

Giro, LLP Raises Potential Custody Issues in New Jersey Related to COVID-19 Protocols



New Jersey, Hackensack, Oct 26, 2021 ([Issuewire.com](https://www.issuewire.com)) - [Giro, LLP](#), Attorneys at Law is a New Jersey-based law firm that has been studying potential custody issues in New Jersey with great interest. In 2019, they were honored by 201 Magazine as one of the leading divorce attorneys in New Jersey. This law firm has been helping spouses with a range of divorce-related issues, including custody disputes.

New Jersey parents may encounter custody challenges in the era of COVID-19 due to vaccination concerns and a number of other pandemic-related issues. The majority of New Jersey residents are now vaccinated, with approximately 66% of the population having received both injections. However, that still leaves a considerable number of unvaccinated individuals, many of whom will never agree to this medical treatment. Almost inevitably, this has caused rifts between family members. But perhaps the most notable problems have to do with divorced parents who are dealing with visitation issues. Over time, many such cases emerged setting different scenarios in the face of the law.

In August of 2021, [a judge in Chicago took away a mother's custody rights](#) because she had not been vaccinated. The divorced parents were in a child support hearing when the judge asked the mother whether she had been vaccinated. The mother then stated that she had not been vaccinated due to the advice of her physician. Hearing this, the judge ruled that her parenting time with her 11-year-old son be suspended. This suspension was initially indefinite, as the judge stated that he would only allow the

mother to see her son after she had been vaccinated. In other words, she would have to show the court proof of vaccination in order to see her child.

However, the judge eventually rescinded the order and seemed to accept that he had overstepped his bounds. There were past precedents in which judges were restrained from changing custody agreements out of their own volition. Questions were also raised because when the judge made his decision, it was during a hearing that did not have anything to do with parenting time. This case has sparked new questions over how vaccines will impact custody arrangements in the future. Situations in which only one parent is vaccinated are hardly rare, and similar stories may play out in New Jersey and throughout the United States. It is worth mentioning that after the judge in Chicago rescinded his order, the father immediately fought to have the original order reinstated.

When making decisions on child custody, judges in New Jersey must consider the child's best interests. In other words, their final decisions have nothing to do with the wishes of either parent, and they must focus entirely on the well-being of the child. A judge may decide that in order to ensure a child's safety, they must ensure that they only come into contact with people who are vaccinated. There are also past cases that illustrate this same kind of logic. For example, [a case in Canada](#) saw a father lose access to his children because he failed to follow COVID-19 safety protocols. The mother claimed that he was visiting the home frequently, while also spending time with his girlfriend. The mother was suffering from a number of health conditions that made her particularly susceptible to COVID-19 infection. Eventually, the courts ordered that the father stay away from the family home and the children. He was allowed to contact his children through electronic means only. Although this court order was deemed to be temporary, it was ostensibly intended to remain in place until the pandemic ended.

The same kind of logic could be applied to cases involving vaccines in the United States. For example, a judge may argue that not taking the vaccine is similar to disobeying COVID-19 protocols. However, these decisions are rare, and parents are often encouraged to come to their own reasonable agreements outside of court. A parent faced with losing their custody rights because of COVID-19 concerns has a number of options. With the help of a qualified, [experienced divorce attorney in New Jersey](#), they can appeal the decision. This often results in favorable legal outcomes, since there is not a well-defined precedent for these kinds of actions in the United States. They may also argue that their actions do not impact the best interests of the child. After all, statistically speaking an unvaccinated parent is more likely than a child to be negatively affected by their decision not to get vaccinated. In addition, they may point out that their spouse's efforts to remove their custody rights are primarily motivated by self-serving interests, and not a concern for their child's safety.

Giro, LLP is a law firm based out of Hackensack, New Jersey and New York that are focused on helping in the areas of elder law, family law, and [estate planning](#). Their team of attorneys and paralegals work closely with clients making sure that they and their families receive the best protection. For more information, visit their website at <https://girolaw.com/>.

Media Contact

Maurice Giro

maurice@girolaw.com

+1 02016901642

Ste. 101, Hackensack, NJ , USA

Source : Giro Elder Law

[See on IssueWire](#)