



Coronavirus and Child Arrangements

08 April 2020

“Where coronavirus restrictions cause the letter of a court order to be varied, the spirit of the order should nevertheless be delivered by making safe alternative arrangements for the child”

**The Rt. Hon. Sir Andrew McFarlane
President of the Family Division and Head of Family Justice**

Over the last fortnight there has been a wealth of information disseminated from the courts regarding the arrangements for the children of separated parents in the Covid-19 landscape.

Here is our essential guide for parents:

- 1 If you are already living in separate households then visits between the child and the non-resident parent should continue, if it is safe to do so. Special arrangements may have to be considered if a parent or child is in the vulnerable category or displays any symptoms of coronavirus.
- 2 Facilitating contact visits is not breaking the “Stay at Home” rules.
- 3 Parental responsibility rests with a child’s parents and not with the Court. It is for parents to come up with sensible arrangements for their own children and the Court will only intervene if absolutely necessary.
- 4 The expectation is that parents will take sensible and safe decisions when deciding where and with whom a child should spend time. If one parent or a child is vulnerable or develops symptoms and needs to self-isolate, then this is particularly important.
- 5 Consider how contact arrangements could be varied to keep everyone safe. Could the child travel between the parents by car rather than public transport? Could you revise contact arrangements to limit the frequency of handovers but increase the duration? Do you have an agreement about the child washing their hands and following government guidance? Could you

consider getting the child an inexpensive pay as you go phone to facilitate communication with the non-resident parent?

6 Parents are free to temporarily vary by agreement any arrangements currently set out in a Child Arrangements Order and are advised to record those alterations in a note, email or text to the other parent. It is advisable to set a date when these amended arrangements will be reviewed.

7 In the event of a disagreement, the parents are advised to try and resolve matters through communication with each other directly, through solicitors or using Alternative Dispute Resolution. Courts are currently open but running a vastly reduced service, predominantly by video link, and only hearing urgent applications.

8 Where, as a result of coronavirus, a child does not get to spend time with the non-resident parent, arrangements should be made for indirect contact by way of Skype, FaceTime, WhatsApp or other communication methods. In the same way, if the child develops symptoms whilst spending time with the non-resident parent then it may be necessary for the child to remain there during the quarantine period and indirect contact with the other parent should be facilitated.

9 Parents should consider whether any missed contact can be made up at another time.

10 The Court is likely to look at whether each parent acted reasonably and sensibly in light of the official advice.

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