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7 Tips for Family Law Practitioners in the Midst of the COVID-19 Pandemic

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With the rapidly spreading COVID-19 pandemic, legal professionals, family therapists, mediators, and parenting coordinators are assisting separated and divorced families who are navigating unprecedented circumstances and frightening uncertainties. Questions and significant dilemmas have rapidly emerged as statistics, information, and increasingly restrictive measures to contain the virus have evolved, sometimes by the hour, even as this article is being written.

To help families avoid becoming infected and spreading the virus, while striving to adhere to court ordered parenting plans—that were written for a context much different from the current one—we offer the following 7 tips:

1. **Provide accurate health and safety information.** Perhaps the single most important way to assist families and children is to ensure that they have access to accurate information about how the virus spreads and effective health and safety protocols. Refer parents to reliable public health websites, information sources, and local resources. Educate parents who are confused, misinformed, or dismissive of the seriousness of the virus. Urge parents to follow recommended guidelines and local restrictions to ensure their own, their children's, and others' safety. Armed with this information, most parents will navigate this difficult time without a great deal of conflict and may even cooperate in ways they never have before.
2. **Help families apply recommended or required safety protocols.** Discuss with parents how to specifically apply public health information to their particular family situation. Help translate general advice, such as “social distancing,” into behaviorally specific actions, such as no play dates, dining out, social gatherings, or unnecessary travel until restrictions are reduced or have ended. Remind parents that what one parent does or doesn't do in their household can endanger the members of the other household, as well as those outside of the household. That said, help parents accept that the safety measures in their home may not be identical to the practices in the other home, and that does not necessarily mean that the other home is not safe; circumstances in the two homes may be different, and therefore safety measures may be different. Encourage parents to help their children understand and accept

these differences, and help parents come up with creative solutions to emerging issues. Help parents plan for childcare, should one of them or their children become ill with the virus.

3. **Foster good parenting.** Remind parents of the importance of maintaining high-quality parenting. Warmth and patience may run low as pressures mount, but children especially need their parents' emotional understanding and support in difficult and frightening times. Remind parents to monitor and regulate their own emotional states and avoid over-exposing their children to their fears and anxieties. Many children and teens are dealing with losses and disappointments related to cancellations of important events which may feel monumental to them. Limitations on social interaction and changes in routines may also be challenging for children. They also may experience fear of the virus and uncertainty about the future. Check in with them about what they are hearing and feeling, and provide age-appropriate, accurate information. Validate their feelings, while helping them put their losses in perspective, and help them employ coping skills to foster resiliency. Urge parents to limit their children's exposure to news coverage of the pandemic and to develop some structure for daily life, including routine for schooling, exercise, chores, play time, safe socializing, outdoor time, and screen time.
4. **Stick to the parenting plan, if possible.** Help parents adhere to their parenting plans. Remind them that court orders stand unless they mutually agree to changes. If parenting plan adjustments are necessary, such as video contact in lieu of in-person time, assist parents in reaching mutual agreements and put those agreements in writing. If a parent's parenting time is paused, specify for how long and the ways in which the children will keep in touch with that parent, such as calls, texts, video, online games, reading over video, and so forth. If a parent has safety concerns about the children spending time in the other home, it may help to specify safety measures that will be practiced in each home. If that is not workable, help the parent who has the safety concerns to accept that the other parent is responsible for the children's safety during their parenting time. If a parent's safety concerns are serious enough, they may seek an emergency order and/or contact child protection agencies if there is reasonable suspicion of child abuse/neglect. Remind both parents that their decisions and actions during this time may be judged later by a judicial officer or child custody evaluator.
5. **In the event of parental conflict, consider ADR.** Attorneys are often the first responders when conflicts arise between coparents and may be able to resolve the issues quickly and reach stipulations. If more intervention is needed, encourage parents to consider alternative dispute resolution processes. Many courts are not available, except for emergencies. Mediators, family therapists, parenting coordinators, and out-of-court decision-makers can assist with resolving parental conflicts.
6. **Encourage parents to take care of themselves.** Talk to parents about the importance of maintaining not only their physical health, but their mental health. Things may get worse before they get better. Refer parents to mental health professionals or other support people who can help them learn skills and strategies to take care of themselves and model resiliency for their children. They may even include their children in the healthy practices they learn. This is critically important for parents who may be prone to anxiety, depression or other mental health conditions. There are also innovative resources available online.

7. **Empathize with distressed parents and be a leader.** Many divorced and separated parents are in extremely tough family situations and need support, empathy, and leadership from the professionals with whom they work. They may be in a non-cooperative, strained coparent relationship that creates tremendous anxiety about their ability to protect their own health and that of their family members, and minimizes their sense of self-determination. Listen, have patience, and empathize with the fears and risks this pandemic brings for them. Assist parents in reaching resolutions that are consistent with public health recommendations to protect the health of all family members. Do it sooner than later. Send the message that during a pandemic there are things we all must do, sacrifices we all must make, for our own and others' safety. The adjustments are temporary.

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