

Shared Parenting and COVID-19 Restrictions

What can be done where access is been denied (due to lockdown) and there is no formal access agreement in place?

If you do not have a parenting order or parenting agreement in place, you will need to find alternative arrangements to ensure your children can have a relationship with both parents during COVID-19.

The types of complications that can arise during this time is travel restrictions, necessary quarantine and self-isolation, changeover locations being unsuitable and supervision requirements being impracticable.

Despite these complications, the Family Law Court have made it very clear that parents should not be using the COVID-19 pandemic as an excuse for preventing a parent from seeing or having a relationship with their children. Parents should also not use COVID-19 to manipulate a situation to their advantage. Parents should be making every effort possible to continue to allow their children to have a relationship with both parents, even if it is not face-to-face. For example, you can organise a regular and scheduled video conference with the children and the other parent via Facetime, Zoom or Skype.

The following recommendations have been provided by the Family Court of Australian and the Federal Circuit Court of Australia in a recent media statement to assist parents who are co-sharing.¹ These recommendations can be adapted to apply to parents that do not currently have parenting orders or arrangements in place.

1. Best interests of the child

The Courts have highlighted the importance that the best interests of the child (including the child's safety and wellbeing) needs to remain the paramount consideration for parents. Parents should ensure that each parent continues to have some contact with their children.

2. Follow the laws and public health guidelines

You and your family will need to stay healthy and ensure that you follow government guidelines to reduce the risk of spreading the virus. For example, wash your hands often and thoroughly, and follow the recommended social distancing requirements.

You can visit the Australian Government Department of Health for up-to-date information on COVID-19: www.health.gov.au

You can also visit the Queensland Government website for information about the laws and guidelines that must be followed: www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19

3. Communication

Parents should communicate with each other to find practical solutions to the difficulties and challenges they face. Communication is important to ensure that your children are protected from possible parental conflict. You may

choose to communicate in writing via email, SMS or WhatsApp to ensure that the solutions are written down and clear. This can also be important if later you decide to enter into a parenting order or a parenting agreement as it will show what arrangement was made.

4. Adapt

If you usually have arrangements in place for changeovers/pick-up or drop-offs you will need to make different arrangements as many schools, sporting and public locations are either closed or restricted. You will need to have a conversation with the other parent and find an alternate location for a changeover such as a grocery store, petrol station or pharmacy.

Before the changeover, you should also ensure that the other parent has not been exposed to the virus or been in contact with someone who has tested positive to COVID-19.

5. Common sense

Parents need to use common sense when assessing their situation. It is important to give the other parent notice when situations change.

For example, it would make sense for a child to remain in one household with a parent if they are required to self-isolate or be in quarantine for the duration of their isolation period.

Other assistance

If you are finding it difficult to work out parenting arrangements, you can contact a family dispute resolution centre such as Relationships Australia to negotiate solutions that will work for you and your children during this time. You can contact Relationships Australia on ph: 1300 364 277

You can also contact counselling services to support you and your family:

- **Reach Out:**
parents.au.reachout.com
Centacare: www.centacarefnq.org
Ph: (07) 4044 0130
- **Family Relationship Advice Line:**
www.familyrelationships.gov.au/talk-someone/advice-line
Ph: 1800 050 321
- **Life Supports:**
lifesupportscounselling.com.au
Ph: 1300 735 030
- **Better Relationships:**
www.betterrelationships.org.au/services/counselling/fsp
Ph: 1300 114 397

¹www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/mr260320