



Child arrangements in lockdown

We are currently navigating unprecedented times as the Coronavirus (COVID-19) outbreak continues in the UK. This public health crisis has raised worries and concerns by many separated parents as to the impact the current lockdown will have on child arrangements.

COVID-19 lockdown

The British Prime Minister Boris Johnson addressed the nation on Monday (23 March 2020) and announced that the government was bringing in stringent measures to try to tackle the spread of the coronavirus including new measures for enforcement in respect of social distancing and restrictions on households and businesses.

Everyone, including parents, must abide by the "New rules on staying at home and away from others" issued by the government on the 23rd March 2020.

These rules state that you should only leave your house for one of four reasons:-

1. Shopping for basic necessities as infrequent as possible, such as food and medicine.
2. One form of exercise a day, alone or with members of your household.
3. Any medical need or to provide care or assistance to a vulnerable person.
4. Travelling to and from work but only where this absolutely cannot be done from home.

Child arrangements during lockdown

Michael Gove (MP) left many parents with further questions, panic and confusion when, during an interview on Good Morning Britain, he said that children should not be moved between households unless vulnerable.

Mr Gove later clarified his position and the government has now issued the guidance alongside the "Stay at home rules" which specifically deals with separated parents and the continuation of child arrangements whether informally or in accordance with a court order.

This additional guidance states:

"Where parents do not live in the same household, children under 18 can be moved between their parents' homes".

It is important to note that there is no precedent in respect of the movement of children across different households due to the impact of COVID-19.

The decision as to whether to move a child between respective parents homes is for the parents to assess taking into consideration the child's health and health of the household, risk of infection and presence of any recognised vulnerable individual in either household.

There is clear guidance from the government that it is permissible for those under the age of 18 to move between separated parents.



Child arrangement orders

Where there is a Child Arrangements Order in force, this must be complied with. The law has not changed in so far as the enforceability of orders and if there is non-compliance it may be possible for the other parent to apply to the court to enforce the terms of the order.

It may be possible that the parent with the child will argue that they had a justified and reasonable excuse for not adhering to the terms of the order. It will be very much at the Court's discretion and each case considered on their particular set of circumstances.

The Court will expect parties to communicate in these difficult times and discuss their worries and concerns and work together to find a practical solution in the best interests of the children.

Parents may change the pattern of contact in order to limit the handovers between households or implement alternative remote arrangements such as telephone calls or FaceTime. If an agreement cannot be reached, the terms of the Child Arrangements Order must be followed.

Maintaining routine

CAFCASS has also issued guidance and made the position clear that apart from medical/self-isolation reasons, children should spend with

both their parents and maintain usual routines as much as possible. They advised if there is a current order in place, this must be complied with unless to do so would put the child at risk.

Where arrangements are altered unilaterally by one parent without the agreement of the other then the court will look at the reasons behind that and even if the alteration is justifiable, for example, to follow the rules around self-isolation, alternative methods of maintaining contact must be considered and offered such as Facetime, Skype and video contact.

Court as a last resort

If parents cannot agree as to how child arrangements should be varied then the court is still hearing cases to determine such issues but this should be as a last resort.

Hopefully, this clarifies any issues about child arrangements during the lockdown.

On a different note, for separated parents communication and flexibility are critical throughout this time of isolation to ensure that the safety and wellbeing of the children are protected.

Need more information?

Call our Client Care Team on **0330 838 7456** to speak with one of our specialist family lawyers or visit www.stowefamilylaw.co.uk