

# Opinion | The COVID-19 pandemic requires urgent action by co-parents

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The COVID-19 pandemic requires urgent communication, co-operation and flexibility between separated and divorced co-parents.

Both co-parents and their child(ren) must isolate at home, like everyone else. This may require adjustments to existing parenting orders or arrangements.

Co-parents must immediately:

[1] self-isolate and socially distance not only themselves, even when the child is not residing with that co-parent, but at every other time – no visitors, no exposure from others – strictly engage in and comply with all COVID-19 preventative measures (every family member);

[2] flexibly and co-operatively modify existing parenting arrangements to protect the safety and well-being of every child, and those with whom the child may come in contact, by isolating the child, requiring the child to stay at home and minimizing the child's contact with any person other than the child's immediate family members, with whom the child primarily resides;

[3] minimize, if not eliminate, access exchanges for the child – children should isolate together and in one home – if parenting arrangements currently require a child to be residing in both homes on a back-and-forth basis, arrangements should be made to extend residency periods in each home, rather than engaging in regular back-and-forth – at a minimum, week-by-week altering residency should be implemented, if not longer;

[4] minimize, if not eliminate, exposure of children to anyone not within the children's immediate family, with whom the children are residing on a full-time basis – no playdates, birthday parties, shopping, or social visiting – provide regular assurances to the other co-parent that COVID-19 isolation and other required steps are being undertaken;

[5] facilitate and encourage regular and ongoing communication between a child and the other co-parent, unless to do so would be harmful to or threaten the safety or well-being of the child on a reasonable basis, even if this may not be required by existing Court orders, separation agreement or parenting plans;

[6] in addition to telephone, text and other traditional communication, download and implement virtual and online communication methods for every child to communicate with a non-residential parent, such as Facetime, Zoom, Hangout Meet, Skype, etc.

[7] if communication between co-parents is strained, utilize parenting communication platforms to achieve the COVID-19 containment objectives, such as

Our Family Wizard, so a proper record is maintained and secured of both co-parents' reasonable efforts, flexibility and co-operation;

[8] at a minimum, strictly follow and adhere to any communication requirements in an existing Court order, separation agreement or parenting plan;

[9] discuss and co-ordinate a strategy for discussing the COVID-19 pandemic with the child, including to identify and ease any anxiety, confusion or fear the child may be experiencing;

[10] promptly notify the other co-parent of any changes to a child's health, particularly related to COVID-19 symptoms, and respond to any enquiries by the other co-parent on a prompt and reasonable basis;

[11] if child support is an issue, co-parents should continue the status quo arrangements, unless they can agree, on a reasonable basis, to modify the financial arrangements to reflect changes or modifications to the parenting arrangements – for example, if the parenting is modified temporarily from an equal time sharing arrangement to a child residing only with one co-parent primarily, it may be appropriate to temporarily modify the child support arrangements, subject to the ability of the co-parents to do so, financially; and

[12] other than these emergency, urgent measures undertaken to attempt to contain the virus, co-parents should otherwise follow strictly their existing Court orders, separation agreements and parenting plans, except as agreed otherwise by them to address these extraordinary circumstances.

For any child who may be vulnerable, have pre-existing conditions or compromised immuno-related conditions, co-parents must act immediately, prudently and jointly to protect the child – extraordinary arrangements may be required urgently, at least on a temporary basis. Every co-parent must act reasonably, responsibly and selflessly, to serve the best interests of the child, including emotionally.

If co-parents cannot mutually agree on modifying their parenting arrangements for the well-being and safety of their children, and the community at large, their Court order, separation agreement or parenting plan must govern and be followed. However, in these circumstances, co-parents must jointly, flexibly and co-operatively adjust their child's parenting arrangements to not only protect the child, but themselves, other family members and the public generally.

Co-parents must immediately rise above their past or historical conflict, if any, to protect their child and the community at large – each has a duty to do so, legally and morally.

Unless the safety or well-being of a child is, on a reasonable basis, placed at risk, co-parents must modify and change their parenting arrangements to achieve and comply with the containment measures undertaken by everyone, including social isolation and avoiding leaving home.

While this may be a challenge for some co-parents, it is critical that co-parents work together, flexibly, co-operatively and with a child's best interest being paramount, to adjust parenting during this time of crisis. Every co-parent must do his or her part, like every other person in the community, to ensure that every child is socially isolated, exposed to minimal, if any, risk outside of the home, and is responsibly

parented during this pandemic.

The Superior Court in Central East jurisdiction, like many other jurisdictions, has very limited resources available currently to resolve parenting conflict. While there is limited opportunity to submit motions to the Court, they must be urgent. The Court will also be tremendously strained if facing an influx of motions by co-parents who cannot agree on taking reasonable steps to protect the health and safety of their children and for the benefit of everyone else.

More information about the suspension of the Family Court is here:

<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>.

The local police agencies are already strained and operating at reduced capacity. Involving the police in a co-parenting dispute is a very last resort and must only be undertaken if absolutely necessary. The police should be contacted if the safety or well-being of any child is at risk, but co-parents must act responsibly, reasonably and in accordance with the directions, recommendations and advice by government and healthcare officials, which outline monitoring steps, preventative measures and available resources if COVID-19 exposure is a concern or potentially detected.

If you have a conflict, you could also try to contact and seek the assistance of a family law lawyer, which may also be challenging currently and may not achieve an expedient resolution in times when urgency is a necessity.

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