



Coronavirus and Child Access

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The coronavirus pandemic has spawned a whole new area of concern for separated parents dealing with co-parenting relationships.

Do you have to allow the other parent access with your children, if you are concerned for your children's safety, and don't

believe the co-parent is taking the proper precautions.

Do you have to allow the other parent into your home at the time of the transfer of your children?

As in all questions related to legal issues related to child access, the answers lie in the details, and the best course of action is to use common sense.

In a few instances, there are black and white guidelines.

In most others, the guidelines are grey. For instance, if your co-parent has tested positive for COVID-19, and has not gone 14 days symptom free, then you are likely safe to hold off on access of your children.

If the co-parent had been exposed to someone who has tested positive, and is within the 14 day window, again you may well be within your rights to push the pause button on access.

However, if your co-parent is simply not taking the precautions at his or her house, that you are taking at your house, and there are degrees of precaution at play here, the question of whether or not you are within your rights to deny access may well fall within that grey area, depending on the degree.

For instance, who is the other parent allowing to come into that household – is it someone who is at work every day, and coming into contact with many members of the public?

Or – is the other parent allowing other children living in the household to have play-dates with children from other families? Is everyone who enters the house, required to wash their hands? Are all door handles sanitized on a regular basis. These are all varying degrees of behavior about which different people have different opinions.

What do you do?

Remember that all parents have the right to make parental judgment calls. Even in two parent households, there are differences of opinions in what's best for children. Co-parenting relationships only exacerbate those differences of opinion. So, especially in times of higher stress, such as the current pandemic, everyone is on edge, and this tension alone may be the cause of the difference. If possible, take a step back, and ask yourself if you are being reasonable and rational.

Use whatever mechanism you have in place to resolve differences of opinion that have been successful in the past. Ideally, you and your co-parent have kept open lines of communication for dealing with issues which arise regarding your children, because we all know the issues do arise – even in the best of co-parenting relationships.

So, if possible, simply talk it out with your co-parent – find out what the protocol and procedures are at his or her house, and then talk about ways to both feel comfortable with the protocols and procedures in both households. If that's not possible, maybe both are agreeable to rely on a trusted third party – the child's physician or counselor, a trusted family member, a

minister, priest, rabbi, or other spiritual leader, to use as a neutral sounding board.

Another factor to consider in the current set of circumstances, which has never been a factor in the past, is the availability, or lack thereof, of the legal system to provide immediate relief.

At this time, when access to Courts has been severely limited, immediate judicial relief, is most likely, not available.

However, that doesn't mean that once courts are re-opened, a party's action during this period of crisis won't be the subject of a future court proceeding. Therefore, behavior on both sides of this issue – unreasonably denying access to your children, or unreasonably subjecting your children to unnecessary risk – could be found to be the acts of an irresponsible parent and effect future access with children.

So, let's all take a deep breath, and remember that even in the best of circumstances communication with your co-parent may be difficult, but continued communication is the key to success of any co-parenting relationship.