

**Research Centre for Children and Families** 

# Virtual Visitation for Separated Families

Research to Practice

#### INTRODUCTION

This Research to Practice note provides a brief overview of the key challenges and benefits in using technology to facilitate children's contact with a parent or other relatives in separated families, and contact between children living in residential, foster or kinship care and their birth relatives. The purpose is to summarise research findings and evidence-informed practices for including technological solutions in keeping children connected to their parents or other significant family members when they live apart.

Virtual visitation, otherwise known as 'virtual parenting time', refers to the use of online or electronic communication to facilitate contact between children and their parent or other family members that they no longer live with.<sup>1,2</sup> For some time, family courts have considered the use of virtual visitation to facilitate contact between parents and their children, particularly in the context of contested relocation cases.<sup>3, 4, 5, 6</sup> In Australia, virtual visitation has been incorporated both into the jurisprudence (see M v S; Height v Rhett)<sup>7</sup> and in legislation relating to virtual access.<sup>8</sup> In 2006, the Family Law Amendment (Shared Parental Responsibility) Act 2006 amended the Family Law Act 1975 to broaden the meaning of communication between parent and child within a parenting plan to include 'communication by letter and telephone, email or any other electronic means' (\$23C(2)).

Children in out-of-home care, or who are adopted from care in Australia, typically have court-approved contact plans to see parents and siblings during scheduled face-to-face visits. Under restrictions to prevent the spread of COVID-19, caseworkers are currently experimenting with virtual contact arrangements. Recent research suggests that the pandemic is highlighting some advantages of using technology for contact to maintain vital relationships between children in out-of-home care and their birth families, during 'lockdown' and beyond.9 Keeping children connected with their parents and other family members following parental separation, or after entry to out-of-home-care, has some similarities, some differences and some parallel issues.

This research to practice note reviews the literature on virtual visitation in the family court system in the context of separated families and between children in statutory out-of-home care and their birth relatives.

#### **Recommendations**

- Develop a contact plan that caters for virtual and face-to-face visits.
- Use virtual visits to address distance issues, for example, to avoid peak travel times or enhance the duration of visits.
- Establish the level of assistance required by parents and children to maintain virtual contact.
- Have clear boundaries about the activities that are permitted during virtual visits.
- Be prepared for events or circumstances that may disrupt visits.
- 6. Allow for changes in parents' and children's schedules.
- Consider the developmental, emotional and cognitive needs of individual children when establishing a virtual visitation plan.
- Adapt plans to children's needs as they mature.
- Explore the use of digital platforms as a means for planning and sharing information.
- Seek assistance from mediation services if support is needed to resolve conflicts.
- Virtual visits may not be appropriate in high-conflict situations, where there is known or suspected domestic violence in a family.

While the courts have to some extent embraced the potential for virtual visitation to enhance parent-child contact, support has not been universal. In most cases, virtual visitation has been included in parenting plans as a supplement, not an alternative, to face-to-face visits.<sup>1,7</sup>



Ultimately, the use of technologies can enable a parent who is not living with the child to play a greater role in their child's day-to-day life.<sup>29</sup>

### Research findings

Research on the experiences and impacts of virtual visitation on the parent-child or other relative-child relationship is limited. <sup>10,11,12</sup> There have been a few studies on in the context of divorce and findings have been mixed. <sup>13</sup> There is also some research examining virtual parent-child contact in the context of military families, incarcerated parent(s), separation due to work commitments or due to a child attending university. Overall, findings support the use of online technologies to maintain parent-child contact in these contexts. <sup>14, 15, 16, 17</sup> However, positive aspects were most evident where there was a pre-existing positive relationship between parents and children that can be maintained virtually. <sup>19, 20, 21, 22, 23, 24</sup> This suggests that virtual visitation does not per se improve an already strained relationship. <sup>25</sup> Put simply, the implications of virtual visitation or digital contact for the child-parent relationship and for the child's wellbeing are not static and can be either positive or negative.

# Maintaining relationships over distance

Parenting plans and children's time with their parents become more complicated and difficult when one parent moves some distance away from the other following parental separation.<sup>24, 25, 26, 27</sup> Similarly, physical distance between a child in out-of-home care or with a placement family and their birth family can make contact between children and their birth family difficult and irregular.

Physical distance between birth relatives and children in care and long-distance co-parenting arrangements require a range of solutions that take into account a child's developmental and attachment needs and that sustain the parent-child relationship during periods where physical contact is infrequent or irregular.<sup>28</sup>

For both children in separated families and children in care, digital contact can offer a way to sustain regular and informal connection with family members when face-to-face time is restricted.

### Benefits of virtual visits

The advantages of virtual contact are that parents or other family members can achieve a semblance of 'face time' with children in circumstances where they would otherwise be unable to see them. <sup>30, 31, 32, 33, 34</sup> Additionally, incorporating virtual visitation into a parenting plan can provide consistent and regular levels of interaction that would otherwise not be possible; for example, where a parent's or relative's ability to interact with their child on weeknights is restricted due to work, distance or school constraints, virtual contact offers another option. <sup>35</sup> Digital communication can help parents keep up with their child's day-to-day lives.

Positive experiences have also been documented for digital contact between children in out-of-home care, or adopted children, and their birth families. For example, digital contact for these children can facilitate better relationships<sup>38, 39, 40</sup> by offering a way to stay in touch,<sup>41</sup> reducing feelings of isolation and increasing connectedness with birth family members,<sup>42</sup> and promoting family bonding.<sup>43</sup> Some studies have pointed to the lack of formality in online communication or digital contact as helping to foster a more organic connection between child and birth family<sup>44, 45, 46</sup>; the immediacy afforded by digital contact was particularly valued by young people.<sup>47</sup>

# **Technology requirements**

The cost of virtual visitation is relatively low for parents and carers, with many of the relevant programs available for free. For example, Skype is free and simple for young children to learn to use.<sup>36</sup> There are, however, hardware requirements — a computer/ laptop with a webcam, or a tablet, as well as the need for reliable internet service or phone with a data plan. While computers are now more affordable, technologies are by no means universally available or accessible. Rural areas may lack high-speed internet services and low-income families may not have the financial means to purchase computers or smartphones.<sup>37</sup> Digital poverty or inexperience with technology can be a barrier to successful digital contact for carers, birth relatives and separated parents.

# Tailored solutions for technologically-literate youth

Online communication can be well-suited to the current generation of children and young people, who are sometimes referred to as 'digital natives' to signify their comfort with technology.<sup>40</sup> Virtual communication such as FaceTime and similar 'face-to-face' modes of online communication are often the primary means by which they interact with peers and broader social networks. Consequently, virtual contact can be a relatively nonthreatening and familiar means of communication that is sensitive to the child's needs and skillset.<sup>41</sup>

For children in out-of-home care or adopted children, studies exploring the implications of digital contact with birth families have reported high levels of satisfaction among young people.<sup>53, 54, 55</sup> Specifically, digital contact affords greater control and freedoms to youth who maintain online contact with birth relatives.<sup>56, 57, 58</sup> One study pointed to youths using technology to manage unwanted contact with birth relatives by making use of the screening and blocking functionality on online social media platforms.<sup>59</sup>

Additionally, research shows that digital contact and online communication between children in care and birth families can help children's sense of self,<sup>60</sup> and key skills such as time management, organisational and social skills.<sup>61</sup>

#### **CONSIDERATIONS FOR VIRTUAL CONTACT**

#### Parent relationships

There are key differences between the family dynamics for children in out-of-home care, or who have been adopted, and children whose parents are separated or divorced. For children in out-of-home care, there is a higher likelihood of previous abuse or neglect with a birth parent or family member, and there may be tensions between birth families and the placement families. Both of these factors can complicate contact and impact the child's placement stability and relationships with both birth and placement family members. Moreover, while research suggests that digital contact can benefit a relationship between child and birth parent or family member, there is limited research exploring the impacts of digital contact for children's relationships with their placement families. One study examining digital contact between children in care and birth parents via social media and mobile technologies suggested that the continuous nature of online or mobile communication can undermine placement stability. 63

The ways in which children can have meaningful virtual contact with parents and family members are constantly expanding with advances in technology.<sup>38</sup> For example, the potential to live-stream an important event such as a recital or sporting game can mean that parents are able to attend these events remotely when distance prevents their physical attendance.<sup>39</sup>

#### E-Safety for children

Talk regularly with children about important e-safety topics to build understanding and confidence. Have regular conversations with children about how they can protect their privacy online, avoid strangers, malware and suspicious links, block and report other users, and manage online bullying.

It is important to tell children to notify you immediately if a stranger approaches them, if a family member tries to start a conversation about something inappropriate, or if they experience any cyberbullying.

Programs such as Our Family Wizard and similar software programs can assist in difficult cases.<sup>75</sup> These programs provide a means by which to share schedules and calendars, exchange information and record important notes on doctor visits, playdates and other activities, and track child-related expenses.<sup>76</sup>

Ideally, a parenting plan involving virtual visitations will schedule visits with consideration for the child's age, personality, cognitive and developmental skills and coping or resilience style.<sup>52</sup>

#### Online games

The potential for playing interactive games online and for sharing documents, pictures and messages, means that parents can also take part in and keep updated on the daily activities and routines of their child's life.<sup>53, 54</sup>

This kind of continuous and regular involvement can be critical. For example, a body of research suggests positive correlation between parental involvement in their child's homework and outcomes such as academic achievement and attitude towards homework and learning. 55, 56

For children whose parents have separated or divorced, there may be issues of parental hostility or conflict. As with other forms of contact, virtual contact generally works best with separated parents who have cooperative co-parenting relationships. It may help where there are conflictual relationships — but some parents may seek to exploit the technology to advance conflict; for example, by unnecessarily interfering with virtual visitation times with the other parent or using virtual visits to gather information about the other parent.<sup>64,65</sup> Consequently, virtual visits may be less appropriate where conflict exists. In high-conflict circumstances, it may be necessary to engage mediation or parenting coordination services to facilitate ongoing support.<sup>66,67</sup>

Ultimately, virtual visitation works best when all parties are committed to the arrangement and scheduling meets their needs.<sup>68, 69</sup> Ideally, virtual visits should be scheduled for a time when children and their family members are relaxed, have sufficient free time, and are not tired.

# Children's age and development

For children of all ages, virtual visits can be more demanding if it requires children to remain fully engaged; face-to-face contact does not necessarily require children to be constantly attentive to the other person.<sup>71</sup> The appropriateness of different kinds of digital contact or virtual visits therefore needs to be sensitive to the age and developmental stage of the child.<sup>72,73</sup>

Virtual contact may work better for adolescents than for younger children.<sup>74</sup> Teens tend to be comfortable using online communication and are more likely to find virtual contact a natural means of maintaining a relationship with a parent or relative they are not currently living with. They may also feel more in control of the contact, and more confident to engage in conversations they might otherwise feel unable to discuss.<sup>46</sup>

For younger children, scheduling frequent virtual visits so that such contact is predictable and regular will help maintain attachment between a parent and child. However, the duration of virtual visits will need to be sensitive to the child's focus and attention span.<sup>47, 48</sup> Screen sharing can enable a parent to watch their child's favourite video or play an interactive game with them, which may be more engaging and less demanding for younger children.<sup>49</sup>

Infants and younger children need more consistency, stability and predictability in their contact with both parents than older children.<sup>50</sup> Virtual visits involving infants and toddlers can allow the parent to observe the child's development and provide the child with additional auditory and visual stimulation.<sup>51</sup> Scheduling virtual visits for young children will have to be agreed by both parents, be shorter, and more flexible to accommodate the child's daily routines.

Most studies do not report children's views about their preferred form of virtual communication and the impacts on their sense of self, wellbeing and relationships.<sup>81</sup> It is important to gain an understanding of children and young people's views as their perspectives on virtual communication are likely to differ significantly from adults'.<sup>82</sup>

#### Children with special needs

Children with special needs often require specialised parenting approaches and high levels of supervision as well as supports from educational, mental health and medical professionals.<sup>57</sup> Parental separation can complicate provision of care for special needs children, especially where financial resources are stretched and the parents disagree on treatment or support approaches for their child.<sup>58, 59</sup>

For many of these children, conventional parenting plans based on the developmental stage of the child may not be appropriate taking the child's behaviours and treatment needs into account. For example, the need for a consistent routine and stable residence may outweigh the need for a parenting schedule that maximises time with parents they do not live with.<sup>60</sup> Since some children may have difficulty tolerating lengthy travel time on a regular basis in a face-to-face visits,<sup>61</sup> virtual visits tailored to the child's age, developmental capacity, temperament, and support needs may be able to augment less frequent face-to-face visits.

#### BARRIERS TO VIRTUAL VISITS

Several potential pitfalls arise in relation to 'virtual visits'. First, where there is conflict between parents/carers or attempts to interfere with each other's time during virtual visits, virtual visits can sustain or exacerbate parental conflict, strain parent-child relationships, and adversely affect children's emotional wellbeing. 93 Second, if a child spends too much time in virtual interaction with a parent, this may limit the time available for the alternate carer/parent. 62

Third, questions have been raised about the appropriateness of virtual visitation for younger children because they require very regular and meaningful contact with parents to sustain the parent-child attachment.<sup>63,64,65</sup>

Fourth, when the parent and child are in different time zones, it may be difficult to find a time that suits the sleep times for both the parent and the child so synchronous online communication may not be practical.<sup>66</sup>

# Virtual contact does not replace face-to-face

The quality of contact is consistently found to be more important for relationship quality than its medium or frequency<sup>99</sup>; time with family members needs to be meaningful to be in the best interests of children.<sup>100</sup> Findings from a body of research continue to emphasise the importance of both parents being involved in the lives of their children.<sup>68</sup>

It is widely accepted that virtual contact should not replace physical contact between parents or other family members and children.<sup>69,70,71</sup> Virtual visitation should be treated as an enhancement to face-to-face time between parent and child but nothing more. Parenting plans should not be structured on the assumption that virtual visitation can be a substitute for personal interaction between parent and child.<sup>71</sup>

For some children in care, virtual contact is reportedly a poor substitute for face-to-face contact, 103, 104 and a source of dissatisfaction. 102 Studies examining the experiences of young people in care maintaining virtual contact with birth families reported that both parents and children lamented the loss of physical closeness. 109

Courts have recognised the potential detrimental impact of virtual visitation on the quality of contact between both parents and children, especially in cases where the relationship between the child and that parent is not strong.<sup>72,73</sup> Virtual contact with a parent may embed a routine in which that parent no longer maintains a physical presence in their child's everyday life.<sup>74</sup>

Virtual contact may be more difficult with pre-school children and those with limited attention spans. Questions have been raised about the appropriateness of virtual visitation for younger children because they require very regular and meaningful contact with both parents to sustain the parent-child attachment. 95, 96, 97

#### PRACTICE IMPLICATIONS FOR VIRTUAL CONTACT

Practice recommendations are confined to situations where virtual visits between children and non-resident or birth parents can be supported by caseworkers. For high-conflict situations, where there is known or suspected domestic violence in a family, or a need to undertake a safety and risk assessment of a child at risk of significant harm, virtual visits may not be appropriate and professional mediation is required to support and oversee any contact between family members and children.

# Addressing privacy and conflict

The limited evidence from the family law context with divorced/separated parents highlights how issues between the adults affects virtual contact. One review concluded that digital contact can help children maintain relationships with a non-residential parent while avoiding conflict between the parents.<sup>77</sup> In a recent small study with parents and children from divorced families, affected by the Covid-9 lockdown, all spoke positively about using technology to stay connected.<sup>78</sup> However, the children discussed the difficulty in maintaining the privacy of each parent and avoiding further conflict between parents where privacy was breached.<sup>79</sup>

Foster parents and adoptive parents have also reported concerns relating to a lack of control over the type of information purposefully or accidentally shared via virtual contact. 118 For example, there is a risk of social media, video calls or digital technology revealing protected information relating to placement location, phone numbers or identifying details to a birth relative. Also, as with any unregulated mobile phone or internet use, there may be a risk of sexual or criminal exploitation for children and young people. 119

# Managing potential risks to safety and well-being

Virtual contact may be recommended in cases where there are safety concerns. Wolman and Pomerance (2012) suggested that digital contact can maintain relationships where in-person visits are not recommended, due to the risk of harm.<sup>80</sup> Similarly, virtual contact can be seen as a less threatening mode of contact for children in care who perceive a threat of physical harm from birth relatives or who do not want to engage in face-to-face contact due to conflict.<sup>121,122</sup>

Saini et al pointed out that children may still be at risk of verbal and emotional abuse, particularly if contact is informal and unsupervised.<sup>81</sup> When virtual contact with birth relatives is unexpected or unplanned, adopted children and young people have reported feeling unprepared and emotionally challenged by the encounter.<sup>124</sup> Also, it is important to weigh the risks that already exist in a family home or between family members, the potential benefits of virtual contact, and the importance of face-to-face contact in each individual case. Where there is a history of domestic violence, high levels of conflict between separating parents or between birth parents and foster carers, or a child who needs support from an adult to feel safe during virtual visits, professional mediation is needed to oversee and manage a virtual visit, and to safeguard the safety and wellbeing of the child.

Maintaining connections between birth parent(s) and their child in out-of-home care is important for the child's development and wellbeing. 85 However, face-to-face contact between birth parents and their child can prove stressful 86, 87 and logistically difficult. Virtual visits can augment face-to-face time to enable more consistent 'visits' and regular contact between birth parent and child.

Given that less adult organisation and supervision would be required to set-up a virtual visit time and space, the child's preferences regarding frequency of visits could be prioritised.

For children in care who have experienced maltreatment, there are additional considerations about bringing contact into the carer's home, which may be considered a separate and safe space. 131 Professional support to determine the appropriateness or not of digital contact in these circumstances, and to manage expectations surrounding rules of engagement during digital contact is critical. 132

# Setting boundaries and discussing expectations

A recent review by lyer and colleagues recommends that the adults must set appropriate boundaries and clear expectations for virtual contact so that children can enjoy the experience without the burden of self-protection. As part of these open discussions, it is important to consider the needs of all parties for support, in terms of technology as well as the complex needs of parents and other family members. For example, some studies have highlighted tensions and the difficulties caregivers can face when setting boundaries to regulate the child's smartphone use. 129, 130

While regulating technology use among children and young people may be difficult, it is important to safeguard the wellbeing of children in care and avoid inappropriate use such as late-night use. Carers, birth families and resident/non-resident parents may need support to assist in establishing appropriate forms of digital contact and setting and managing boundaries for contact.

The evidence suggests that virtual contact can facilitate contact during transitional phases where distance or other circumstance preclude frequent direct contact but should not be relied upon as a replacement to face-to-face time.

#### CONCLUSION

Further research is needed to explore the risks and impacts of virtual visitation and contact between children and parents in the context of family law separations and children in care. Further research is also needed that evaluates the usefulness and impacts of virtual visitations in maintaining relationships between birth families and carers and adoptive parents. Given the intended benefits are for the child's wellbeing and development, there is a lack of research to demonstrate how these mediums of contact, and contact more generally, plays out over time for children in different contexts.<sup>134</sup>

A new report by Neil, Copson and Sorensen (2020) on contact during COVID-19 lockdown explored how children in care or who have left care for adoption have experienced the rapid transition to virtual contact with their relatives, with perspectives from birth parents, adoptive parents, guardians, kinship and foster carers, and professionals.<sup>84</sup> They conclude that virtual contact is likely to continue in the future and highlight implications for practice.

Virtual visitation can facilitate regular contact between parents or relatives and children when circumstances prevent frequent face-to-face visits. However, contact in the form of virtual visitation cannot replace meeting in person and has some drawbacks. In circumstances where there is known or suspected domestic violence, high levels of conflict between separated parents or carers and birth relatives, or a child at risk of significant harm, virtual visits may not be appropriate and professional mediation or parental coordination is required to oversee and facilitate any contact. When determining whether virtual contact is a suitable and feasible option, it is important to take into account the quality of the parent-child relationship, the level of conflict between adults, the child's developmental age and other needs, the distance between the parents' homes, and accessibility of technology and internet services.

The Family Law Council of Australia has stressed the importance of using virtual visitation to augment physical visitation rather than as a substitute for it, suggesting that virtual visitation 'is not sufficient for the child to maintain a meaningful relationship with a parent who lives elsewhere at some distance'.133



## **Tip Sheets**

The Research Centre for Children and Families has developed a series of tip sheets to support practice during these challenging times. The tip sheets cover innovative and practical solutions to support children and families to remain connected, including the use of technology-assisted visits and are available on the research centre's website:

- Family Time tips for using video chats
- Family Time from a distance, without technology
- Conversation starters
- Online social video games

#### Available at:

https://www.sydney.edu.au/arts/our-research/centres-institutes-and-groups/research-centre-for-children-and-families.html

Links to other relevant studies:

Iyer, P., Albakri, M., Burridge, H., Mayer, M. and Gill, V. (2020). The effects of digital contact on children's wellbeing: evidence from public and private law contexts. Rapid evidence review. London: Nuffield Family Justice Observatory.

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#### For more information

Research Centre for Children and Families

e rccf.research@sydney.edu.au

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