



CORONAVIRUS: GUIDANCE FOR SEPARATED PARENTS DEALING WITH CHILDCARE ARRANGEMENTS

Pascale Devlin, a solicitor in Thrings' Family team, discusses the importance of adopting a safe, flexible, creative and supportive approach to childcare during the current coronavirus pandemic.

While it might not feel like it at the moment, coronavirus won't be around forever, and things will return to normal one day. Until then, parents may need to consider making changes to protect themselves and their children, and finding new and creative ways to keep relationships strong in order to maintain a sense of routine and normality.

When it comes to managing childcare arrangements during this unprecedented period, there are a number of options which could go some way to making sure children are still able to spend time with each parent.

SHOULD CHILDREN CONTINUE TO SPLIT THEIR TIME BETWEEN TWO DIFFERENT HOMES?

- Government advice and policy must be observed in the first instance.
- President of the Family Division, Sir Andrew McFarlane, has issued the following guidance: "Where parents do not live in the same household, children under 18 can be moved between their parents' homes." This establishes an exception to the mandatory 'stay at home' requirement; it does not, however, mean children must be moved between homes. The decision about whether a child is to move between parental homes is for the child's parents to make after a sensible assessment of the circumstances, including the child's present health, the risk of infection and the presence of any recognised vulnerable individuals in one household or the other.
- Consider if anyone in either household has displayed any signs of the virus. If they have, the Government's advice about isolation must be adhered to. Children should remain either within the household which contains any 'affected' person, or not return to the household until the isolation period has expired.
- You may need to find alternative travel arrangements if public transport is usually used (for example, arranging a meeting point to pick up and drop off).



WHAT TO DO IF USUAL CHILDCARE ARRANGEMENTS CANNOT TAKE PLACE

- Be sensible. If you have any concerns that someone in either household has been exposed to coronavirus, observe Government policy.
- Remember that your children will be used to the routine of seeing each parent at specific points in time. Although physical contact might not be possible over the coming months, think of ways in which each parent can facilitate other forms of contact.
- Make the most of technology and use services such as FaceTime, WhatsApp and Skype to speak and, importantly, see one another.
- Stick to the usual pattern of contact as much as possible and replace physical contact with talking on the phone.
- Be flexible. If normal arrangements can't take place, ensure they are reinstated as soon as it is safe to do so. You may need to change the days or evenings children spend with each parent if, for example, one parent is a key worker. Work together so that the children are able to spend as much quality time as they normally would with the other parent.
- Can you make contact arrangements fit with Government advice? For example, 14 days with one parent and 14 days with the other. This will really depend on what levels of contact were in place prior to coronavirus; and it is only likely to apply to households where children spend 50% of their time with each parent.
- Where it isn't possible for children to spend physical time with the other parent, think about crediting the time to when Government restrictions are lifted.

WHAT IF I HAVE A COURT ORDER?

- Court orders have conditions attached to them, meaning they can be enforced. Given this is a national emergency, however, it could be reasonable to deviate from the terms of the order.
- Try to agree between you how the terms of the order should be changed - and remember it is in a child's best interest to spend time with each parent.



COMMUNICATION IS KEY

- Many children may feel anxious about coronavirus and what it might mean for their ability to spend time with each of their parents. It is important to reassure children while not overpromising what the outcome might be. There are many online resources aimed specifically at explaining the effects of coronavirus to children.
- When talking to children about how their usual schedule may change, try as much as possible to present a united front. Explain that things may need to change for a while, but there are lots of fun ways of keeping in contact. Remind them you are always at the end of a phone.
- Parents may have concerns about the potential exposure children have while at the other parent's home. Make sure you are both on the same page when it comes to spending time outdoors and general hand hygiene.
- Consider that the other parent may be anxious. Be understanding - and remember these are unprecedented times and not a case of the other parent deliberately trying to be obstructive. Ask the other parent what their concerns are, and seek ways to address and mitigate against them.
- Is there any way you can help? Could you suggest sharing the load when it comes to homeschooling and possibly setting up a virtual classroom?

WHAT ABOUT UPCOMING COURT HEARINGS?

- Courts are working to set up telephone and video link hearings. However, they are having to prioritise more urgent cases. Your hearing could therefore be moved to a different date.
- Remember to stay calm and measured.
- This is not the fault of the other parent, so try not to show any anger towards them.
- Keep an eye on post and emails for updates from the court.



To find out more about anything covered in this article, please contact Pascale Devlin or another member of Things' Family team.



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