

Parenting arrangements and public health guidelines

What COVID-19 means for you and your children

This factsheet will help parents work through what public health guidelines around COVID-19 mean for their children and parenting arrangements.

What do I need to know ?

Parents need to know that:

- if you have court orders, or a parenting plan, you must continue to follow them unless you have a reasonable excuse not to
- everyone must follow public health guidelines
- in most cases, parenting arrangements can continue, even with current restrictions
- you should try to work through any changes with the other parent and come up with an agreement, if that is safe, and
- all decisions and arrangements made should remain completely child-focused.

Do court orders and parenting plans continue to apply?

If you have court orders about parenting, or a parenting plan, you should follow them unless you have a 'reasonable excuse' not to.

A reasonable excuse could include a health professional directing you and the children to go into isolation or quarantine, or travel being banned.

If orders can't be followed, you should try to follow the spirit of the orders and make sure that any alternative arrangements are in the best interests of your children.

If you fail to follow parenting orders and do not have a reasonable excuse, the other parent can take you to court. The court can make orders, such as make-up time, and give penalties. The type of penalty would depend on how serious it is.

What if I am finding it hard to follow the court order or agreement?

Things might happen during the COVID-19 pandemic that make it very hard to follow the orders. For example, a child might have to go into self-isolation or the orders might be about pickups from school, and schools could be temporarily closed.

If it is safe to do so, you should talk to the other parent to try to find solutions that are safe and will work for everyone, including the children.

If you or your children have been asked to quarantine or self-isolate, you should:

- give the children's other parent the instructions provided to you as soon as you can
- get medical advice in writing to send to the other parent as soon as you can or ask the doctor to speak to the other parent over the phone
- make sure the other parent can contact the children another way eg by phone or video chat
- try to work out how the children can have make-up time with the other parent once you are out of isolation or quarantine, and
- tell the other parent when you expect the period of self-isolation to end.

Helpful tip: contact the other parent by text message or email so you have a written record of the information you gave the other parent and agreements for the children.

If the other parent needs to self-isolate, and the children are with you, the children should remain with you for as long as the other parent remains in self-isolation.

You should:

- try to be as flexible and reasonable as possible when making new arrangements.
- try to help children maintain contact with their other family members by phone, video or FaceTime chats or email, during any period of self-isolation.
- consider arranging "make-up time" for when the period of self-isolation is over.

Can parenting arrangements continue with parents living in places with different restrictions?

In most cases, parenting arrangements can continue, even with restrictions.

Government laws and guidelines can change quickly, so it is a good idea to check for up-to-date information. Visit the Queensland Government website (<https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19>) and the Australian government website for information about coronavirus for all states and territories (<https://www.healthdirect.gov.au/coronavirus-covid-19-information-by-state-and-territory>).

Do I need to go to court to change the orders?

If you need to temporarily change your court orders and you are able to reach an agreement with the other parent about how to do this, you don't need to go to court to have the orders changed.

You should contact the other parent by text message or email so that you have a written record of your agreement. Keep a copy of any important documents like doctor's letters.

What if we can't agree about what should happen?

Parents are usually encouraged to try to work things out with help from a family dispute resolution service or counsellor if needed.

If you can't reach agreement, or if it is not safe for you to communicate with the other parent, you can apply to a court to make a decision about arrangements for the children. The Family Court and Federal Circuit Court have changed the way they work to reduce the risk of spreading coronavirus at court. Many services are being offered remotely, by phone or video conferencing. See the Family Court website or Federal Circuit Court website for updates.

More information

Links to other LAQ information pages:

[ten tips for separated parents during COVID-19 page](#)

Relationships and children

<http://www.legalaid.qld.gov.au/Find-legal-information/Relationships-and-children>

Family Court and Federal Circuit Court:

- **COVID-19 FAQs**
<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/covid/covid-faq/parenting-faq>
- **information on border restrictions**
<http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/covid/covid-parents/covid-info-borders>
- **urgent applications due to COVID-19**
<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/covid/covid-list/national-covid-list>

Further help

If you are still unsure about your situation, you can get legal help and referrals from:

- **Legal Aid Queensland** 1300 65 11 88
- **Family Relationships Advice Line** 1800 050 321
- **your closest Community Legal Centre**
<https://communitylegalqld.org.au/>
- **a private lawyer**
<https://services.qls.com.au/Web/FindLegalServices/OnlineReferral.aspx>

Other services that can help

DV lines

- <https://www.1800respect.org.au/> 1800 737 732
- <https://www.dvconnect.org/> 180 0811 811
- <https://bdvs.org.au/> 07 3217 2544

Lifeline

- <https://www.lifeline.org.au/> 13 11 14

Parentline

- <https://parentline.com.au/> 1300 301 300

This factsheet has been adapted for our clients from content developed by the Victorian and New South Wales Legal Aid Commissions.

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INALA

Level 1, Inala Commonwealth
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IPSWICH

Level 7, 117 Brisbane St, 4305

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MAROOCHYDORE

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MOUNT ISA

6 Miles St, 4825

ROCKHAMPTON

Ground Floor, 35 Fitzroy St, 4700

SOUTHPORT

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TOOWOOMBA

1st Floor, 154 Hume St, 4350

TOWNSVILLE

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WOODRIDGE

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**For more information
about our services visit
legalaid.qld.gov.au**

or phone 1300 65 11 88
or 1300 650 143 (Indigenous Hotline)

