

PARENTING ARRANGEMENTS DURING CORONAVIRUS (COVID 19)

FREQUENTLY ASKED QUESTIONS

The emergence of Coronavirus (COVID-19) has raised many concerns for parents who are co-parenting, particularly in relation to restrictions to movement and concern to prevent spread of the disease.

The below seeks to provide some answers to the questions that may be on the minds of many parents about how the COVID-19 response may affect parenting arrangements.

CAN I STOP MY CHILD FROM HAVING PHYSICAL CONTACT WITH THE OTHER PARENT DURING COVID-19?

No. If there are court orders or a parenting plan in place enabling the other parent to spend time with the child, then these must still be adhered to unless there is a reasonable excuse not to. Reasonable excuse maybe a direction from a doctor to quarantine yourself and/or the child.

If you need to self-isolate with the child, make sure you communicate this with the other parent and arrange for other methods by which they can continue to spend time with the child, such as via Face Time, Skype or telephone. Make-up time with the other parent should also be discussed.

Where 'strict compliance' in relation to parenting orders is difficult or impossible, the court still expects parents to act in the best interests of their children and respect the "spirit" of co-parenting orders.

WITH STAGE 3 RESTRICTIONS, DO I STILL ALLOW MY CHILD TO MOVE TO THE OTHER PARENT'S HOUSE?

At this stage, the restrictions on movements introduced across Australia do not prevent children moving between parents' households. Victoria is currently at Stage 3 restrictions which allows for individuals to leave the home for 'shared parenting obligations'.

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Restrictions in relation to movement between states and territories must be followed carefully. Victoria currently does not have any border restrictions in place however, border restrictions in another state or territory where the other parent lives, may. Parents are urged to examine any restrictions that may be in place.

The Chief Justice of the Family Court has stated that the courts are currently working with the state and territory authorities to introduce exemptions in relation to movement across borders. Parents may be required to show court orders to border control personnel "as evidence of essential movement". They should also carry photo identification.

Any further updates from the State and Federal governments must be carefully followed in case any changes or updates are made.

THE CONTACT CENTRE THAT I WAS SEEING MY CHILD AT IS NOW CLOSED TEMPORARILY, HOW DO I CONTINUE TO SPEND TIME WITH MY CHILD?

If the contact centre that you were attending has now closed, you should first try to arrange visitation through other 'appropriate' supervision such as through a relative or a friend that the other parent is also comfortable with.

If you cannot reach an agreement and your matter is currently at court, you may seek further orders from the court in relation to this. The Federal Circuit Court and the Family Court are still open to hear any urgent and priority matters.

THE OTHER PARENT LIVES WITH THEIR MOTHER/FATHER WHO IS ELDERLY AND I FEEL CONCERNED FOR HER/HIS SAFETY AND WANT TO STOP MY CHILD FROM COMING INTO CONTACT WITH HER/HIM?

It is normal to feel concern for the elderly and other vulnerable members of the family and

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community, and indeed current recommendations are that those over 70 should self-isolate as far as is practicable. Any concerns that you have in relation to this should be raised with the other parent. You should discuss whether alternate arrangements can be made during this period so as to avoid any potential negative health impacts for the grandparent(s).

If the other parent or the grandparent wishes to continue with the current parenting arrangement, then unless a real health risk occurs for the child or the grandparent, the parenting arrangements should still continue. A real health risk may be that your child gets sick or the grandparent is sick.

CHANGEOVER USED TO OCCUR AT SCHOOL/PUBLIC PLACE WHICH IS NOW CLOSED. CAN WE CHANGE CHANGEOVER VENUES?

Yes. Changeover can be negotiated and changed with the other parent. Any changes should be made in writing such as email or text message, which can later be referred to in court if necessary.

WHAT HAPPENS IF WE CANNOT AGREE ON SOMETHING?

Parents are usually encouraged to reach parenting arrangements between themselves, only if it is safe to do so. In light of the current situation, the court expects that any practical solution to difficulties experienced should be considered sensibly and reasonably. Any new agreement reached between the parties should ideally be in writing as it may assist all concerned, including the court, if later there were family law hearings.

If an agreement cannot be reached, either parent can initiate mediation by contacting a Family Dispute Resolution Service. Bear in mind that these services are also affected by coronavirus and there may be delays in being able access those services. Most mediation services are now conducted through telephone or video-link.

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If the matter is not resolved at mediation, either parent can make an application to the Federal Circuit Court or the Family Court for parenting orders. The courts have also put in place restrictions in how they conduct hearings and most hearing will now be heard via electronic means.

NEED FURTHER INFORMATION?

Call (03) 9376 7929

Email admin@mvl.org.au

Fill Our Online Form: <https://bit.ly/2xW3M8c>

We are aware there have been some phone and internet service disruptions, and ask you to please be patient and try again if you have difficulty contacting us.



USEFUL LINKS

<https://www.dhhs.vic.gov.au/victorian-public-coronavirus-disease-covid-19>

<https://www.dhhs.vic.gov.au/coronavirus-stay-home-and-restricted-activities-directions-faq>

<https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert#protect-others-and-stop-the-spread>

<https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/what-you-need-to-know-about-coronavirus-covid-19>

IMPORTANT NOTE

This information is of a general nature only and does not constitute legal advice. It is current as at 3/4/2020.

For advice relevant to your specific circumstances, please contact us on 9376 7929 or at admin@mvl.org.au