



Supporting our clients during **COVID-19**

Co-parenting through the COVID-19 pandemic

Recent Australian Government restrictions on daily living means there are more people in self-isolation. Children are completing schooling from home and parents are working from home which can be a stressful situation for many families. For separated parents, there is the added stress of co-parenting under these new and frequently changing circumstances. In this resource we provide information from relevant sources and provide some useful tips and suggestions for adjusting to new circumstances.



Parenting Orders

Court orders are still in force and are legally binding on parents, even under these circumstances. Parents need to meet their obligations, unless there is a reasonable excuse. The Family Court will not accept COVID-19 alone as an excuse not to abide by orders. Parents will need to demonstrate that they have taken steps to overcome challenges due to COVID-19 and been active participants in finding solutions to presenting challenges.

As a result of COVID-19, situations might arise that make strict compliance with current court orders very difficult, if not impossible. For example, where an order stipulates that the child be picked up from school or contact centre but these are closed.

Where orders are no longer workable, parents need to find alternatives such as having a different changeover location. You can talk to the Children's Contact Service (CCS) staff about ways they could support families staying connected at the present time. If it's safe to do so, have a discussion with the other parent about alternate options and solutions.

Refer to the following useful fact sheets provided by the Family Court:

Parenting Orders and COVID-19

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/mr260320>

Complying with Orders

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/family-law-matters/parenting/complying-with-orders-about-children/complying-with-orders-about-children>

Parenting Orders Breached

<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/how-do-i/breaches/parenting-orders-breached-not-complied/parenting-orders-breached-or-not-complied-with>

The advice from the Family Law Court is that if a parent wants to change parenting arrangements this should be done on the basis that the change is in the best interests of the children and with the agreement of both parents. The Family Court recommends that parents should communicate about their ability to comply with

current orders and should attempt to find practical solutions. A sensible and reasonable approach is recommended whereby the risk of infection to vulnerable members of the child's family are considered.



Children's Best Interests

Unfortunately some parents might see the COVID-19 situation as an opportunity to reduce the other parent's time with the children. Regardless of the impact of the Coronavirus, court orders are legally binding on parents and should be followed. Parents should not see the Coronavirus as a reason to take advantage of the other parent or reduce the other parent's time with the children.

The current challenges provide an opportunity for parents to come together and focus on what is best for the child. The situation is unusual for everyone, and children will feel disconnected from their separated parent, friends, teachers, grandparents and extended family. It is important to minimise conflict and to create a safer and more harmonious home environment.

Added to the stress and worry about the virus are the economic hardships. The loss in earnings could result in many parents struggling to pay child support and pay for basic necessities such as rent, health care and food. Rather than make life more difficult for others, perhaps this is a time for kindness and to have a

greater empathy for what others are going through. It is also a chance to role model empathy, kindness and positive behaviour to children.



Creative Ways to Co-parent

As the situation with COVID-19 is rapidly changing in Australia, there could be further requirements to self-isolate, with a lock-down being enforced. Lockdowns and quarantine will make it difficult to comply with parenting orders. There are other ways that your child can connect with their other parent. Some suggestions are provided.

Co-parents can:

- Video chat on Skype, messenger, Zoom and other platforms for live video connecting.
- Record a video message saying 'Hi' and showing the parent what they have been doing and email it or attach it to a text message.
- Write letters and send by email or post.
- Send photos, pictures or artwork via email or post.
- Record themselves reading a story and send via email.
- Record themselves dancing or undertaking an activity and send via email.



Please note in cases where there are or have been domestic abuse or violence concerns and an Apprehended Domestic Violence Order (ADVO) or an Apprehended Violence Order (AVO) is in place, you may need to get legal advice to ensure you are not going to breach the order.

In addition, if you can communicate using these methods and are still concerned for safety you need to choose safe options. For example, you could have the Children's Contact Service (CCS) or a neutral person assist by being a go-between to receive and pass on communications, or ask the Children's Contact Service (CSS) to supervise a video chat session.

Some other practical strategies on how to manage co-parenting during COVID-19 are:

- Agree on a suitable location and time for change over at a neutral location where you can maintain social distancing. Even if schools and childcare centres have shut down, changeover could still take place outside the front of the school or childcare facility rather than inside the gates.

- Try to maintain routines. These give children stability, especially if they are anxious being schooled from home and missing their friends, sporting and other activities.
- Facilitate time using technology for the child to maintain contact with the other parent. Platforms and apps such as FaceTime, Zoom, Microsoft Teams, Skype, or even simply phoning, all are all better than no contact at all.



- Consider providing additional time for the co-parent in lieu of time missed due to COVID-19 circumstances. Agree to make some time up once life returns to normal.
- Given the unusual situation, be flexible and understanding with the other parent.
- If grandparents can no longer help with support, it might be worth discussing how the co-parenting arrangement could be modified, bearing in mind whatever general restrictions are in place, for example regarding travel.
- If one parent is more vulnerable and has a low immune system, it might be wise to develop a plan in the event that they become sick with COVID-19 or have childcare issues and work commitments
- Consider your work situations. If one parent is working from home and the other is not working at all, it might be better to have the child spend time with the non-working parent – assuming safety concerns do not underpin the current living arrangements.

- Consider back-up plans in the event that the co-parent might fall ill and need to self-isolate, or vice versa. Plan ahead in the event that self-isolation will take place. Agree on the plan to avoid conflict occurring in the future.
- Consider that restrictions on domestic travel and the closure of State/Territory borders mean that it may not be possible for children to visit parents living interstate. Discuss what this might mean for your children and try some of the suggestions here to facilitate some form of connection.
- Monitor the situation through reliable sources of information. The restrictions on community members' movement and interaction are changing weekly. The situation is changing almost daily and it may not be possible to maintain current arrangements. If a lock down occurs then changeovers may not be able to take place.

The best sources of information are Australian and NSW government websites for the facts:

<https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert>

<https://preview.nsw.gov.au/covid-19>

It is strongly recommended that you seek legal advice when necessary and confirm any changes in writing should the matter arise in court at a later date> If you can't be in the same place to write the new arrangements down and sign them, use text or email to establish a trail showing agreement to the new arrangements. The Family Court does prefer such a situation to be reasonable under the circumstances. If changes are made according to the safety and best interests of the child then the courts will be more tolerant with the revised arrangements. Open communication with the other parent to reach a workable agreement is only going to help the situation.