



CORONA

COVID-19

Dealing with COVID-19 – impact on family law matters

David Schetzer, March 2020

In times of extreme health and economic uncertainties, separated parties may be affected as society struggles to deal with changing circumstances.

We outline below some points that you should consider.

PARENTING ORDERS

Parenting Orders remain operative. A party could be found to be in contravention of the Orders if there was no reasonable excuse for breaching the Order.

At this stage, it is hard to predict what may be seen as a reasonable excuse. We encourage you to anticipate situations that may arise over the coming months including:

- (a) What happens if one parent contracts Coronavirus?
- (b) What happens if a child or a parent has been in contact with someone who has contracted Coronavirus?

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- (c) How will changeover occur in a public area?
- (d) What happens now that schools have closed down?
- (e) What if one party withholds the child because of the pandemic?

It is imperative that best practice habits are undertaken to minimise the risk of spread of the virus. Let the other parent know that you (and/or members of your household) are practising good personal hygiene and responsible social distancing.

If Court Ordered arrangements become unclear or cannot be met, use common sense to find solutions. If you anticipate a change, give the other parent not only notice, but also an explanation so they also have time to adjust to any change.

As schools are closed, nominate or start planning for another neutral or public location that will be suitable. Ensure that social distancing practices can be maintained.

Sporting activities and other activities for children to normally undertake after school or on the weekends are unlikely to now occur. Be flexible, co-operative and child focused.

If you are required to work from home, consider whether it is feasible or not for children to remain in your care.

If circumstances exist that prohibit verbal communication with the other parent, consider digital and appropriate communications.

If a child is showing any symptoms of the virus, share that information immediately with the other parent. Try and agree on the implementation of an appropriate response. Try and engage openly and honestly with the other parent about any concerns or issues including a possible risk of exposure.

Remember however, that you must meet your obligations pursuant to any Court Order unless a reasonable excuse applies.

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HOW TO TELL CHILDREN ABOUT COVID-19

Many children are likely to feel anxious about Coronavirus and finding it difficult to understand what they have been online or on TV, or what they have heard from their friends at school.

Here are some tips to help you have a conversation with your children to put them at ease:

- (a) Ask open questions in a safe environment to find out what your children already know. Listen to their responses.
- (b) Do not minimise their concerns and acknowledge how they are feeling.
- (c) Offer them reassurance. Where possible try to keep to their usual routine.
- (d) Be honest. Explain the truth to them in a child focused manner. If they ask a question and you do not know the answer, take the time to find the right response.
- (e) Encourage good hygiene practices, including hand washing and how to cover a sneeze or cough with their elbow.
- (f) Encourage them to tell you if they start to feel unwell.

INTERVENTION ORDERS AND FAMILY VIOLENCE

Again, an Intervention Order remains operative. It must not be breached. Ordinarily the terms of an Order permits a party to:

- (a) do anything that is permitted by a Family Law Act Order or a written agreement about child arrangements; or
 - (b) negotiate child arrangements by letter, email or text messages; or
 - (c) communicate through a lawyer or mediator;
- but only if family violence is not committed whilst doing so.

If there is to be communication beyond the scope of the Order, contact us to discuss further.

Regrettably, family violence may increase with families spending more time together in circumstances where they may be feeling anxiety and stress. If you need additional support

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during this time we can assist you with appropriate referrals to community organisations. We can also provide any necessary legal advice. Again, please contact us to discuss further.

If you are fearful for your safety, or the safety of your children during this time, please contact the police.

COURT PROCEEDINGS

If you have current proceedings before the Family Court or the Federal Circuit Court, the COVID-19 pandemic may have an effect on your matter, as the Courts are imposing limitations with hearings.

At this stage the Court remains open and are continuing to conduct Court work subject to current restraints based on the advice of the Commonwealth Government Department of Health and the Chief Medical Officer. A number of direction hearings are now being undertaken by telephone. Where face to face hearings are required, the Court is giving preference to urgent matters and will stagger the listing so as to reduce the number of people waiting in the building. Within the Court room, no more than 8 people (excluding the Judge and Court Officer) are permitted at any one time.

We will keep you updated as to the Courts, delays and any changes to your matter if and when they arise.

COURT ORDERS

No matter what has or does occur, in the operation of the Courts, it is essential to note that the Orders remain operative and that you have a positive obligation to comply with them.

FINANCIAL SETTLEMENTS

If you have recently separated or are in the process of separating, the valuation of assets is now more important than ever. It may be necessary to review previously agreed values of

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real estate or businesses. Consideration must be given as to the affordability of the retention of assets.

Again, we are able to assist you and provide you with specialist advice as to how best to achieve a just and equitable financial settlement.

SUMMARY

This situation is not going to resolve overnight. Changes to the way we work, socialise, communicate and parent will evolve in the next weeks and months.

We remain fully operational and are able to promptly and effectively deal with your matter. We are contactable by email and telephone and have extended our hours of operation from 8.00am to 6.00pm.