

# How Do I Resolve My Family Crisis Amid The Coronavirus Public Health Crisis?

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In the wake of the COVID-19 pandemic, “business as usual” has taken on a different meaning. While families and businesses explore different ways to cope with changes to the status quo and adjust to “new norms”, inevitably some problems, challenges and disputes remain the same. Such is life. Unfortunately for many, custody, parenting time, support and other family law related issues do not cease, and in some cases, are exacerbated as a result of additional tensions caused by the current public health crisis.

## The Court Won't Hear My Case Unless It's Emergent. Now What?

As part of the New Jersey State Judiciary's social distancing efforts to slow the spread of the coronavirus, there are no in-person Superior Court proceedings except for extremely limited emergent matters and certain ongoing trials as of March 18, 2020 until further notice. What does this mean for litigants who need to resolve issues and disputes that may not be deemed emergent but are important nonetheless? In these uncertain times, litigants may be waiting a very long time for resolution. With Courts now limiting sessions to emergent matters, and having to postpone previously scheduled motions, hearings, etc., it is important for litigants to know that they have other legal options to resolve their disputes.

New Jersey courts were backlogged as it was before the COVID-19 pandemic. Now more than ever, litigants must think “outside of the box” to resolve their disputes. Litigation may no longer be a realistic route. Alternative Dispute Resolution such as Mediation and Arbitration where a neutral third-party assists parties in resolving disputes outside of Court are proven and effective substitutes to litigation.

## What Is Alternative Dispute Resolution?

Alternative Dispute Resolution allows parties to resolve conflict in an informal and non-adversarial manner outside of Court. It also allows parties to settle their disputes without being at the mercy of the Court's calendar, which is now even more limited than before as a result of coronavirus.

Mediation and Arbitration are two types of alternative dispute resolution. In Mediation, a Court-approved or trained Mediator can assist parties reach a mutually acceptable settlement and draft a Memorandum of Understanding, which memorializes the terms of the parties' settlement. In Arbitration, an Arbitrator can be charged by the parties to make decisions a Judge otherwise would make, and the parties can determine for themselves in advance whether they wish the Arbitrator's decision to be binding (includes waiver of right to subsequent trial before a Judge and appeal) or non-binding (includes preservation of right to subsequent trial before a Judge and appeal).

### **Is Virtual Mediation/Arbitration the Answer?**

Nowadays, technology allows people to be in the "same room" without having to physically be in the same room. With Skype, FaceTime, Zoom conference, and other video conferencing platforms, people can have face-to-face communications and still maintain social distancing required to combat the COVID-19 pandemic. Business is done by videoconferencing these days. Why not settlement conferences? Even New Jersey Courts are now handling case management conferences, motions and hearings by phone or video to keep cases moving. In an effort to accommodate litigants who need the immediate assistance of a neutral third party in resolving custody, parenting time, support and other family law related issues in the midst of the COVID-19 pandemic, virtual mediation/arbitration may very well be the thing of the future. By doing so, litigants have the opportunity to resolve issues and disputes without delay or interruption notwithstanding the state of affairs in New Jersey.