least 6 feet between non-household members, washing hands with soap and water for at least twenty seconds as frequently as possible, using hand sanitizer, covering coughs and sneezes, regularly cleaning frequently touched surfaces and not shaking hands.

**Term of the Order**

The governor’s order goes into effect at 11:59 p.m. on March 24, 2020 and terminates at 11:59 p.m. on April 6, 2020. Of course, the governor could modify, extend, or rescind the order as the situation changes.  We will continue monitoring the situation so that we can advise survivors on this rapidly changing situation.

Special thanks to attorney Melissa Avery for her contribution; for more information or with questions, please contact ICADV Legal Counsel Kerry Hyatt Bennett at [kbennett@icadvinc.org](mailto:kbennett@icadvinc.org);