

Divorce and Covid-19: Contact orders in respect to children

For over a month we have been living in an unprecedented departure from the norm. Businesses are closed and schools have transitioned to remote learning. Co-parenting during a pandemic has, in some cases, proven to be stressful and difficult. Many children live in two homes and fears and confusion over the coronavirus are affecting child arrangement orders made either by agreement or court order.

Can my ex-partner/spouse stop complying with a child contact order or agreement?

Many people are concerned that their ex-partner or spouse may not comply with a contact order or agreement due to the government's shelter in place regulations. The regulations allow for essential travel so that children under 18 can be moved between their parents' homes for the purpose of access and contact. The amendment applies to all parents, including step parents. See here for information <http://www.gov.ky/portal/pls/portal/docs/1/12948658.PDF>

Parents should continue to comply with their parenting schedule set out in a court order or agreement and any failure to comply can amount to a breach. The lockdown should not be used to prevent a child from having contact with another parent as preventing contact would not be in the best long-term interests of the child.

If your child or a member of your household exhibits covid-19 symptoms the appropriate health advice should be sought and applied. If this happens, indirect contact such as telephone calls, FaceTime, and Skype should take place if face-to-face contact is not appropriate. In summary a sensible, collaborative approach should be taken.

Parents should keep up to date with any changes to the shelter in place regulations and listen carefully to announcements made by the government. They should also keep a copy of court orders and parenting agreements and take them with them when collecting or dropping a child in case they are stopped by the police.

I have a court hearing soon – will this still go ahead?

The short answer is yes. Recent guidance has been issued by the Family Division of the Grand Court which confirms that remote hearings are happening, and that no category of case is necessarily excluded from such a hearing. Decisions will be made on a case by case basis as to whether a remote hearing is suitable or if an in person hearing can be conducted safely.

What to do if you need help

If you need advice or are concerned about the welfare of a child, please do not hesitate to contact us.

Broadhurst LLC is one of the Cayman Island's leading law firms, with an expertise in giving objective, practical legal advice in family law matters. We have taken our services online, with a facility to have e-consultations. Given that the questions around marital breakdown are often complex, with significant consequences for the parties it is advisable to seek the assistance of a professional who can give legal advice and assist in the decision making process. For further information contact yvonne@broadhurstllc.com or lynne@broadhurstllc.com.

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