

Guidelines for Access during Covid-19

The following guidelines are to assist parents and practitioners in relation to access, in light of the restrictions brought in to tackle Covid-19.

These guidelines have their legal basis in Regulations* made by the Minister for Health and which came into effect on Wednesday 8 April, and reflect the position set out by the Minister of Justice and Equality, Minister Charlie Flanagan on 4 April, and endorse the practice direction of the President of the District Court, on 27 March.

1. Court Orders in relation to access remain in place and 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.
2. If there is no Court Order in place and an arrangement has been working between parents, this should continue, save in exceptional circumstances.
3. 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.
4. Even if there is a Court Order in place, parents can come to their own arrangements for additional or alternative remote contact, such as telephone/Skype/Facetime/WhatsApp, to allow children to have extensive contact with the other parent. Parents should make 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 in a safe, alternative way.
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.
6. Access with parents working in frontline services should continue as normal, except in exceptional circumstances. These parents will, of course, have received advice from their places of work in relation to contact with their families. This advice should be shared with the other parent and respected by all.
7. 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.
8. Parents should both engage in social distancing, abide by the rules concerning non-interaction with third parties, and the stay at home direction, and be able to give clear assurances in this regard.
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 achieving a temporary agreement.

10. The Courts are still dealing with urgent cases involving domestic violence and vulnerable people. Applications for breach of access are not generally considered to be urgent, but there may be exceptional cases and your solicitor will advise you in this regard.
11. Additionally, the Practice Direction of the President of the District Court of 16 March, 2020, states that a case which does not come into the defined urgent category can be treated as urgent if a good case can be made. If you have a solicitor, you should contact him/her. If not, or if you cannot contact your solicitor, you can email your court office setting out the reasons why the case should be considered urgent. You, or your solicitor, should email the other side to let them know you have applied and they must be given a chance to set out their position. You will be notified of the Court's decision by email.
12. Contact details for offices are available on <https://beta.courts.ie/content/find-us>

This guidance has been prepared by family law practitioners and endorsed by the Family and Child Law Committee of the Law Society, the Family Lawyers Association and the Bar Council.

Practitioners will appreciate the guidelines are intended to constitute best practice guidelines rather than specific client advice.

Wednesday 8 April 2020

*[Health Act 1947 \(Section 31A - Temporary Restrictions\) \(Covid-19\) Regulations 2020](#)