

LIFT LEGAL

FAMILY LAW

St. Albert | Edmonton | Surrounding Area

CO-PARENTING DURING THE COVID-19 PANDEMIC



With public health officials urging families to self-isolate in their homes, divorced or separated parents who share parenting time are faced with a unique challenge. This is a stressful time for all families as they adapt to this new temporary reality, but it can be even more difficult for those who are managing a co-parenting schedule.

Most of the questions regarding co-parenting and child custody arrangements that Lift Legal has received involve a concern that one parent may not be taking the proper precautions to protect their child from COVID-19. Other parents are concerned that their child has an increased risk of exposure because one parent is still going to work; there are other step-children travelling between families; or there are elderly or vulnerable individuals in one of the households.

As every family's arrangement is unique, there isn't one answer to address all co-parenting concerns during this time. As with most co-parenting challenges, open communication and some mutual understanding and compromise is almost always the best strategy to approach these issues. That being said, some co-parents, for whatever reason, do not have the ability to communicate openly or compromise. If this is your experience, we urge you to contact a lawyer for some advice before a child is put at risk or your co-parenting relationship (however tenuous it may be) is unduly jeopardized.

A recent decision by the Ontario Superior Court provides some valuable insight into the rights and responsibilities of co-parents during this time.

In the case of *Ribeiro v Wright*, the parties had joint custody of their nine year old son, with the mother's house being the primary residence for the child. The pre-existing parenting order provided that personal contact with both parents was in the best interests of the child.

In response to the COVID-19 pandemic, the mother brought an urgent motion to suspend all in-person access to her son by the father. The mother expressed concern that the father would not maintain social distancing during this time and thus would put the child at risk.

The judge held that all pre-existing parenting arrangements should continue, subject to any alterations required to ensure that health and safety precautions could be taken. The judge emphasized that parents must work together to promote both the physical and emotional well-being of their child, and that establishing a blanket policy that children can never leave their primary residence – even to visit their other parent – would not be the best interests of the child.

The court provided the following useful guidelines and notes to consider:

- there is zero tolerance for any parent who recklessly exposes a child (or members of the child's household) to COVID-19;
- if a parent fails to comply with social distancing or to take reasonable health precautions, such actions may affect a parent's right to continue to see their child;

- custodial or access parents may have to forego their time with their child if they are subject to mandatory self-isolation as a result of recent travel, personal illness, or exposure to illness;
- risks created by a parent's employment or other activities may require specific changes to a child's parenting time to help mitigate the risk of a child's exposure; and
- in blended families, parents must ensure that COVID-19 precautions are being maintained by each person who spends any amount of time in the household – including step-parents and children of former relationships.

What to do if you have a COVID-19 Co-Parenting Concern

As a parent, you should not presume that the existence of the COVID-19 crisis will automatically result in a suspension of in-person parenting time. If you are a parent seeking to alter an existing parenting arrangement, you will need to have specific examples of behavior by the other parent that are inconsistent with Canada's COVID-19 protocols. Similarly, if you are a parent responding to such a claim you will be required to provide specific assurances that proper safety measures will be adhered to – including social distancing; use of disinfectants; and compliance with public safety directives.

In uncertain times, children need their parents to behave in a cooperative, responsible and mature manner. We are urging parents to focus their efforts on addressing these health and safety issues for their child in a conciliatory and productive manner. However, we understand that for some parents collaborating without some outside assistance is just not realistic – especially in a situation as unpredictable and challenging as the one we are currently facing. If this is your reality, please do not hesitate to reach out to a lawyer who specializes in family law and deals with child-centred issues. At Lift Legal, we are here to help you.

We can be reached at (780) 809-2225 or liftme@liftlegal.ca.



MEL GARBE
COLLABORATIVE FAMILY LAWYER

Mel Garbe is the founder of Lift Legal and is passionate about helping families in St. Albert, Edmonton, and the greater community.

Mel is a certified mediator registered with the Alberta Family Mediation Society and is also a certified collaborative family lawyer registered with the Association of Collaborative Family Professionals.

In addition to being a passionate lawyer, Mel is also a devoted father to three boys. Mel is a committed co-parent to his oldest son and has first-hand experience working through divorce and building a strong family structure to support a child after divorce.



CONTACT US

Phone: 780-809-2225

Email: liftme@liftlegal.ca

Website: www.liftlegal.ca