

Covid-19 Information Sheet – *Families, Parents and Guardians*

This information sheet has been produced by students from BPP's Pro Bono Centre under the supervision of legally qualified staff members. The information contained in this document is accurate as of 2nd April 2020.

Contact Arrangements for Children

Whilst the lockdown implementations announced by the Prime Minister are in place, can my child(ren) still visit their other parent?

Yes. Children under the age of 18 can travel between the homes of separated parents. So long as nobody within either household is exhibiting symptoms of COVID19, child arrangements should continue as normal.

Is our Child Arrangements Order still applicable?

Yes. Unless it creates a health risk to your child or to another person, or it is physically no longer possible for you to perform the arrangement (see supervised contact below), the terms of your Child Arrangement Order should be followed as normal.

Should I temporarily move closer to my child(ren) to make contact easier?

No. This is not recommended. The Government has made it clear that moving to second homes, relatives, or holiday/temporary homes should be avoided. People should remain in their usual homes to avoid additional and unexpected pressures on the NHS.

The Government guidelines, as well as advice from Cafcass, confirm that the taking of children from one parental home to another is considered a legitimate journey during lockdown, therefore, there is no need to move closer.

How can we ensure sensible transfer of our child(ren) in line with Government social distancing advice?

If your child(ren) is (/are) old enough to safely transfer from one vehicle to another without parental supervision it is worth considering a transfer where both parents remain in separate vehicles. If this is not possible, consider options such as one parent remaining in their vehicle whilst the other parent transfers the child(ren) from one vehicle to another. Consider meeting in an open space, such as a large car park, or having one parent do each journey if this is safe and practical.

I am worried about my own safety due to a history of domestic violence, what can I do?

Handovers in these scenarios need to be considered even more carefully. If the address of one parent cannot be disclosed to the other for safety reasons, you will need to agree a mutual

handover point, preferably in an open, public place. Insofar as is possible, both parties should aim to comply as much as possible with normal contact arrangements.

BPP Pro Bono Centre has produced a separate factsheet about help and support available in domestic violence cases during COVID-19. Other sources of support can be found in the 'Further Information – Help and Advice' section at the end of this document). If at any time you have an immediate concern for your safety or that of your child(ren) you should call the police on 999.

We have supervised contact arrangements at a contact centre, what should we do?

If your child arrangements include supervised contact in a contact centre, it is probably the case that the centre is already temporarily closed. If this is the case, your alternative options will depend on the specific provision of the Child Arrangements Order. If your Order allows for it, you could consider alternative methods of maintaining supervised contact. See indirect contact ideas below. If you have a Child Arrangements Order in place that forbids alternative contact methods, then it is likely you will need to wait until contact centres are able to resume supervised contact sessions.

Our Child Arrangements Order specifies different levels of contact during school holidays, should the current lockdown period be treated in the same way?

The current lockdown and school suspensions are not the same as a school holiday and it is likely that children will still have schoolwork to complete or studying to maintain. It is largely up to parents to decide between them how to divide this time but note that a good routine is helpful to children at this time, so parents may decide that term-time arrangements should continue. This may also depend on childcare needs due to parental working requirements.

Will any temporary changes made to contact have a long-term impact on child care arrangements?

These are unprecedented times and the Court will acknowledge that parents will be trying to balance child care arrangements with jobs, as well as the health and well being of their families. The welfare of the child(ren) involved is the paramount consideration for the Court and, where possible, the Court will always seek to minimise any upheaval to a child's life. This includes changing any long standing routine for child care arrangements. Unless there is good reason to do so, the Court is likely to encourage parents to maintain existing arrangements, or revert back to those at the earliest opportunity, as and when Government restrictions are lifted. Parents who use the Covid-19 situation as an opportunity to manipulate any agreement or Order in place are unlikely be considered favourably by the Court.

I'm not sure about options for indirect contact, what does this mean?

'Indirect contact' involves methods of communication such as letters, emails, telephone calls and texts. What is appropriate and practical will depend on the age of the child(ren) and any specific requirements made in a Court Order. You could consider options such as Skype, WhatsApp, Zoom, Facebook Messenger or FaceTime. You should exercise caution with calls or face to face online contact where supervised contact only is agreed or ordered. A child should not be left unsupervised in these circumstances when speaking to the other parent.

We really can't reach an agreement on appropriate temporary measures, what should we do now?

Parents should consider whether the issue could be helped through mediation. If so, the current COVID-19 situation may create practical difficulties in terms of attending a mediation appointment. Further information about mediation can be found below. If an agreement cannot be reached then the Court may need to get involved. If there is already an order in place, this may need to be varied, or a new application will need to be made. For further information about how to make an application for a Child Arrangements Order, please see below.

Won't we have to wait until the pandemic is over to go to Court?

No. Court hearings are still taking place for matters such as Child Arrangements. They are currently being conducted remotely and parties will be asked to attend via video link or by dialling in. However, do be aware that due to staffing shortages there may be delays in the processing of applications. Therefore, the process may take longer than usual.

I can't comply with the current Child Arrangements Order we have in place; will I get into trouble?

This will largely depend on the reasons you have for being unable to comply. The best interests of the child should always be the paramount consideration. If you feel you cannot comply with an Order for whatever reason, you will need to be able to explain why. You will also need to show that you have considered other alternatives and outline whether or not any of these alternatives are reasonable and viable options. Ultimately, the Court will not expect an Order to be upheld if doing so would be unreasonable, would go against Government instructions or would put the welfare of the child(ren) at risk. Think carefully about your specific circumstances and ensure you would be able to justify your position were the matter to be brought back to the Court.

Further Information

BPP Pro Bono Centre has produced a series of Factsheets looking at how COVID-19 impacts on a range of different people. All of our factsheets can be viewed on the Pro Bono Centre Blog here: <http://probono.bppuniversity.ac.uk/blog/>

Help and Advice

Rights of Women – rightsofwomen.org.uk – 0207 251 6577

Child Law Advice – childlawadvice.org.uk – 0300 330 5480

Refuge/National Domestic Abuse Helpline – nationaldahelpline.org.uk – 0800 2000 247

Women's Aid Survivor's Handbook – womensaid.org.uk/the-survivors-handbook

Applying for a Child Arrangements Order –

<https://helpwithchildarrangements.service.justice.gov.uk/going-to-court>

Family Mediation - www.familymediationcouncil.org.uk/family-mediation/

Information and Updates

The UK Government publishes a number of documents and updates as part of the ongoing response to Covid-19. These can be found on the UK Government website here: <https://www.gov.uk/coronavirus>

Wellbeing

This is an extremely difficult time for everyone. There is much uncertainty and a lot of anxiety. Along with your physical health, it is important to look after your emotional wellbeing during this period. There are a number of organisations that can help you during this difficult time.

Mind - 0300 123 3393 (Monday to Friday, 9am to 6pm) www.mind.org.uk

Young Minds - <https://youngminds.org.uk/> Parents Helpline: 0808 802 5544