



POST-SEPARATION PARENT-CHILD VIRTUAL CONTACT: OPPORTUNITIES AND CHALLENGES

Research Summary
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INTRODUCTION AND RESEARCH OVERVIEW

Contact between non-resident parents and their children after parental separation and divorce is generally considered important for children's well-being and adjustment to their family transition. The importance of a child maintaining a relationship with both their parents is also recognised as a principle relating to a child's welfare and best interests in the Care of Children Act (COCA) 2004.¹ Parenting plans, and parenting orders under COCA, are often used to set out the day-to-day care and contact arrangements for children whose parents have separated in order for children to maintain a relationship with each of their parents. Contact may be direct (face to face) or indirect. Virtual contact refers to indirect, non-face-to-face contact between a non-resident parent and their child(ren) using electronic, digital or online communication. In recent years there has been an exponential increase in information and communication technologies (ICT) – technology and devices (such as computers, smartphones, software, applications) that allow information to be transmitted, received and exchanged in digital form. Such technologies facilitate communication and information exchange and allow people to interact and maintain social connections electronically. This has meant that in addition to traditional forms of indirect contact such as texts, letters, phone calls and emails, virtual parent-child contact can now involve a widening variety of new media: video conferencing software such as Zoom, Skype or FaceTime; social media platforms such as Facebook, Instagram, Snapchat, and WhatsApp to exchange text, images or voice data; or online games that parents can play with their children. In Aotearoa New Zealand, however, while distinguishing between direct and indirect contact, the Care of Children Act 2004 only refers to letters, telephone calls, or email as examples of indirect contact² making no reference to other more contemporary types of electronic communication.

Despite legal commentary about virtual contact, changes to international legislation to accommodate its use, and an increase in families' use of virtual communication, particularly in the context of relocation disputes, very little empirical research has been undertaken on this topic, internationally or within Aotearoa New Zealand. Furthermore, much of the research that does exist is somewhat dated, narrowly focused on telephone contact or older technology, small scale, or predates the COVID-19 pandemic, a period during which the use of ICT became more widespread for education and communication purposes. Children and young people's familiarity and ease with digital devices, social media, and electronic communication has also increased dramatically since much of this work has been conducted. New research about post-separation virtual contact, particularly from a New Zealand perspective, is therefore needed. This research addressed this need and aimed to understand the opportunities, benefits, challenges, and risks of virtual contact and barriers to its use from multiple perspectives. Overall, the goal was to add to the evidence base about the use of virtual contact in Aotearoa New Zealand and provide families and family justice professionals with up-to-date information about how parent-child relationships can be successfully and safely facilitated and maintained after parental separation through the use of electronic/digital modes of communication.

In 2023, the Michael and Suzanne Borrin Foundation generously funded this research, which involved examining virtual contact from multiple perspectives, methods, and data sources:

1. **A literature review** – of relevant socio-legal and social science research and grey literature on the topic of indirect parent-child contact. In addition to the very small body of empirical research about post-separation virtual contact, research about mediated family communication in contexts such as transnational and immigrant families, adopted or foster children's contact with birth parents, parents working

¹ s 5e.
² s 48(3)(a).



or travelling in other locations, military families, and parental incarceration was reviewed.

2. **A case law analysis** – of 70 recent published and available New Zealand Family Court ($n=53$) or High Court ($n=17$) decisions in the last seven years (2017–2023) relating to post-separation care and contact arrangements (including relocation) under the Care of Children Act 2004 that made mention of virtual contact.
3. **Consultation with key stakeholders in the family justice sector** – with 17 individuals including family lawyers, Lawyers for the Child, supervised contact providers, Family Court specialist report writers and representatives from the Family Law Section of the NZ Law Society, the Ministry of Justice, Netsafe, Family Dispute Resolution providers, and Our Family Wizard.
4. **A nationwide online survey of family justice professionals** – 134 family justice professionals including: family lawyers; Lawyers for the Child; Community Law Centre staff and volunteers; Family Dispute Resolution providers/mediators; Child's Voice Practitioners/Child Inclusion Specialists/Voice of Child Specialists;³ supervised contact providers; Parenting Through Separation providers; Family Court counsellors; Kaiārahi – Family Court navigators; psychologists; Family Court specialist report writers; social workers; and Family Court judges. Almost half (49%) were legal or judicial professionals, with nearly a quarter (23%) involved in Family Dispute Resolution. The online survey asked professionals about the use of virtual contact amongst the families/whānau they worked with, and about their own perspectives on the benefits, challenges and risks of virtual contact and any barriers to its use.

The findings from these four research strands showed a high degree of consistency, with very similar themes and issues emerging relating to post-separation virtual contact.⁴

POST-SEPARATION VIRTUAL CONTACT IN AOTEAROA NEW ZEALAND

The use of virtual contact amongst separated families in Aotearoa New Zealand was evident from the case law analysis, key stakeholder consultations, survey of family justice professionals, and two studies conducted in New Zealand. The majority (70%) of the family justice professionals surveyed thought the use of parent-child contact after parental separation had increased in the last five years. Almost all (93%) the professionals 'sometimes' or 'often' advised the family members they worked with about virtual contact, with over half (55%) doing so 'often'. Nearly two-thirds (62%) estimated that more than half the families they worked with used some form of virtual contact. All of the Family Court judges who completed the survey ($n=11$) reported including provisions for virtual contact in parenting orders 'sometimes' (60%) or 'often' (40%). The case law analysis similarly revealed families and judges were considering and/or making provision for virtual contact orders in parenting orders and parenting plans. Reported reasons for the use of virtual contact most often related to geographical distance between parents and their children and to supplement regular face-to-face direct contact. Three-quarters of the family justice professionals also worked with clients who used virtual contact for parent-child contact in contexts other than parental separation, such as supervised contact (66%) and children in out-of-home care (50%).

Video calling (e.g., via Skype, Zoom, FaceTime) was by far the most commonly reported communication mode for virtual contact used by families or included in parenting orders, but phone calls and text messaging via mobile phone or social media were also commonly used (see table below).

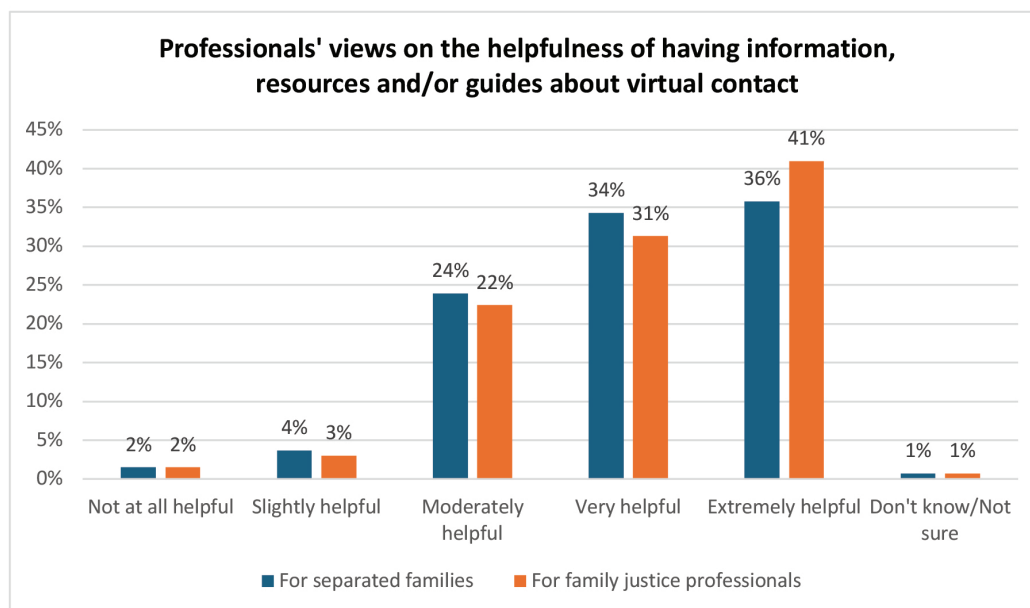
Family justice professionals were familiar with digital forms of communication and the majority (92%) felt 'moderately', 'very' or 'extremely' confident advising the family/whānau members

Communication modes/activities used by families/whānau for parent-child virtual contact (as reported by family justice professionals)

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|---|-----|
| Video calling | 96% |
| Phone calls | 95% |
| Texting/SMS messaging via mobile phone | 84% |
| Text messaging via apps or social media | 79% |
| Sharing photos and/or videos via apps | 53% |
| Social media posting | 37% |
| Emailing | 33% |
| Playing online or app games | 28% |

3 Please note, for ease of reporting these roles will be referred to collectively as a 'Child's Voice Specialist'.

4 For a more comprehensive and detailed overview of the research methods and findings, and the full literature review and case law analysis please refer to the full research report: Gollop, M. (2024). *Post-separation parent-child virtual contact: Opportunities and challenges*. Research report, Dunedin, New Zealand: Children's Issues Centre, Faculty of Law, University of Otago, available on the website of the Michael and Suzanne Borrin Foundation.



they worked with about virtual contact. However, around two-thirds detailed some type of information, guidance or training they would find helpful for either themselves or for separated families. The majority of the professionals and the key stakeholders thought the provision of guidance, education and resources would be helpful for separated families and for family justice professionals (see figure above).

Very few professionals thought that any legislative or policy changes relating to virtual contact were necessary in Aotearoa New Zealand, recognising that every whānau was unique and standardisation of practice was not always feasible or desirable. However, several professionals thought consideration and guidance needed to be given to virtual contact when Protection Orders were in place, thinking variations could be made to allow virtual contact. Suggestions were also made to have improved access to, and uptake of, virtual contact in prisons, as well as venues where supervised virtual contact could be offered in addition to physical supervised contact.

Professionals recognised that the use of virtual contact was going to become more common in Aotearoa New Zealand and that the family justice sector needed to embrace it. However, concern was expressed about the rapid advancements in technology, with some professionals cautioning against risks and pitfalls, advocating that both parents and professionals needed to keep up to date with developments and have an awareness of potential risks to keep children safe. A need to address safety concerns and strengthen protection for children was identified.

I believe virtual contact will continue to increase, therefore we all must be ready to help facilitate and protect the families who will be using it. (Kaiārahi – Family Court Navigator)

I believe as a professional working in this area that we need to keep up to date with technology to maximise its use

where appropriate, but also be mindful of the risks involved in using virtual contact. (Lawyer, Lawyer for the Child)

Concerns were also expressed that technology and virtual contact was being accepted too readily or used too often as an easy fix instead of direct contact.

Technology is a great aid, but shouldn't be used as an easy answer. (Family Court judge)

Some family justice professionals' suggestions for changes to policy and practice centred around setting up parenting agreements or orders that detailed boundaries, rules and expectations about appropriate parental behaviour. Others thought that parenting orders ought to specify what virtual contact platforms were to be used. The family justice professionals also outlined how they would advise parents/caregivers to agree upon virtual contact arrangements and ground rules in advance. The case law analysis revealed that the majority (82%) of judgments specified the frequency of virtual contact in orders, with a third (34%) specifying particular days. While video calling was the most commonly ordered form of virtual contact, the platform to achieve this was not always detailed in judgments or orders. Judges sometimes specified directions relating to expectations for parent behaviour to support or not obstruct contact. However, the family justice professionals varied in their views on whether virtual contact should be formalised in such a detailed manner. Some thought structure and agreed-upon scheduled times and duration worked better, while others thought more flexible and spontaneous contact was preferable and reflected more natural, pre-separation communication.

The research literature also notes the importance of professionals managing expectations and setting boundaries and specifying these in parenting plans/orders to help minimise any potential conflict, particularly in cases of high parental conflict.



CHILDREN AND TECHNOLOGY USE

It was often reported in the literature and in the family justice professionals' survey comments that children today having grown up with technology are very familiar and adept with technology, and often more competent and "tech savvy" than other generations, such as their parents or grandparents. Some older people (particularly grandparents) were thought to struggle with technology.

The experience of children and young people now growing up with social media and access to technology for communication is vastly different to the experience of their parents. At times it is more like two generations difference to their parents' experience and knowledge of technology growing up (if their parents are about 30 or 40). This can reduce the level of engagement between both the parent and the child/young person. (Mediator)

While children's adeptness with technology was generally regarded as something positive, two related issues were raised. First, while children were seen as being very familiar with technology use, their awareness of safety issues could be lacking and care needed to be taken to ensure their safety – from both internet risks and being exposed to parental issues. Second, the mismatch in technology knowledge between generations can mean that sometimes adults are not aware of the risks of certain platforms and devices and consequently cannot protect children.

Children need to be at an age where they can understand the danger of using virtual contact independently before they can do so. Children can use virtual contact easily at young ages, however, using it safely is a completely different thing. (Supervised contact provider)

The age of the child also emerged as a factor that could influence children's ability to use technology, with a young age seen as a barrier to the use of virtual contact. A child being too young to use technology was also an issue that 87% of the participants indicated was a challenge the families/whānau they worked with reported to them. While children were seen as technologically savvy, the suitability of virtual contact for very young children (particularly under three years of age) was raised by professionals who recommended virtual contact be brief and frequent for very young children.

For young children, they can struggle to engage with virtual contact. So, very regular contact for short times is a good way to keep the connection going. (Mediator)

Older children, particularly teenagers, can prefer asynchronous contact, and can show a reluctance to have real-time or video contact. The importance of parents understanding young people's virtual communication styles and the mediums they used and preferred was stressed by the family justice professionals.

For older teens, the parents need to exercise patience. At times teens may not want to show their faces in a virtual

video call. This is okay. (Specialist report writer, Supervised contact provider)

Older parents need to be familiar with the brevity of teenagers' messaging style and not be offended. (Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)

OPPORTUNITIES AND BENEFITS OF VIRTUAL CONTACT

MAINTENANCE OF RELATIONSHIPS

The most common benefit of virtual contact that emerged across the various data strands was that it provided the opportunity to maintain and foster relationships and connections, and in the context of parental separation, enable another form of parent-child contact, particularly when face-to-face contact was not frequent, possible, or safe.

Children are easily able to check in with the other parent when they are not in their care. This can help if they are missing the other parent and maintain the relationship while separated. Younger children struggle with object permanence so having that contact in between visits is reassuring for children that the other parent still exists and cares about them. (Child's Voice Specialist, Parenting Though Separation provider)

It can significantly increase the frequency of contact, which is particularly important for younger children for whom long gaps between face-to-face contact can feel VERY long. It helps parents feel much more connected and involved in their child's life. It supports and maintains (to a degree) good relationships which already exist. (Lawyer, Lawyer for the Child)

A SUPPLEMENT TO REGULAR DIRECT CONTACT

While generally positive about virtual contact, parents and children in the empirical research reviewed indicated that their preference was for face-to-face contact and that virtual contact could not replace being able to see and be physically present with each other. This was reflected in the case law analysis that revealed that the majority (82%) of orders for virtual contact were made in conjunction with orders for direct physical contact. Similarly, the family justice professionals noted that virtual contact was useful in situations where parent-child relationships were already established and regular face-to-face contact was already occurring. Virtual contact, then, was seen as useful to supplement direct contact and helpful in allowing more frequent and 'day-to-day' parent-child communication between contact visits. It could also act as a bridge between face-to-face contact.

It's a great way to stay in contact outside of the usual care routine. Especially in the every second-weekend situations. (Mediator)



Most important is supplementing face-to-face contact to strengthen the relationship and help children to feel connected. (Family Court judge)

WHEN DIRECT CONTACT IS NOT POSSIBLE OR FREQUENT

Virtual contact was also seen as beneficial in situations where face-to-face contact was not possible or frequent due to geographical distance or other reasons, such as safety, “odd work hours”, when parents could not travel for face-to-face contact to occur, or there was a large gap between direct contact. Virtual contact could be used to maintain parent-child relationships between infrequent or inconsistent physical visits and reassure children of their parent’s love.

It increases the frequency of contact where there are safety issues or geographical distance and can reassure the child that their parent loves them and wants to see them. (Lawyer)

If children cannot see their parent face to face regularly it can be really beneficial to see them virtually, so they know they are still there/maintain their relationship. (Social worker, Parenting Through Separation provider)

IMPORTANCE OF VISUAL CONNECTION

Being able to see an absent parent through the use of video calling was another benefit raised. Having a visual connection and seeing a parent’s face, not just hearing their voice, was regarded as important to engage, particularly young, children, and to help with attachment. Video calling could allow joint activities between children and their parents.

The child still gets to see their parent's face and hear voice. Good for attachment. Also the child can show parent round their room via video call, etc. Keeps younger children more engaged, rather than just voice/phone. (Counsellor, Child's Voice Specialist, Parenting Through Separation provider)

With video calling, children can show school work, read stories together, watch a movie with a parent. It allows a child to play a game online with a parent, etc. (Specialist report writer)

ALLOWS FREQUENT, MORE NATURALISTIC, EVERYDAY CONTACT AND PARENTING

Another identified benefit of virtual contact was that it could allow parents to parent remotely by continuing to play a role in their children’s everyday lives and demonstrating their love and care for them, with positive benefits for both child and parent well-being. The use of video calling can also serve as a medium to engage with children in their everyday activities, such as helping with homework, playing games, and reading bedtime stories. It can also allow parents and children to remain involved in each other’s lives and ‘attend’ special events from a distance through virtual accompaniment or having open connections, promoting a sense of co-presence. Virtual contact can afford frequent, more naturalistic, everyday contact, with parents and children being able to share important news in

their lives. In this way parents can be kept updated about their child and their special achievements. Furthermore, when both parents supported virtual contact, it can demonstrate a positive co-parenting relationship to the child.

Allows short and structured opportunities for the parent to show the child they want to be involved. Permits the parent to be provided with updates about the child on a regular basis e.g., drawings, reports and pictures. (Family Court judge)

If Dad does rowing and his daughter does too and is wanting some advice or to talk about her practice etc., it allows for that organic exchange to take place like they are there, in the moment, in real time. (Kaiahi – Family Court Navigator)

It allows children to share more of their day-to-day lives with non-resident parents, special moments can be celebrated. (Specialist report writer)

PROTECTS CHILDREN'S SAFETY

The use of virtual contact was also seen as a way to reduce risks to children’s physical safety and shield children from parental conflict. However, it was noted in the literature and the comments from family justice professionals that emotional abuse was still possible via virtual contact. Children’s safety can be protected by the more controlled nature of virtual contact, which can be observed and monitored, to reduce this risk. For older children with their own devices, virtual contact can allow them to maintain contact with a parent independently of the other, which can also reduce their exposure to any interparental conflict. Nearly four in ten (38%) of the family justice professionals surveyed thought that a benefit of virtual contact was that it could ensure children’s safety in cases of family violence or high levels of parental conflict. Virtual contact was also seen as helpful in enabling a safe and graduated approach in cases of resist-refuse or when contact needed to be (re)established or rebuilt.

Building up connection and contact when there has been a time lapse in contact. Build some safe contact when there has been harm from the parent. (Mediator)

Allows some monitoring of communication if this is required. (Lawyer, Lawyer for the Child)

MAINTAINS CHILDREN'S CULTURAL IDENTITY AND FAMILY CONNECTIONS

A small number of cases in the case law analysis revealed a variety of views about whether virtual contact was able to preserve and strengthen a child’s cultural identity and wider family connections. Many of the family justice professionals surveyed noted the importance of this for tamariki Māori. Some commented on the importance of kanohi ke te kanohi (face to face) for Māori, and thought virtual contact did not allow for this and precluded activities such as participating in cultural events with whānau and the sharing of kai. In contrast, others noted the potential of virtual contact to ensure children’s cultural connections, identity and relationships with extended whānau



were maintained when whānau were separated geographically.

Similarly, while no research exists addressing cultural considerations in relation to post-separation virtual contact, a small body of literature has found that the use of digital media and social networking sites enabled Māori to maintain relationships with local and distant whānau members and offered a temporary solution when kanohi ke te kanohi was not possible.

Within the comments from the family justice professionals there was also a recognition of the need for cultural awareness and acknowledgment that every whānau was unique, with their own tikanga, values and needs.

Virtual contact allows children to maintain their connection to their extended whānau when there are geographical distances. This may help maintain and strengthen a child's cultural identity. (Lawyer)

The ability to have contact with wider whānau, keep connected with their turangawaewae and whānau members that hold the knowledge of their whakapapa. (Lawyer, Lawyer for the Child)

Virtual contact was also seen as helpful in maintaining children's cultural identity and language in situations involving transnational families and international relocation.

Retaining languages of origin can also be supported by virtual contact. (Specialist report writer, Psychologist)

Enable wider overseas whānau contact (possible multiscreen calls, etc.), understanding of other languages, cultural practices. (Lawyer, Lawyer for the Child)

EASE OF CONTACT

The flexibility, cost effectiveness, ease, fun and convenience of virtual contact and its potential to allow brief 'check-ins' were all viewed as strengths by the family justice professionals. There was also an acknowledgement that children were used to digital technology and communicating in this way was familiar to them.

Easy to use, inexpensive, can be done from anywhere, high quality with current technology. (Lawyer, Community Law)

Maintaining contact in a way the child is familiar with and comfortable with. (Mediator, Child's Voice Specialist)

It is reflective of how children and young people communicate and engage with others. (Lawyer)

CHALLENGES AND RISKS OF VIRTUAL CONTACT

NATURE OF VIRTUAL CONTACT

Digital communication can use a range of communication modes, devices and platforms. It can be either synchronous, occurring in real time, or asynchronous; text based (such as emails, texts, messages, social media posts), audio only (such as phone calls), visual only (such as the exchange of photos), and audio-visual (such as video calling). Despite this diversity, virtual contact has limitations, such as the lack of touch, affection and physical presence, and the superficial nature of interactions and conversations. Such limitations were identified in the research literature and by the family justice professionals as challenges or drawbacks of virtual contact. While virtual contact can help bridge distances, it is not the same as 'being there' and was regarded as inferior to face-to-face contact.

Family justice professionals' views on the most important opportunities or benefits afforded by virtual contact

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|--|-----|
| Maintaining a parental presence in children's lives when geographically apart | 90% |
| Maintaining and/or strengthening parent-child relationships | 69% |
| Enabling parents and children to stay connected in real time | 63% |
| Compensating for limited direct face-to-face contact | 55% |
| Enabling parent-child contact to occur independently of the other parent | 40% |
| Enabling contact between children and other family/whānau, such as extended family members and/or siblings | 39% |
| Ensuring children's safety in cases of family violence or high conflict | 38% |
| Enabling everyday parenting, e.g., helping with homework, reading bedtime stories | 25% |
| Enabling everyday informal contact | 22% |
| Helping parents to remain informed about their children while at the other parent's home | 15% |
| Protecting children from interparental conflict | 10% |
| Facilitating children's involvement in their other parent's household | 10% |
| Enabling relocations to proceed | 7% |



In almost all cases it's no real substitute for the face-to-face engagement. (Mediator, Counsellor/therapist, Family Court Counsellor, Child's Voice Specialist)

It does not allow for a real engagement and is very much a necessary second best. (Psychologist)

Challenges related to the nature and limitations of virtual contact was a common theme. Both parents and children in various studies reviewed expressed frustration or dissatisfaction with the virtual nature of the contact itself (particularly when it was audio only) and with using the necessary technology. Three-quarters of family justice professionals indicated that the limitations of mediated contact (e.g., superficiality) was an issue reported to them by the family/whānau members they worked with. They detailed challenges such as the lack of physical touch and affection, its artificial nature, and some professionals thought it could highlight the lack of face-to-face contact and be upsetting and confusing for children.

The lack of physical affection (hugging, holding hands, pats on the back, brushing hair, etc.). (Specialist report writer, Supervised contact provider)

Emotionally challenging for the child and parent. Seeing each other but not being able to fully engage. (Specialist report writer, Psychologist)

CHILD ENGAGEMENT

Difficulties engaging with children via virtual means was a frequently cited challenge in the research literature. Younger, neurodiverse and disabled children in particular were thought to find it difficult to engage and communicate via digital technology. Young children (particularly aged under 5 years) struggle with audio-only communication, because of their limited telephony and verbal conversation and language skills. While video communication is preferable to audio only, very young children can still find video calls difficult. They may find it difficult to remain engaged and focused and stay within camera range, and can become distracted. Family justice professionals made comments about children's limited or short attention spans and children complaining about virtual contact being "too long". They also reported that children can find virtual contact "boring", that "they don't know what to say" and had "nothing to talk about". A parental lack of skill with technology or engaging with children virtually and/or not engaging at the child's developmental level or not being child centred was also thought to make virtual contact challenging. Brief contact with interactive activities (such as games, storytelling, playing music, etc.) rather than a reliance on more passive verbal conversations were thus recommended to help keep young children engaged.

Neurodiverse or very young children – may find it harder to engage via technology e.g., video call. (Lawyer, Community Law)

They can find it boring. Too hard for them to focus. Parent often asks the same questions and inability to engage them. (Lawyer)

With small children, they can become easily bored and lose focus and want to give up. Some contact parents have unrealistic expectations. Some parents are not very skilled at engaging with children on real-time media and do not prepare properly or engage successfully with where the child is at. (Lawyer)

Children's reluctance to participate in virtual contact was also reported by family justice professionals in the online survey and in the judgments reviewed for the case law analysis. The majority of the professionals indicated that a child's reluctance to participate (74%) and a child's lack of responsiveness (87%) were issues reported to them by the family/whānau members they worked with.

The professionals detailed that for some children, a reluctance to participate can be due to apprehension or fear, a poor relationship with their contact parent, or when they are caught in a loyalty bind or influenced by one or both of their parents. A child's reluctance to participate and engage could also be because it interrupted their routines or took them away from other activities. Finding virtual contact boring or tiring was also thought to run the risk of children losing interest in having contact with a parent.

Children don't want to talk to the other parent as the custodial parent has filled the child up with adult conversation about them. Hesitant to enjoy virtual contact as the other parent is there and children are conflicted as they love both parents. (Supervised contact provider)

They can be in the middle of doing something, then it's time for them to call a parent. If the caring parent isn't organised, the child can get really distracted and frustrated about the calls taking place. (Lawyer)

UNREALISTIC PARENTAL EXPECTATIONS

Parents having unrealistic expectations about virtual contact and their child's ability to engage and remain focused was reported in both the research literature and by the family justice professionals. Sometimes this can result from a lack of parental understanding or misinterpretation of normal child behaviour and what a reasonable time to expect a young child to engage via virtual means was. Sometimes parents could react negatively to their children's lack of responsiveness – such as their lack of conversation, not engaging, or not responding to messages quickly enough. This could lead to children feeling guilty or to the other parent being blamed for their child's unresponsiveness, thereby creating conflict. Parental expectations around virtual contact could put pressure on children, and it could then become a chore and a burden.

Parents' expectations are not developmentally appropriate and they expect very young children to be focused and engage in quite extended conversations. (Specialist report writer)



Not much changes in their lives on a day-to-day basis, yet they are expected to 'update' the other parent. This leads to awkwardness and decreasing frequency. (Family Court judge)

Becomes a chore to engage, other things to do and timeframe parent expects on video too long. (Lawyer, Lawyer for the Child, Mediator)

An asymmetry relating to reciprocity and instigation was also reported in the literature which could result in a mismatch between parental expectations and child responsiveness. Several studies found that distant parents expressed a desire for frequent contact with their children, while children may be reluctant (or unable) to initiate, engage or reciprocate contact. Parents may therefore initiate contact more often than their children which young people could find intrusive, especially if they were busy doing other things. Conversely, in several studies children expressed dissatisfaction with their lack of agency in being unable to call their distant parent, rather having to wait for their parent to call them. Some family justice professionals thought that a parent's expectations about virtual contact and their desire for lengthy and/or frequent contact could be more about meeting their own needs and not those of their children.

Parental expectations may also reflect differences between parents and children in their preferences and perspectives on different forms of mediated communication. Asynchronous text-based communication, rather than (video or audio calls), is especially favoured by young people, as it allows them some control over their self-presentation. It also allows for time differences, and minimises intrusions into other people's time, allowing them to engage while doing other activities. Chatting or texting can often be phatic in nature and used to reinforce and maintain bonds, but lacks the ability for emotional expressiveness and is less suitable for younger children who may not have their own device or phone. However, this preference for text-based communication by young people can also be at odds with synchronous forms of communication favoured by older people and parents.

It can create pressure for older children/teenagers, when the adult has particular requirements about the tone and frequency of responses to virtual contact like texting expected from the child. (Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)

NEED FOR FACILITATION

Unless children and young people have their own device and can independently contact a parent or family member, communication via digital technology requires scaffolding and facilitation by an adult. Children are reliant on adults to provide the necessary technology and devices and assist with setting it up and connecting with others remotely. Young children, in particular, who do not have the language or technical skills to send emails or text-based messages, also need others to facilitate such communication. Furthermore, many of the platforms used for digital communication are designed for adults and have a 13 years and older age restriction, which

therefore also require the use of adult-owned devices, app accounts and logins. The age of the child and being too young to use technology was an issue that 87% of the family justice professionals indicated was a challenge reported to them by the family/whānau members they worked with.

Research on very young children and infants' use of digital media and video calls has shown that co-viewing and scaffolding supports young children to respond to and learn from video chat and helps children make sense of what they are seeing on-screen. If children become distracted or bored, the active and responsive engagement of adults (either as communication partners or facilitators directing the child's activities) can be required. Video calling can therefore be performative and require effort from all involved – the child, the person they are interacting with, and the co-located adult. The resident parent may therefore need to be active in setting up the interaction and assisting and encouraging the child.

Reliant on custodial party following instructions that will set the child up for a positive interaction (for example, we recommend the children have a drink and snack for the virtual contact period, and that the custodial party helps the child choose some toys/activities/games they might like to do during the contact, or share any news they have). (Specialist report writer, Supervised contact provider)

Younger children are reliant on their parents to make it happen e.g., have credit or access to Wi-Fi. (Lawyer, Lawyer for the Child, Mediator)

Such findings have implications for post-separation virtual contact, where parental relationships may be strained or conflictual and the resident parent may not be motivated or willing to participate and assist in the process. This need for the resident parent to facilitate or scaffold the virtual contact, particularly for younger children, was noted by the family justice professionals, and was problematic if they were not prepared to do so. The unwillingness of the resident parent to facilitate contact could be a source of conflict between parents. Alternatively, their presence while facilitating virtual contact may present an opportunity for parental conflict, particularly in cases of high conflict or family violence. Nearly nine in ten (89%) of the professionals indicated that the need for adult facilitation was reported as an issue by the family/whānau members they worked with. The case law analysis also revealed that a lack of parental facilitation could be problematic, with judges sometimes making directions requiring parents to facilitate or encourage virtual contact.

If a parent has to enable or "supervise" this can increase the conflict as each parent has their own perceptions of the issues. (Specialist report writer, Psychologist, Counsellor/therapist, Family Court counsellor)

Often if the parents are together or present on a video then arguments or negative tension can arise. (Supervised contact provider)

The family justice professionals reported that if there is a history of family violence or coercive control, a victim/survivor



being required to facilitate virtual contact and be present during virtual contact may present difficulties or opportunities for ongoing abuse control and be unsafe.

Virtual contact should not be used in matters where there is family violence and the victim of the violence is expected to solely facilitate the virtual contact. It is important that safeguards are in place in these types of situations. For example, have a third party facilitate this contact. (Lawyer)

Can require assistance from the primary parent to use devices with very young children – a problem where there is high parental conflict, or Protection Orders in place. (Lawyer, Lawyer for the Child)

Another way for adults to facilitate virtual communication identified in the literature was to keep the absent parent informed about their child's life to assist them with conversation topics with which to engage them or to promote a positive image of the absent parent to the child. Again, this could be a challenge for separated parents.

Once older children have their own mobile phones, being able to communicate directly with their non-resident parent lessens the need for the other parent to facilitate the contact. It can also allow more everyday contact, allowing the non-resident parent to keep informed about their child's life minimising the need to obtain this information from the other parent. However, this presents both affordances and risks. Mobile phones can allow unmonitored or unsupervised informal contact, which may not be in a child's best interests in some cases.

PARENTAL CONFLICT

While some studies about post-separation virtual contact reviewed found it can protect children from inter-parental conflict, such contact can also create or exacerbate conflict between parents. Parental interference and obstruction, disputes over the cost of technology and who should pay for it, and ICT being used maliciously against the other parent were all reported sources of conflict.

The family justice professionals surveyed also commented that in addition to the need for virtual contact to be facilitated by the resident parent being a potential source of conflict for some parents, virtual contact can provide an opportunity for inter-parental conflict by parties having disagreements over its use or providing "another forum for conflict".

When there are orders in place for virtual contact, it can become onerous trying to ensure availability irrespective of the context, e.g., having to leave a peer's birthday party to carry out a scheduled Zoom call. Patterns of contact set up can be intrusive and a point of contention, e.g., daily calls. Parental conflict can increase over the contact, frequency, timing, location. (Specialist report writer)

Children could also be exposed to parental conflict when the other parent was also present during virtual contact. They could be caught in the middle and involved in their parents'

conflict when parents listened in on conversations, did not like the child contacting their other parent, or argued during contact. Children could then be placed in a loyalty bind when being questioned about the contact, experiencing their parent's disapproval about participating in the contact, or when the other parent was facilitating or monitoring the contact.

Custodial parent interrupting/closed the session down, whilst they were listening in and didn't agree with what the other parent was saying. The children were caught between both parents. (Supervised contact provider)

Sometimes children can be exposed to more parental conflict due to parents seeing each other virtually in front of children. (Social worker, Parenting Through Separation provider)

Parental disagreements or conflict over virtual contact was an issue reported to 71% of the family justice professionals by the family/whānau members they worked with, with another 66% indicating that their clients reported virtual contact or technology being used by one parent against the other.

One of the most commonly mentioned challenges in the literature on post-separation virtual contact and reported in the family justice survey related to how it could be weaponised by both parents and used maliciously to undermine the other parent.

Increases conflict between parents by providing an opportunity. Invites conflict – length of contact of call/contact, time of contact, interfering with caregiver household, snooping in other home through FaceTime/Zoom-type link, other parent monitoring unnecessarily, enforcing the call at unreasonable times, for unreasonable length, etc. (Lawyer, Lawyer for the Child)

PARENTAL INTERFERENCE AND OBSTRUCTION

A common theme in the small body of empirical research about post-separation virtual contact and a challenge frequently outlined by the family justice professionals related to the resident parent interfering or obstructing virtual contact by listening in, monitoring or recording the contact, cutting it short, not having the child available at scheduled times or saying they were busy, engaging in restrictive or obstructive gatekeeping, restricting or not facilitating children's access to the necessary technology, and undermining the other parent's relationship with their child.

Nearly all the family justice professionals in the survey indicated that an issue reported to them by the family/whānau members they worked with was the other parent deliberately not facilitating or obstructing virtual contact (91%) and monitoring or listening in on contact (94%). These issues were rated as the second- and third-most common difficulties reported to family justice professionals by parents. The issue of parental obstruction was also seen in the case law analysis, with judges in some judgments giving directions that a parent should not monitor or restrict contact.



Other parent listening in. Child not being available for calls at designated times. Other parent alleging that the child is busy doing something else. Parent/s being blocked by the other parent, i.e., Facebook. (Kaiārahi – Family Court Navigator)

If the other parent is not supportive of the contact, it provides an opportunity for that parent to interfere or stymie the contact. (Lawyer, Lawyer for the Child)

SAFETY AND PRIVACY CONCERNS

Challenges relating to parent and child safety and privacy were identified in the research literature, online survey, and judgments. Concerns were expressed about the **potential for children to become involved in parental issues and exposed to inter-parental conflict** and inappropriate people or behaviour through virtual contact. As detailed earlier, the need for one parent to facilitate virtual contact could expose children to parental conflict.

Sometimes children can be exposed to more parental conflict due to parents seeing each other virtually in front of children. (Social worker, Parenting Through Separation provider)

In situations involving family violence and coercive control there were risks to both parent and child safety, and this was a concern reported to 78% of the family justice professionals by the family/whānau they worked with. While a child's physical safety from an abusive parent might be ensured by the use of virtual contact, verbal abuse, manipulation and emotional harm can still occur, and children could be at risk if the contact was not supervised or monitored. The informal nature of some forms of virtual contact, for example, through social media and gaming, and children having mobile phones can allow them to be contacted directly. Some family justice professionals reported parents contacting children inappropriately and not per agreements or orders. Dealing with unwanted, persistent or unscheduled contact could be difficult for children. Nearly three-quarters (74%) of the family justice professionals noted the potential for unmonitored or unapproved contact had been raised with them by the family/whānau members they worked with.

The contact is not safe in violent or high conflict situations, unless closely moderated and supervised. (Family Court judge)

Coming from a safety sector: It cannot be guaranteed that a child is still safe if the virtual contact is not monitored; adult conversations could be taking place; parental alienation can still occur; other people in the background, out of sight, may not be permitted to see the child. (Supervised contact provider)

Virtual contact and technology can also be used as a tool for **technology-facilitated coercive control and abuse**. Contact parents could use virtual contact to monitor, record, and gather information, intrude into other parent's life, invade their privacy, undermine them, and continue to perpetuate further

control and abuse. There were concerns that virtual contact can be used to gain virtual access to the other parent's home, potentially compromising their privacy and location, enabling them to manipulate or track the other parent and/or child, or recordings used as evidence in court proceedings. There are also risks to the other parent's safety in cases of family violence if they were required to facilitate or supervise contact, as discussed earlier.

My concern sits with contact parents using the virtual contact for information gathering and harassment where coercive control has been a factor. (Counsellor/therapist)

The care parent perceiving this an intrusion into their time and home. (Family Court judge)

Sometimes the contact is used by one parent (especially video calls) to pry into the other parent's life/household. (Lawyer, Lawyer for the Child)

General online safety risks for children are well documented and include cyberbullying, being exposed to or accessing inappropriate content (such as pornography and violence), sexual predation or abuse, unwanted and harmful contact, harmful marketing strategies, misinformation, personal data mining and internet addiction. Concerns about general online privacy and safety were also expressed by parents and professionals in empirical research, such as online risks for children, and the threat of viruses, spyware and spam and privacy breaches. Around one in three (31%) of the New Zealand family justice professionals indicated that the family/whānau members they worked with had expressed concerns about general online safety concerns for children. Some family justice professionals advocated for education for parents and professionals about these risks and how to keep children safe.

While I think technology is important in this space and needs to be embraced, the pitfalls and risks to children's expanding accessing technology and maintaining virtual relationships need to continuously be considered and the risks assessed as technologies become more advanced. Specifically, I have seen a recent spike in parents being concerned about what younger children can be exposed to online and think education around parental controls and technology is falling behind at a rapid increase in our use of technology generally. (Lawyer)

Parents are rightfully fearful of their child being exposed to inappropriate content, and not being supervised adequately or protected whilst in the other parent's care. Children are being violated without parent's awareness, until vast behaviour changes are noticed. We need courses for parents, children and workers to understand what's out there. ... This problem increases conflict between separated parents who are not on the same page around the use of technology. (Social worker)

Concerns about children's privacy were also expressed. The family justice professionals noted the impact on children of their other parent not allowing the children to have space and privacy by listening in on the contact, monitoring, recording



or interrupting it, and checking texts sent by and to their other parent. This lack of privacy could make children feel uncomfortable and the contact less natural, particularly when the children could not communicate freely and openly. Nearly all (94%) of the family justice professionals indicated that parental monitoring or listening was an issue reported to them by the families/whānau they worked with. Making audio or visual recordings of contact breaches the privacy of both the child and the contact parent and this was an issue reported to 62% of the family justice professionals by families. The proximity of other people (such as a parent's partner) could also be an issue for children, with the presence and/or interference of others during contact reported by family/whānau members to 71% of the family justice professionals. The case law analysis also revealed issues with inappropriate people being present during contact compromising children's safety and privacy.

Some [children] want to have private conversations, but the other parent will not allow it, i.e., will not leave the room.
(Lawyer, Lawyer for the Child, Mediator, Child's Voice Specialist)

Doesn't feel so relaxed and are aware that sometimes the other parent is listening and they feel uncomfortable.
(Lawyer)

BEHAVIOUR OF CONTACT PARENT

In addition to using virtual contact maliciously in situations involving parental conflict and family violence as detailed above, other challenges relating to a non-resident parent's behaviour were raised. This could include them contacting children outside agreed-upon arrangements and behaving inappropriately during virtual contact – bringing adult issues into the contact, undermining the other parent, and having inappropriate discussions or being overly emotional with their children. Issues around parents being unreliable and not adhering to scheduled contact which upset children were also reported. Almost all (92%) the family justice professionals indicated that parental non-compliance (either missing scheduled contact or not answering calls) was an issue for their clients. (However, this challenge could also include resident parents' non-compliance). This issue highlights the lack of agency some children can experience in instigating contact with their non-resident parent.

Parents not being consistent, not calling when scheduled. Parents being inappropriate during contact time. Parent not being child centred in decision making/conversation time. (Social worker, Child's Voice Specialist, Parenting Through Separation provider)

Parent popping into game chat and messaging during the night. (Social worker)

PRACTICAL CHALLENGES

Practical challenges relating to technology and finding private spaces for children and parents were also reported. Access and affordability was a common theme. A lack of access to the necessary technology, devices/hardware and infrastructure

(particularly in rural areas) could make virtual contact challenging. Poor and unreliable internet connections were seen as problematic, as was the cost of devices, and internet and mobile phone charges. Just over half (54%) the family justice professionals noted cost as an issue reported to them by family/whānau members and 71% reported their clients having access problems (such as no or unreliable internet; lack of technology, devices, webcams, etc.). In the Aotearoa New Zealand context, a 'digital divide' exists with Māori and Pacific Peoples having lower rates of internet access and therefore being more at risk of digital exclusion. For transnational families different availability of reliable connectivity between countries and different time zones can also be challenging.

The cost for low-income families, not having access to mobile devices. (Social worker, Parenting Through Separation provider)

Cost and reliable internet particularly in the mid and far north and east coast. (Mediator, Counsellor/therapist, Family Court Counsellor, Child's Voice Specialist)

For children, a lack of access to technology could relate to a reliance on their parents to top up their data on mobile phones, having their device use restricted (e.g., as a disciplinary measure or because of rules about screentime), and an imbalance in the technology available between homes. They could also find unreliable technology a source of frustration and disappointment.

Reliance on the internet and devices working adequately. ... In some cases where internet/devices are not as reliable, children report the screen of their parent "freezing" or getting "stuck" or slowing of movement. (67, Specialist report writer, Supervised contact provider)

Children might feel prevented from contact with the other parent due to household policies on screentime, e.g., by removal of devices after 7pm, etc. (Mediator)

Another common challenge for children raised by the family justice professionals related to the timing and/or scheduling of contact and how this could clash with other aspects of their lives, for example, sports and work. Children were reported to dislike set or scheduled contact and to want flexibility and more autonomy in the arrangements.

Feeling tied to a routine that may not suit. Feeling always "on" for parent's benefit and not their own – prefer autonomy over use and frequency (older children). (Mediator, Child's Voice Specialist, Counsellor/therapist, Family Court counsellor)

They prefer to be able to call/text if they want, not at set times. "Don't always have much to say", "Want to call when I want to", don't want it to interfere with their other activities. (Lawyer, Lawyer for the Child)



Issues, concerns, difficulties or challenges with virtual contact reported to family justice professionals by the family/whānau they worked with

| | |
|---|-----|
| Parental monitoring or listening | 94% |
| Parental non-compliance (e.g., missing scheduled contact, not answering calls) | 92% |
| The other parent deliberately not facilitating or obstructing virtual contact (e.g., by not having the necessary technology or the child/ren available) | 91% |
| Child's lack of responsiveness, difficulties keeping children engaged | 90% |
| Need for another person to facilitate or scaffold virtual contact (especially for younger children) | 89% |
| Child's age – too young to use technology | 87% |
| Safety concerns for parents and/or children in cases of high conflict or family violence/coercive control | 78% |
| Limitations of mediated communication – superficiality of contact, inability to replace direct, face-to-face contact; difficulty with conversations | 75% |
| Child's reluctance to have virtual contact | 74% |
| Potential for unmonitored or unapproved contact | 74% |
| Disagreements/conflict between parents about virtual contact | 71% |
| Presence/interference of others, e.g., partners during contact | 71% |
| Access problems (no or unreliable internet; lack of technology, devices, webcams, etc.) | 71% |
| Parents using virtual contact/technology against the other parent | 66% |
| Parents making audio or video recordings of virtual contact | 62% |
| Parental lack of competence/familiarity with technology | 56% |
| Cost issues (of technology, devices, mobile data, internet/broadband costs) | 54% |
| General online safety concerns for children (e.g., online bullying, privacy, scams) | 31% |

BARRIERS TO THE USE OF VIRTUAL CONTACT

The family justice professionals surveyed were asked what barriers (if any) prevent families/whānau from using virtual contact. These and those identified in the research literature included the following:

- Conflict between parents and extended family, animosity, hostility and lack of trust.
- Lack of parental willingness, motivation or commitment.
- Parental obstruction or lack of adherence to arrangements.
- Parental fear of, or concerns about, the other parent's behaviour and the risk of further abuse and control.
- Young child age.
- Child's lack of engagement or reluctance to participate.
- Lack of access to the necessary technology and devices.
- Infrastructure issues – a lack of reliable mobile and Wi-Fi reception and internet connectivity (particularly in rural areas and those living in the far north and east coast of Aotearoa New Zealand).
- Financial barriers – cost of devices, phone credit, data and internet costs.
- Difficulties scheduling contact around different time zones, work commitments and children's schedules and activities.
- Lack of a suitable person to facilitate or supervise virtual contact.

- Parental lack of technical competence and knowledge about technology.
- Parental attitudes to technology and online safety concerns.

WHEN VIRTUAL CONTACT WORKS WELL

The online survey asked family justice professionals in what situations (if any) they thought virtual contact was most appropriate or works well and what were the features of successful virtual contact. The most commonly reported situations regarded as most appropriate included those where **direct, face-to-face contact was not possible**, regular or frequent, or was restricted, such as when the parents lived in different geographical locations (such as in cases of relocation), when a parent was in prison or rehabilitation, and when there were safety concerns. Virtual contact was also seen as appropriate in situations where there had been extended periods between contact and/or **contact needed to be re-established**.

Features of successful virtual contact most commonly detailed by the family justice professionals included when the parents had a **cooperative co-parenting relationship**, with no or low conflict or family violence, and when *both* parents agreed upon, adhered to, valued, encouraged and supported the contact.



This included situations when the other parent (or another person) was willing to facilitate the contact if it was necessary, particularly for younger children.

Virtual contact works well when the parents are both in agreement with it and have a co-operative co-parenting relationship – it works well with young children if the adults are happy to assist the child and have some ideas about how to do so. (Specialist report writer)

As well as both parents being supportive of virtual contact, another aspect of making virtual contact successful identified by the family justice professionals was having a contact parent who could successfully engage with their child/ren via digital technology, and both parents having **objects and activities that facilitated children's engagement** and made the contact positive for the child. Shared activities such as reading books or watching videos together, playing music, sharing videos, playing games together, helping with homework, reading bedtime stories, sending texts, were all suggested.

Another related feature of successful virtual contact reported was when it was **child centred** – focused on children's views and needs, appropriate for their age and development stage, and scheduled for times that fitted in with their lives and routines. This included situations where children enjoyed and were comfortable with the contact and/or had some agency over it, by being able to initiate it themselves and not being "coerced". As one psychologist put it: "All situations where adults have the best interests of their children in mind".

In a scenario where there are school-aged children, and cooperative parenting with flexibility and understanding of the children's needs and views. (Lawyer, Lawyer for the Child)

Having "good technology" or "suitable devices" was also noted as important for virtual contact to work well. Virtual contact was regarded as being more suitable for older children who were able to use technology themselves and/or who had their own devices and could contact their parents independently of the other. For younger children, virtual contact was thought to work well when it could be **scaffolded by a supportive parent** or other person.

The professionals varied in their views on the **degree of formalisation of virtual contact**. Some thought it worked well when it was flexible and spontaneous, reflecting more natural, pre-separation communication. In contrast, others thought structure and agreed-upon scheduled times and duration worked better.

SITUATIONS WHEN VIRTUAL CONTACT IS INAPPROPRIATE

The family justice professionals were also asked in what situations (if any) they thought virtual contact was not appropriate, problematic or should not be used at all. By far the most common response related to situations involving **family violence, abuse, and coercive control**, when Protection

Orders were in place, and where there were **safety and privacy concerns**. High levels of inter-parental conflict and animosity were also a concern, as were situations (often involving family violence or high conflict) where the parents could not agree or be amenable to providing the necessary support and facilitation or when both parents did not agree to the contact and one or both obstructed or interfered with contact. Some professionals thought that virtual contact was not appropriate at all in such situations or needed to be closely supervised or monitored by a third party. They also noted the need to ensure the safety of both the child(ren) and the resident parent, which might require monitoring, supervision, recording of contact, or risk assessment.

When it is not fully agreed and supported. (Specialist report writer, Psychologist)

When there are issues of family violence and the virtual contact is used as a means of prying into the other parent's life and home. (Lawyer)

Virtual contact was also regarded as inappropriate in circumstances involving **parents behaving inappropriately**, by exposing children to inappropriate material, adult matters, or denigrating the other parent.

Rarely appropriate where there has been significant family violence. Not appropriate if there is a pattern of the virtual contact parent getting very upset in front of the child, or saying mean things about the other parent or caregiver. (Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)

The professionals acknowledged that virtual contact could be difficult for children. In situations, particularly in cases involving family violence, trauma and abuse, where **children were anxious about contact or were upset or triggered** by it, virtual contact was not seen as appropriate. Some professionals believed that virtual contact should not be used if the child did not wish to participate. Others thought that parents being inflexible around virtual contact and not focusing on children's needs could lead to children feeling resentful and reluctant to participate.

Shouldn't be used if children are needing to be pressured to use it as it actually builds quite a bit of resentment towards the parent wanting contact. (Kaiarahi – Family Court Navigator)

Where the child has developed an anxious or phobic reaction to the routine/expectation of virtual contact. A non-compliant child being "forced" into virtual contact is highly problematic, and may be indicative of negative parental influence. (Mediator, Counsellor/therapist, Family Court counsellor, Child's Voice Specialist)

Some participants thought that virtual contact should not be used if **children were babies or very young**, due to difficulties engaging with them, and also in cases of family violence that might require the other parent to facilitate the contact due to a child's young age.



When the children are too young, as it can create confusion for them, and is not always a productive method of contact. (FDR Case Manager)

Finally, a small number of participants mentioned **structural issues** that made virtual contact inappropriate or problematic, such as when there was a lack of technology or a safe or private place for virtual contact to occur, or if children had disabilities and could not communicate or use the technology. Situations involving either parents or children having mental health issues and parental addiction were also seen as problematic.

DISABILITY CONSIDERATIONS

Some of the family justice professionals commented on considerations for disabled children (and parents), particularly those who are neurodiverse, or have speech, hearing and vision impairments or physical issues which make device use difficult or require assisted devices and support. It was thought that disabled children could struggle with virtual contact and engaging and focusing via technology and that consideration needed to be given to how to accommodate their particular needs.

Arrangements need to take into account a child's communication abilities, factors such as ADHD and ASD can have significant impact. (Specialist report writer)

A language-compromised child will struggle unless a language substitute activity is carefully planned and available. Behavioural diversity includes uneven impulsive behaviour which can easily be blamed on one parent or the other fuelling conflict. It's particularly hard with blind or profoundly deaf. (Family Court judge)

Several professionals also noted that parental lack of understanding of a child's disability or unrealistic expectations could result in their behaviour or lack of engagement being misinterpreted, and the other parent blamed. The need for education and support to assist parents with virtual contact

with disabled children was suggested. It was also thought consideration needed to be given to accommodating disabled parents' needs and the provision and use of aids such as transcription options.

The absent parent in my experience may not appreciate or not acknowledge the difficulties the differently able child faces. Specialised parenting courses or counselling MAY be indicated/helpful, but only if the absent parent is able/willing to learn. (Family Court judge)

PROFESSIONALS' VIEWS ON VIRTUAL CONTACT

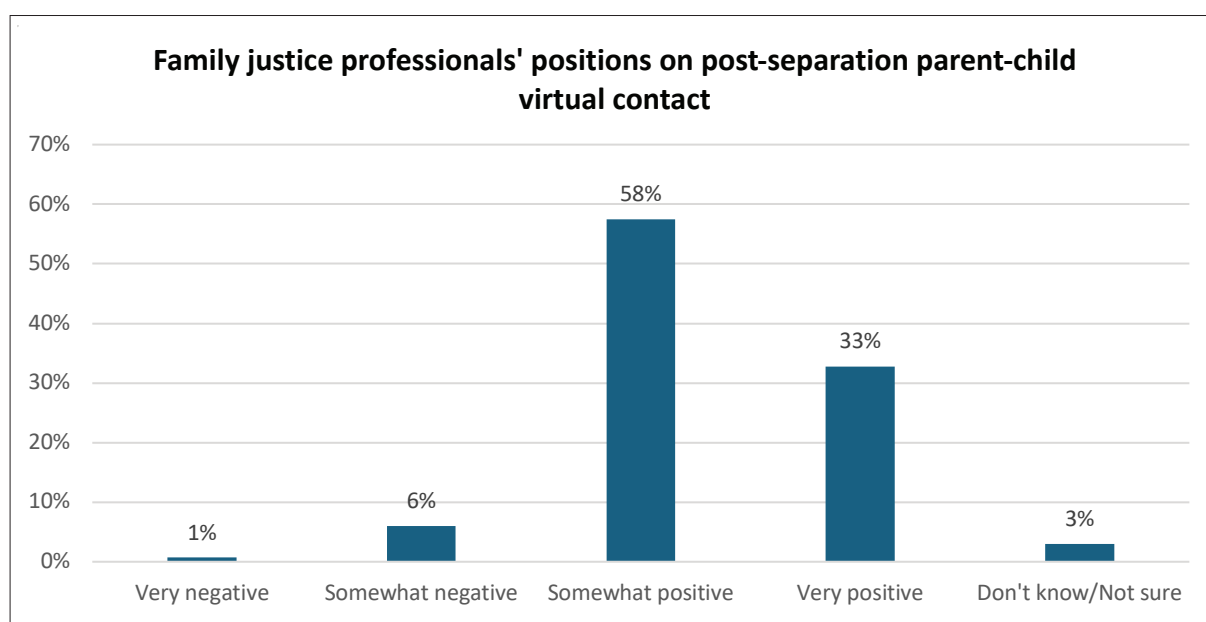
The family justice professionals surveyed were overwhelmingly more positive than negative about virtual contact overall. The large majority (90%) regarded it 'somewhat' or 'very' positively, with 7% regarding it either 'somewhat' or 'very' negatively. While a third viewed virtual contact very positively, only a minimal proportion (1%) saw it in a very negative light. Only a small percentage (3%) were not sure or didn't know, indicating that most professionals held a view about virtual contact (see figure below).

Virtual contact was seen as a useful tool and a way of maintaining parent-child relationships and connections, with some professionals expressing very positive views.

Very important as if done well is excellent. (Lawyer, Lawyer for the Child)

Virtual contact should be seen as a form of contact to be encouraged. (Mediator, Child's Voice Specialist)

It's great for children to maintain contact with parents, even if they cannot see them face to face. Virtual contact supports relationships between parents and children. (Social worker, Parenting Through Separation, provider)





However, many of the professionals' favourable views of virtual contact were conditional. For some, virtual contact was viewed positively as long as it was done safely and was beneficial for the child. The successfulness of virtual contact was seen as dependent on both parents supporting it and being child focused, and on the absence of family violence or high parental conflict. Some also supported the temporary or contingent use of virtual contact, when direct contact was not possible or safe. The professionals therefore could see that virtual contact could be useful in some, but not all, situations, and that there were both risks and benefits. A few professionals noted that while their experiences had not been positive or had varied, they could see that in other situations it could be beneficial.

It has its place, if it's done well. It can be another point of disagreement, and it can be weaponised. (Mediator, Child's Voice Specialist)

It is positive for some, but has risks and very limited benefits for others. (Specialist report writer, Psychologist)

A common view across all data strands was that virtual contact has its limitations and, as noted earlier, was inferior to and should not replace direct, face-to-face contact. Many family justice professionals saw virtual contact as a helpful adjunct or supplement to direct contact and best used when a positive parent-child relationship already exists, as virtual contact alone was not thought to be sufficient to create and maintain meaningful relationships or bonds, particularly for very young children.

It's important to consider as an additional form of contact, but not as a substitute for direct contact. (Lawyer, Lawyer for the Child, Mediator)

It does not seem to be enough without face-to-face time, to strengthen or maintain attachments, especially with young children. (Lawyer, Lawyer for the Child, Community Law, Child's Voice Specialist)

If the relationship with the absent parent is not already strong, virtual contact is a very poor substitute for face-to-face contact. (Lawyer, Lawyer for the Child)

Virtual means of communication were not regarded as a solution for physical distance and prolonged separation, but were thought to compensate in some way when direct contact was not possible, and can be used to enable safe and graduated approaches when contact needed to be (re)established after periods of estrangement. However, while not ideal, it was regarded by many professionals "as better than nothing".

It provides some opportunity for there to be a relationship. I consider it to be a placeholder for a genuine relationship and it is usually better than no contact. (Psychologist)

Other professionals, most commonly supervised contact providers, were less positive about virtual contact and were cautious about its use, often citing concerns about family violence and children's safety.

I think it should be treated with caution. ... I would not want it to be common practice as it can easily be manipulated by controlling ex partners. (Kaiārahi – Family Court Navigator)

For me personally, I would not consider hosting virtual contact for the families that use this service. It cannot be guaranteed that there is no interference from other people while hosting the sessions; too many variables to consider to ensure the safety of the children. (Supervised contact provider)

The views of New Zealand family justice professionals were consistent with those revealed in the case law analysis and reported on in the small number of other empirical studies reporting on professionals' views about virtual contact. These showed that professionals (judges, legal and mental health professionals) identified both benefits and challenges with virtual contact.

FAMILY JUSTICE PROFESSIONALS' KEY MESSAGES FOR PARENTS

The family justice professionals were asked in the survey what tips or advice about post-separation virtual contact they would share with parents/caregivers. These included the following:

- Children's well-being is promoted by relationships and regular contact with both their parents.
- Virtual contact can be a useful and beneficial option to maintain parent-child relationships.
 - Best used as an adjunct or supplement to face-to-face contact.
 - Needs to be carefully managed in cases of high conflict and/or family violence.
 - Respect its use and don't abuse it.
- Keep virtual contact child focused.
 - Expect short durations – let your child lead/decide.
 - Be patient.
 - Stick with agreed times, but be flexible in response to your child's needs.
- Be engaging – make contact fun, interesting and child focused.
 - Avoid being emotional.
 - Keep informed about your child's life to enable conversations about matters important to them.
- Learn about technology and virtual contact platforms and apps.
- Be aware of safety issues.
 - Learn about online safety risks.
 - Monitor/supervised virtual contact if necessary – otherwise ensure your child has privacy.
- Avoid adult issues.
 - Do not expose your child to parental conflict or inappropriate discussions during virtual contact.
 - Do not use virtual contact to have adult-adult discussions – use a different platform.
 - Both parents need to support and facilitate virtual contact – put your own issues aside.
- Plan ahead and be prepared.
 - Have activities and conversation topics ready.



- Attend and be sensitive to your child's physical needs, e.g., suitable times, food/drink.
- Minimise distractions.
- Agree on arrangements and establish ground rules in advance.

CONCLUSION

This research has shown that post-separation virtual contact is a contemporary and topical issue in Aotearoa New Zealand. From the perspectives of family justice professionals, families are using it to maintain contact and parent-child relationships after parental separation and Family Court judges are ordering its use. Technology-facilitated communication is now ubiquitous in society for many purposes and the use of technology seen as the “wave of the future”, with the use of virtual contact likely to increase.

While, on balance, virtual contact was viewed more favourably than not, the research has revealed both benefits and challenges to its use and many family justice professionals had a balanced view – seeing virtual contact as helpful and beneficial in some cases and limited and potentially harmful in others. Its usefulness in maintaining relationships and connections also came with several general caveats: (1) that face-to-face contact was preferable and superior; (2) that it was best used when parent-child relationships were established; and (3) as a means to supplement, rather than replace, direct contact. While not a panacea for physical distance and a lack of direct physical contact, the use of virtual contact was regarded as “better than nothing” when face-to-face contact was limited or not possible and helpful in re-establishing contact after periods of limited or no contact or when there are concerns about children's safety.

The research also demonstrated the benefits of virtual contact can be situation dependent. If there is a positive parent-child relationship and regular face-to-face contact is occurring, virtual contact can be a helpful way to maintain contact between visits and for parents and children to keep up to date with each other's lives. It allows everyday, more informal and naturalistic check-ins in a manner similar to how parents and children might communicate prior to the separation. It is also a way of maintaining contact and relationships if regular direct contact is not possible or frequent. If the contact is well planned and the parent is skilled at engaging with children virtually and sensitive to their child's needs, it can work very well. It can be a fun and enjoyable experience for children and allow them to feel close to their contact parent, despite the lack of physical presence. However, in other situations involving parental conflict, family violence and poor parent-child relationships virtual contact can be problematic and, in some cases, not in a child's best interests. Determining whether the use of virtual contact is appropriate and likely to be beneficial is thus dependent on many factors, with each family/whānau unique.

The findings from all four strands of this research (literature review, case law analysis, key stakeholder consultations, and survey of family justice professionals) showed a striking consistency, with several key themes and issues emerging which have implications pertinent for considerations about the

use of virtual contact. First, **the importance of the quality of parental relationship** came through strongly as a critical factor in the success or appropriateness of the use of virtual contact. Virtual contact was seen to work well when there is a good co-parenting relationship and both parents can see the benefits of virtual contact and support its use to maintain a child's relationship with their parent(s). The importance of the resident parent in facilitating the contact – by way of setting up the necessary equipment, scaffolding children's interactions with their contact parent, and keeping the contact parent informed about their child's day-to-day life so as to assist with conversation topics – not only helps keeps the child engaged and the contact enjoyable, satisfying and meaningful, but also demonstrates that they support their child's relationship and interaction with their other parent. This can require considerable goodwill and effort on the part of the resident parent, but perhaps lacking if the parental relationship is poor or conflictual.

Family violence or high parental conflict emerged repeatedly as a challenge, a risk factor, and as a reason which precluded, or acted as a barrier to, the use of virtual contact. In such situations the potential exists for virtual contact to be weaponised, either by way of the resident parent not facilitating, interfering in, listening in on, monitoring or obstructing contact, or the contact parent using it to pry into the other parent's home, gather information, and continue to exert coercive control and abuse. Both parents can use virtual contact maliciously to manipulate and undermine the other parent and the child. Virtual contact can also be a source of parental conflict which children can be exposed to or become involved in. Therefore, the use of virtual contact in situations involving family violence and parental conflict can present potential risks to both children's and parents' safety and privacy and careful consideration ought to be given to its use and the need for any monitoring and supervision.

Second, **parental expectations and skill with engaging with children virtually** came through as an issue with implications for the success of the use of virtual contact. Young children and those with disabilities may find engaging and remaining focused during virtual contact a challenge, requiring not only the facilitation of a co-located parent or adult, but also the active engagement of the contact parent. Parents may not be skilled in communication with children, likely heightened on virtual contact platforms (e.g., video calls) which may require more immediate and focused interactions. They may also lack knowledge about the limits of young children's attention spans and their ability to engage virtually and about how young people communicate via digital mediums. This can result in unrealistic parental expectations about virtual contact and their children's behaviour during contact, thereby finding the contact dissatisfying or frustrating. If they blame the other parent for the child's lack of engagement or responsiveness this can also lead to parental conflict. Children may also feel pressured or guilty for not meeting their parent's expectations so that virtual contact becomes a burden or a chore, which may lead to resentment or a reluctance to participate.

A lack of competence, familiarity or knowledge about technology can mean parents are unwilling or unable to engage with children and young people via their preferred modes of communication



and/or not understand any potential online safety risks for children and young people. The **need for education and guidance** for parents about technology use and communication platforms, online safety risks, and what is reasonable to expect of children and young people in relation to virtual contact is an important implication of this finding. Guidance such as this could also ensure parents are 'on the same page' about technology use, with consistency in rules and safeguards in each home to ensure children's online safety and privacy is protected and not compromised by virtual contact.

The third key theme from the research relates to the **need for virtual contact to be child focused**. This came through repeatedly from many different avenues. As discussed above, by parents being child centred – taking into account the child's age and developmental stage and understanding their particular needs and capabilities, rather than focusing on their own needs or desires – makes parental expectations about virtual contact realistic and the contact less pressured for children. There are many reasons a child may not be engaged or responsive during virtual contact or be reluctant to participate at all. Parental understanding and acceptance of these can help ensure children enjoy virtual contact, rather than feel guilty or burdened by it, or forced into participating. Being child centred also involves fitting arrangements for virtual contact around children's routines and schedules (such as work, sports, and social lives), ensuring it does not clash or interfere with their other activities, and being flexible in adapting scheduled arrangements to children's needs. Being child focused can also ensure children's safety and well-being is paramount, and that they are not exposed to parental conflict, abuse, manipulation or adult issues.

Similarly, an awareness and understanding of children and young people's own preferences and comfort levels with technology and the communication modes that they are familiar with and prefer using, can make virtual contact more normalised and child focused. Parents may not have the technical skills or knowledge about the virtual contact platforms children and young people prefer, and professionals urged parents to educate and upskill themselves about these. A child-centred approach to virtual contact also recognises children's agency and autonomy, by seeking their contribution to decisions about the

use of virtual contact, the communication modes used, and the scheduling of contact. Research shows that children and young people want to be able to initiate contact themselves and not to have to wait for their parent to contact them. They also want more fluid and flexible arrangements. The research literature also made calls for more research about children and young people's perspectives about post-separation virtual contact.

Finally, **access to the necessary equipment, technology and infrastructure** was another factor that could impact on the use of virtual contact. As a Kaiārahi – Family Court Navigator, aptly noted: "Putting too much thought into using technology is a waste of great mind and resource if the foundation to make it reliable and accessible are not there". Virtual contact is not possible without access to the necessary technology and devices, Internet, mobile and Wi-Fi reception, and the ability to pay for the cost of these. Furthermore, unreliable technology and infrastructure can result in virtual contact being a frustrating and disappointing experience for all involved. An imbalance in technology between households can result in children and young people not being able to initiate contact and have autonomy over their virtual contact.

FUTURE DIRECTIONS

This study explored post-separation virtual contact from a variety of sources and viewpoints – judicial decisions, research and academic literature, and family justice professionals, both internationally and domestically. In itself, the study has added to the existing evidence base about post-separation virtual contact for which a paucity of research exists. While this research has provided valuable insights into the strengths, pitfalls and challenges of virtual contact, what is missing is an understanding of the experiences and perspectives of families who use it themselves – particularly the perspectives of children and young people. Research addressing this need is a key future direction to better understand virtual contact from all involved parties. The triangulation of data from multiple angles would thus enable a comprehensive understanding about virtual contact in the Aotearoa New Zealand context and provide robust research evidence to inform resources and guidance for families and the family justice professionals who assist them.

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