
Children in shared care and Covid-19 - Ministry of Justice

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Clarification regarding the care arrangements of children subject to Family Court orders.

In response to questions raised about the management of children from families who have shared care or contact arrangements pursuant to Family Court orders, the Principal Family Court Judge, Jacquelyn Moran, offers the following guidance:

- The overriding consideration is for parents to make decisions that are in the best interest of their children.
- The intent of Alert Level 4 is to prevent COVID-19 spreading within New Zealand. Staying at home will save lives and is key to Alert Level 4.
- Where there is a shared care arrangement and the families are in different towns or communities, the safety of the children and others in their family units should not be compromised by movement between those homes, particularly if there are more than two homes involved.

Generally, children in the same communities can continue to go between their homes, unless:

- The child is unwell. In this case the child should not travel between homes until they are well.
- Someone in either home is unwell.
- Someone involved (i.e. the child or people in the home they have been in or will go to) has been overseas in the last 14 days, OR has been in close contact with someone who is currently being tested for Covid-19 OR has been in close contact with someone who has the virus or is being tested.

Parents and caregivers should discuss if shared custody arrangements would allow COVID-19 to potentially spread without them being aware and reach an agreement.

This may mean the child may stay with one parent/caregiver for the initial 4 week period.

If children are moving:

- Children should be accompanied by an adult when moving between homes.
- Private vehicles should be used, where possible. Public transport can be used where there are no alternatives.

Where children cannot move between homes, the Court would expect indirect contact - such as by phone or social media messaging - to be generous.

Parents must put aside their conflict at this time and make decisions that are in the best interests of the child and their families and the wider community. This global pandemic should not be seen as an opportunity for parents to unilaterally change established care arrangements without cause or otherwise behave in a manner inconsistent with the child's best interests or the court ordered care arrangements.

For up to date information, families are referred to the Unite against COVID-19 website (<https://covid19.govt.nz/>)

Judge Moran emphasises that children are precious and that, more than ever, this is a time to focus on their wellbeing, and in particular their safety. It is important that their loved ones are also safe and well, and that children know that, and are able to see their parents and caregivers lead by example.

The Family Court will continue to operate through all pandemic alert levels but on a reduced capacity, dealing with priority proceedings.

Link to Voxy press release: <http://www.voxy.co.nz/health/5/361190>

Warmest,
Deb

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Deb Humphries

Coordinator -

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