



## **Family and Child Law Committee Guidelines during Covid-19** *- updated October 2020*

The Family and Child Law Committee of the Law Society issued guidelines in March 2020 to assist practitioners and parents during Covid-19. We have updated these guidelines to address issues which have evolved since then, and reflect the practice directions issued by the Chief Justice and Presidents of the Supreme Court, High Court, Court of Appeal, Circuit Court and District Court. Practitioners will appreciate the following guidelines are intended to constitute best practice guidelines rather than specific client advice:

Update on [ACCESS](#)

Update on [MAINTENANCE](#)

Update on [DOMESTIC VIOLENCE](#)

Update on [CHILD PROTECTION](#)

Update on [ATTENDING COURT SAFELY](#)

Update on [VIRTUAL HEARINGS](#)

**Chair:** Helen Coughlan

**Vice-Chair:** Aidan Reynolds

**Members:** Ailbhe Burke, Deirdre Burke, Eamonn Carroll, Peter Doyle, Lorna Duffy, Clodagh Hopkins, Siún Hurley, Sinead Kearney, Geraldine Keehan, Denise Kirwan, Josepha Madigan, Donagh McGowan, Jennifer O'Brien, Justin Spain, Geoffrey Shannon, Annette Sheehan, Grahame Toomey, Keith Walsh, Susan Webster

**Consultants:** Rosemary Horgan, Joan O'Mahony

**Secretary:** Fergal Mawe

## ACCESS

1. It is important that common sense prevails in relation to access, in the current climate. The best outcome for children is for parents to contact each other to set out their concerns and suggest ideas for practical solutions that can be put in place. The health concerns of parents, their children and the extended family need to be considered when sorting out arrangements.
2. Parents must be vigilant to ensure they communicate positively with each other and make sure that they keep each other updated regarding the health of the child/children and their own health.
3. If there is a Court Order in place, this should be complied with to the greatest degree possible in the circumstances. Children are allowed to move between parents homes for access. Covid -19 cannot be used as an excuse to ignore a court order. Parents are advised to have a copy of the court order with them when travelling for access.
4. If there is no Court Order in place and an arrangement has been working between the parents, this should continue, save in exceptional circumstances.
5. The health and safety of children and family members (especially the elderly, grandparents and those with an underlying medical condition) must be a priority. If one parent is living with his/her parents every effort should be made to ensure the grandparents are not put at risk, even if it means access has to be varied or suspended for the duration of the current health crisis.
6. If a child has a compromised immune system, the health and safety of the child has to take precedence and all measures must be taken to protect the child. The best interests of the child must be the paramount consideration.
7. Parents should both engage in social distancing and abide by the rules concerning non-interaction with third parties, the stay at home direction and be able to give assurances in this regard.
8. If access cannot take place (for any of the reasons set out above) parents should set up a system of liberal contact – Telephone/Zoom/Skype/Facetime/WhatsApp – and allow the children to have extensive contact with the other parent. Parents should take a note of this temporary agreement by text or email. These current restrictions mean that the detail of every access order may not be fully implementable, but the responsibility and expectation of parents is to make every effort to allow children to continue to have access to the other parent.
9. Parents should engage in mediation to resolve difficulties if they are unable to agree access during this time. If mediation is unavailable or unsuccessful, the assistance of solicitors may help in reaching a workable solution.
10. Since 8 May 2020, breaches of access are now deemed urgent and will be heard by the District Court.

Excellent resources are available from <https://onefamily.ie/> and <https://www.treoir.ie/>