

CORONAVIRUS: SEPARATED PARENTS IN ISOLATION AND MAINTAINING CONTACT WITH CHILDREN

Things' family lawyer, Kathryn Bew explains why during these uncertain times, it is important to provide a calm and reassuring environment for those children who are separated from their non-resident parent for an indeterminable period.

The Government's imposed lockdown, instructions on social distancing and self-isolation, and school closures all serve to remind us of that many children are also currently confined to the family home.

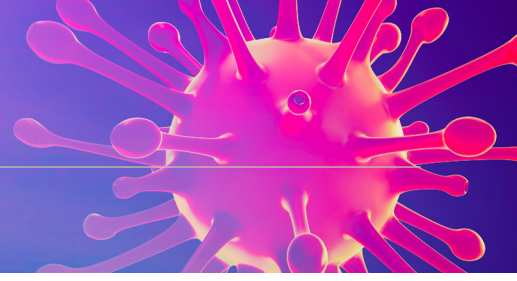
This can pose a whole new set of challenges for separated parents, who either have a voluntary agreement in relation to the time their children spent with each respective parent or a court order to this effect.

CORONAVIRUS AND CHILDCARE ARRANGEMENTS

It is important to remember that the courts encourage shared parenting and flexibility when it comes to childcare. A lockdown has now been imposed by the Government, including limitations on non-essential travel and social distancing. This will clearly pose potential difficulties for those parents who rely on court orders or voluntary agreements to spend time with their children. The latest restrictions on travel may require parents to alter the usual arrangements especially if the non-resident parent does not live close by, potentially meaning child visits could be missed.

There are sanctions for breaching a Child Arrangements Order when it comes to childcare. These include fines, an enforcement order imposing unpaid community work on the parent in breach, and in extreme cases, prison sentences.

Understandably many parents subject to such orders may have concerns that they will be penalised if they isolate their child in the family home. However, the child's welfare has always been the main influence over the court's judgement.



On this basis, whether the court chooses to impose sanctions is dependent on there being a 'reasonable excuse' for not adhering to the order. Common sense would dictate that following Government guidelines and safety practices to safeguard against infection would be the most measured approach for a parent to take, including where guidance requires self-isolation for a period of time.

Nevertheless, parents should not see this as an excuse to prevent the other parent from enjoying quality time with their children. Personal feelings between parents need to be put aside to ensure they cooperate to find the best routine for their child. They need to remember that while it is a stressful time for them, it will be extremely daunting to the children too. The courts strongly hold a view that it is in a child's best interests to spend time with both parents. It is therefore important to reinstate the usual arrangements for children to see each parent as soon as practicable after a period of self-isolation.

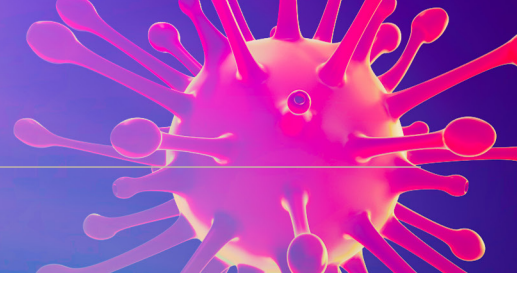
ADOPTING A CONCILIATORY APPROACH

It is important to remember that the parent who is suddenly faced with prolonged lack of time with their children, and of course the children's own feelings, may encompass a raft of emotions including distress.

When it comes to the children, the absence of a usual routine, coupled with isolation-related boredom, may make it more difficult for them to cope with the non-resident parent's absence. Therefore, it's essential to not keep your child in the dark. Instead, find age-appropriate ways to explain why it's not possible to see the other parent. This should go some way towards banishing any potential feelings of desertion or resentment.

The resident parent must ensure that contact continues to the best of their ability. Not only will this benefit the child's relationship with the other parent in the long term, but if the matter were to go to court, a sympathetic approach is more likely to be taken.

Another recommendation, to maintain an amicable relationship with the non-resident parent, is to look to reschedule time that they have missed spending with the children once coronavirus has settled down.



MAINTAINING CONTACT

Technology has become a vital tool for keeping in touch with loved ones during this pandemic. In an effort to maintain contact with the non-resident parent, introduce your child to Skype, FaceTime or other various video communications technologies, as well as encouraging phone calls and email. Endeavour to keep contact as natural as possible and take the opportunity to be creative.

It is also advisable to set up parental controls on devices to ensure your children remain safe.

It is not clear how long the pandemic will last, but a collaborative approach which puts the children first will reap benefits in the future. To find out more about anything covered in this article, please contact Kathryn Bew or another member of Thrings' Family team.



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