



COVID-19 Briefing: Child Contact during the Coronavirus Lockdown

As part of the measures the Government has introduced to tackle the COVID-19 pandemic, a lockdown has been brought into force to limit the spread of the virus.

Whilst any measures to tackle the growing public health crisis is welcome, it does raise questions as to how separated parents can maintain as normal a routine as possible for their children.

THE 23RD MARCH LOCKDOWN

When parents separate, it is important for the children of the family to maintain relationships with both parents, through regularly spending time with them.

This situation became more complicated on Monday 23rd March 2020 after the Government announced the 'Rules on Staying at Home and Away from Others'. These rules only allow a person, and this includes children, to leave the house for essential shopping, daily exercise, medical need or to attend essential work.

Parents will want to act in the best interests of their children and therefore may be confused by the best course of action. Abiding by The Stay at Home Rules will help to keep their children safe but they will not want to disrupt any previously agreed arrangement with the other parent, knowing that keeping to a regular contact schedule is also in their children's best interests.

HOW LONG WILL THE MEASURES LAST?

It is not clear at the moment. The announcement indicates that

these measures are going to be in place for at least three weeks. It remains to be seen whether this period of time will be extended.

The difficulty is that given the unprecedented nature and sheer scale of the pandemic, it is not clear how long the effects of COVID-19 will last.

MAINTAINING CONTACT WHEREVER POSSIBLE

Many parents are understandably worried about travel and contact amid the current Coronavirus lockdown, but contact between children and their non-resident parent should continue to take place as far as possible.

The Government have confirmed through their published guidance that contact can and should continue, notwithstanding other travel and social restrictions that have been put in place.

WHAT IF WE SUSPECT INFECTION AT EITHER HOUSEHOLD?

Just because there is an exception to the mandatory 'stay at home' requirement, it does not mean that children have to move between homes. In these unusual times, separated parents will need, more than ever, to work openly and constructively with each other to ensure the welfare of their children is met.

Clearly if one parent, or members of their household, is showing symptoms or has been in contact with somebody who is showing symptoms, it may be appropriate to temporarily suspend face-to-face contact, to prevent the risk of infection. Should that be

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necessary, it will be important to 'make up for this', through regular and meaningful telephone calls and sessions on video chat apps such as Facetime and Skype.

The key message is that, in circumstances where Coronavirus restrictions cause the letter of a court order to be varied, the spirit of the order should still be upheld by both parents making safe alternative arrangements for the children.

WORKING TOGETHER IN THE BEST INTERESTS OF YOUR CHILDREN

Provided both parents and the children are safe and well, however, and showing no symptoms, direct contact can continue to take place. Parents should discuss arrangements such as travel and handover in advance, in order to take all necessary precautions, and ensure that everyone in their household continues to wash their hands and avoid social interaction.

Review and sensible discussion should enable parents to make the best of these unusual circumstances, and facilitate continued contact for their children.

WHERE CAN I FIND OUT MORE?

www.gov.uk/coronavirus

www.judiciary.uk/announcements/coronavirus-crisis-guidance-on-compliance-with-family-court-child-arrangement-orders/

www.bbc.co.uk/news/uk-52018136

THE FAMILY TEAM AT FRASER DAWBARNs, FINDING THE BEST RESOLUTION FOR EVERYONE

The family law team at Fraser Dawbarns are on hand to help you make the best decisions for your family throughout the Coronavirus lockdown and into the future.

If you are not sure about how the COVID-19 restrictions will affect you and your family, please contact us today.

PEACE OF MIND THROUGH DIFFICULT TIMES

In uncertain times, the only thing we can say for certain is that nothing will stay the same for long.

It is entirely possible, therefore, that new legislation will have been introduced which will mean that all or part of this briefing no longer reflects the current law.

Because of this, we ask you to consider that, although correct at time of printing, information in this sheet may no longer be up to date and it is always best practice to consult with a lawyer about anything contained in this briefing.

Although our office doors are closed, our lawyers are still available to help answer any of your questions about this or any other legal concern you have.

Please contact Fraser Dawbarns directly for up-to-date information on your specific circumstances.

LOOK OUT FOR OUR OTHER COVID-19 BRIEFINGS

- [Commercial Tenancies and Rights of Forfeiture](#)
- [The Three Month Ban on Evicting Tenants](#)
- [Making a Will Under Lockdown](#)
- [Commercial LPAs - Risk Management in Uncertain Times](#)
- [Coronavirus, Employment Law and your Rights](#)
- [Debt Recovery Under Lockdown](#)

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