

I know that these have been exceptionally difficult and uncertain times for all of you and the news coming from the television around the United States and our area has been confusing regarding when our courts will reopen and what will happen. As you know, our courts are presently closed for all except for the most life-threatening of emergencies and while I continue to work with the other side on your case, the fact remains that we have little opportunity to get to court and do anything substantive or stop someone from doing what they have done.

The Essex Probate & Family Court has finally issued some guidance as to how we will handle our cases at the present time and going forward. I will continue to file motions and other pleadings as needed to deal with your concerns as they come forward. Any case that was set for a pre-trial conference, trial scheduling conference or a trial will be rescheduled when the court reopens and will be scheduled in the same order they were at the time of the court's shut down. Motions will be added to the Court's calendar on the judge's motion date in order. So if your case was set to go on March 17, 2020, it will be set to be heard one day after the court's restart. I will be receiving notices scheduling your case in the next week or so and will forward the date to you when I get it from the Court.

For the next few weeks, I can only ask that you think about how whatever happens between you and your ex (or soon to be ex) during this period of quarantine will be viewed in the eyes of the judge. We will all get through this time, and the question you have to ask is how do you want to be known at the end of it – the person who worked with your ex during this struggle to take care of your children or the expenses, or the person who made everything far more difficult for all of the collateral people in your life. There are no easy answers to these questions. Living with your spouse or dealing with an ex-spouse during a divorce is normally difficult but, as employers move more and more of the workforce to remote work, the stress and tension in your home will increase exponentially. Try to “flatten” your own tension “curve” by avoiding financial and custodial discussions. If discussions get heated, step away from the situation and call a support person or this office. However, do not do anything to damage your own position in the divorce. For example, do not cede your parenting/homemaker role to your spouse by holing up in your room for overly long periods of time, do not turn to alcohol or controlled substances. Instead, find a healthy tension-reducing activity that works best for you and does not damage your position. Some examples are doing “round to it” items around the house with your kids, cooking “classes” with the kids, exercise, walking the dog, losing yourself in a good book, stretching, yoga, board games, cards. Try movie genre nights, for instance, Tuesdays action, Wednesdays rom-coms, Thursdays historical, Fridays binge a different series.

With regards to custody decisions, please keep in mind that a shelter in place order has been issued in some parts of the country making it highly unlikely that the Court will move to change physical custody or enforce parenting plans. However, I would strongly urge you to continue complying with the any Court orders that are in existence as, after May 1, 2020, the Court may well issue much more stringent relief to complaining parties. So, this is not the time to decide to not comply with a Court order.

There may be more issues that arise over the next few weeks and I will send out additional e-mails to everyone to let you know where things stand. I will be working from home with limited access to the office, but I am always available by e-mail or cell phone to call at any time and can also set up a videoconference at a time that would work for us both. Most importantly, take care of yourself through this process – this will end, and you will come out the better for it.

All the best,
Don