

## COVID-19

## Shared parenting during COVID-19 | Leisha Murphy

By Leisha Murphy



Leisha Murphy

(March 30, 2020, 1:04 PM EDT) -- Social distancing and self-isolation have become everyday words as Canada tries to flatten the curve of the COVID-19 pandemic. And for many people that's relatively easy to do provided they can work from home. But ex-spouses who share custody of their children may wonder how to continue to share parenting in a COVID-19 world.

Here are some questions that come to mind and possible answers:

1. Can the children continue to go between two households, especially if there are stepchildren or extended family members living in one of the homes?
2. What does a parent do if someone in the ex-spouse's household has returned from travel or must self-quarantine for 14 days? Should regular parenting still continue?
3. What if a shelter-in-place or stay-at-home order for B.C. comes from the government; how can parents continue to have regular parenting time with their children?

In answering these questions, the number one priority should be, at all times, to keep the children safe and away from any potential risk of contracting COVID-19. At the same time, it is important for parents to take a balanced approach that does not unfairly limit one parent's time with the children for little or no reason.

Based on the government's current directives, my thoughts on these questions are as below. Note, however, that every situation is different, so these thoughts may not apply to everyone.

1. Children should be able to continue moving from house to house if no one in either home is infected or showing any symptoms of COVID-19. It should go without saying that both parents (and other family members in both households) should follow current and future government directives, including social distancing. If they are doing so, then the risk of travelling between households appears relatively small and would be outweighed by the emotional harm that would be suffered by a child who is suddenly cut off from one of their parents.
2. If your ex-spouse's household has higher risk individuals that are under quarantine, discuss keeping the children at the "safe" home during the 14-day quarantine, while arranging ways for the children to safely spend time with the parent living with the quarantined individual. This could be through videoconferencing or spending time outside the home with the other parent while still respecting social distancing. The parents can also agree that the parent who is losing parenting time due to the quarantine would get extra time when the quarantine is over (provided no one is showing signs of COVID-19). The other option would be to see if the person who needs to self-quarantine can live elsewhere during the 14 days, so the children could continue to go between the two homes.
3. If a stay-in-place shelter direction comes from the government and the parents live too far from one another to continue regular parenting time, one parent will likely have to care for the children during that time but that parent should encourage the children to use Facetime and other communication methods to keep in regular touch with the other parent. Again, the parents may also agree to allow extra parenting time to the other parent after the stay-in-place shelter direction is lifted.

If separated parents have relatively good communication, they should be able to come up with ways to deal with parenting time during COVID-19. If they can't see eye-to-eye, one parent could try to bring a court application but given that the courts are only hearing urgent matters, the situation would have to be considered urgent by the court. If one parent is being denied all parenting time without good reason, a court may be willing to intervene.

Otherwise, the best remedy when parties can't agree may be to turn to a parenting co-ordinator who is certified to make binding decisions related to parenting, or a mediator or arbitrator, who could offer their services through videoconferencing or telephone.

*Leisha Murphy is the co-founder of Connect Family Law. She can be reached at [leisha@connectfamilylaw.com](mailto:leisha@connectfamilylaw.com).*

*Interested in writing for us? To learn more about how you can add your voice to The Lawyer's Daily, contact Analysis Editor Yvette Trancoso-Barrett at [Yvette.Trancoso-barrett@lexisnexis.ca](mailto:Yvette.Trancoso-barrett@lexisnexis.ca) or call 905-415-5811.*