

The impact of Coronavirus on spending time with children

The Coronavirus crisis has caused problems with face-to-face contact between parents and children. Thankfully the courts have helped us with some guidance. A statement issued on 24 March 2020 deals with the issues which are likely to affect face to face contact between parents and children during the current crisis. The points it makes are summarised below.

It reminds parents that parental responsibility for a child remains with the parents, even where there is a child arrangements order in force; that the responsibility for making decisions to make sure that their children stay safe remains with them.

Parents must abide by the "rules on staying at home and away from others" issued by the government on 23rd March. The general position is that it is no longer permitted for a person, including the child, to be outside their home for any purpose other than essentials shopping, daily exercise, medical need or attending the central work. The government guidance issued at the same time as the stay at home rules says "where parents do not live in the same household, children under 18 can be moved between their parents homes."

This is an exception to the stay at home requirement but does not mean the children **must** be moved between homes. It is up to parents to decide whether a child should move between parental homes after making sensible of 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.

There is a clear need for parents to communicate with each other about their worries and about what they think would be a good and practical solution. It is natural for some parents to be genuinely worried about whether contact should take place, even if other parents might think that it was safe to do so.

If parents decide by agreement to change the arrangements set out in a child arrangements order, it would be sensible for them to record that agreement using a note, email or text message which they sent to each other.

If agreement is not possible but one parent is so concerned that complying with the arrangements order would be against the current Public Health England advice, the statement says that parents can exercise their parental responsibility and vary the arrangement to one which they considered to be safe. If a court has to examine parents' actions after this event is over, it is likely to look to see whether each parent acted reasonably and sensibly in the light of the official advice on the stay at home rules in place at that time, together with any specific evidence relating to the child and the extended family.

Where face-to-face contact between a child and a parent is suspended, it is clear that the Courts will expect alternative arrangements to be made to keep and maintain regular contact between the child and the other parent whilst complying with the stay at home rules, perhaps by using FaceTime, WhatsApp, Skype, Zoom or any other video options or, if that is not possible, by telephone.

The message which parents need to take on board is that where the Coronavirus restrictions cause the letter of the court order to be varied, the spirit of the order should be adhered to by making safe alternative arrangements for the child to see the other parent.

Our view on this guidance is that there has never been a time in recent years when there has been a greater need for parents to work together to look after their children. It is always best if parents can reach agreement about issues relating to their children. A solution which parents can agree between themselves is always bound to work better than one which is imposed on them by a Court. It is essential for each parent to be able to take on board the other's point of view but it is also essential that both parents should act in the best interests of the child to keep their child, and each other, safe.