Virtual parent-child relationships: Emerging trends in child custody disputes

Saini, Michael; Polak, Sheley


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Virtual Parent-Child Relationships: Emerging Trends in Child Custody Disputes

Michael Saini, PhD
Shely Polak, Acc. FM, PhD (cand)
It’s a virtual world!
• Review social science and case law related to the use of online technologies virtual parent child relationships

• Explore youth’s views about the merits and pitfalls of virtual parenting time

• Explore key considerations and cautions
Overview

• Use of technology grown exponentially

• Spawn a new area of research to explore children’s reconfiguration of intimate relationships

• Growing attention regarding online communications in matters relating to divorce, custody and visitation
  (Friedlander, 2002; Gottfried, 2003; Welsh, 2010)

• Most attention has been in the media
Growing Debate

• Whether VPT should be considered a substitute for in-person parent-child contact

• Whether the use of this technology should provide justification for a custodial parent to relocate a child away from the noncustodial parent

• How best to safeguard children
What is Virtual Parenting Time (VPT)?

- “Virtual Parenting Time” = “Virtual Visitation”

- Defined as the use of technological communication tools to facilitate parent–child relationships

- New medium for parent-child contact despite geographical distance
  - in different rooms, countries and everything in between

- Can be included as part of a parenting plan or custody order
Types of Virtual Parenting Time

- Virtual parenting time includes the ecology of communication, such as text, instant message, videoconferencing, posting, blogging, online ‘following’

- Specific online communication services include:
  - Facebook
  - Facetime
  - Skype
  - MSN
Facebook
Skype/Webcams
Why is VPT Important?

• Increase method for parents to communicate with their children post separation

• Debate about whether virtual parenting time supports, complements, substitutes and/or enhances parent-child relationships

• Lack of attention for creating guidelines
In 2004, Utah became the first US state to legislate the authority of judges to include “virtual visitation” in parenting plans

- parents are required to ‘permit and encourage’ telephone and Internet communication when the technology is ‘reasonably available’ (Saige’s Law, 2004)

Legislation has been introduced in Ohio, Illinois, Wisconsin, Virginia, and Florida

Bills have also been drafted in Arizona, California, Georgia, Maine, Maryland, Minnesota, New York, North Carolina, Tennessee, Texas, and West Virginia, but are awaiting sponsors (National Conference of State Legislatures)
Prevalence of Online Communication

• Technology required to communicate online is widely available and affordable

• In Canada, 80% of households have access to the Internet (Statistics Canada, 2010)

• Children and youth use technology and the internet more than any other medium to communicate and socialize (Kaynay & Yelsma, 2000; Nie & Hillygus, 2002)
Children’s Use of Internet

• Children and youth report being highly dependent on communication technology for interaction and connections (Mishna, Solomon & Saini, 2008)

• Socialization is the primary purpose of internet and communication technology

• Activities include (social networks, instant messaging, downloading, games, e-mail)
Children’s Use of Internet

• Research studies indicate children view communication technologies positively (Mishna, Solomon, & Saini, 2010)

• Central to the ways children communicate with others

• The information from the stages of development implies that VPT can occur at any stage, but particularly as children get older
Internet Use and Children’s Ages

Internet Use

- 0-2 years: 49%
- 3-4 years: 20%
- 5-6 years: 27%
- 6+ years: 4%

(Vanderwater et al., 2007)
Important Questions to Consider

- What are the merits and drawbacks of VPT as a way of facilitating parent-child contact?
- What are the barriers to the use of this form of access?
- When would VPT work best?
- When would it not work?
- What guidelines need to be created?
Methodology

• Mixed-methods approach including:
  – Rapid Evidence Assessment (REA)
  – Legal search for Canadian child custody cases
  – Qualitative interviews with youth

• Integration of these three methods used to inform context of VPT and help to create guidelines
Searching for Relevant Studies

• Both published and unpublished work considered eligible for the review

• For published studies in electronic databases, the following electronic databases were included:
  - Medline, EMBASE, Social work abstracts, PsychInfo, ASSIA, Digital Dissertations, ERIC, Family Studies Abstracts, Social science abstracts, Social Sciences Citation Index, Violence and Abuse Abstracts, and Sociological Abstracts.
Rapid Evidence Assessment

• Search terms included:
  – ((cyber$.mp. or comput$.mp. or internet.mp. or online.mp. or MSN.mp. or blog.mp. or web$.mp. or or surf$.mp. or post$.mp. or chat$.mp. or email.mp. or net$.mp. or virtual.mp. or electronic$.mp. or software.mp. or digital.mp. or messag$.mp. or e-mess$.mp. or mail.mp. or myspace.mp. or cam.mp. or webcam.mp. or skype or link$.mp. or connect$.mp. or wire$.mp. or phone.mp. or telephone.mp. or cell$.mp.)
  – (divorce.mp. or separation.mp. or relationship termination or marital separation or divorced persons
  – 1 and 2
## Searching for Relevant Studies

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*Includes all potential hits using search terms before screening process based on inclusion criteria.

**Duplicates have not been removed
Of the 4025 hits reviewed through the search of the identified electronic databases the following results were found:

- 39 references had relevance to the use of technology in health, military, education, and prisons
- 48 general references related to separation and divorce in general
- 2 references had direct relevance to the use of technology as it relates to divorce
  - Yarosh, Chew & Abowd (2009) interviewed 10 parents and 5 children
  - Yarosh and Abowd (2011) interviews with 14 parent-child dyads
An Exploration of Virtual Visitation as an Option in Divorce Proceedings: Method for Integrating the Evidence

Question: What do we know based on the general literature regarding virtual visitation?

Summer Camp  University Residence
International Volunteering  Children with Special Needs

Question: What do we know about children’s use of technology, child development, and parent-child communication strategies?

Question: What do we know about virtual visitation specific to divorce and separation?

Question: How often is virtual visitation recommended and what are some of the legal issues?

Question: How is virtual visitation viewed within the context of access compliance, relocation, high conflict and supervised access?

Question: What are some of the recommendations we can make to facilitate positive interactions online?

Literature of Virtual Visitation at the Child Level  Literature of Virtual Visitation at the Parent Level

Context (Filter)
Use of technology
Child Development
Parent-Child Communication

Divorce and Virtual Visitation
Activities
(Face Time, Text Time, Sharing Time, Reading Time)

Case Law

Access Compliance
Relocation
High Conflict
Supervised Access

Cautions and Considerations
Merits and Draw-Backs Barriers in Use
Implications for Practice
Research

Prison  Long Term Care  Military
Hospital Care
REA Results

• Distance due to parent’s work
  – short term parent-child separation supplemented by VPT yields most satisfaction despite distance (Thompson, 2005).
  – children more satisfied with the amount of contact compared to their parents
  – scheduled contact yields more satisfaction to both parents and children
  – Video-chatting is the preferred VPT by both parents and children
• In the context of separation/divorce
  – Children attempt to keep online communication as private as possible (Yarosh et al., 2009)
  – Source of frustration to some parents when they feel role become “too” virtual
  – Source of frustration regarding limits of technology / lack of knowledge of technology
  – View that VPT should not replace in person parent-child contact
Online Relationships with Parents

- Research reveals children often feel closer to their parent when using technology

- Often times, parents “friending” their children on Facebook will allow the parent into aspects of a child’s life not otherwise accessible to them

- Most children will add a parent as a “friend” rather than deny the request
Online Relationships with Parents

- Offline relationships are linked to the success of VPT

- If ‘offline’ relationship is positive, more likely that becoming Facebook “friends” will be perceived positively (Chen et al., 2010)
When VPT may not work

• Interparental conflict can make VPT stressful for children

• Over-intrusive parenting

• Children feeling as though a parent is monitoring rather than engaging
When VPT may not work

- A parent “defriending” and punishing based on online content can cause parent-child conflict
Real Case Scenario

Child found out on Facebook her dad was now engaged to his new partner!

Basic Information

About Jane-Doe Taylor

i am enjoying being here with Johnny and the kidz starting a new life with an amazing man.....

Relationship Status

Engaged to Jonny Smith

Sex

Female

Jane-Doe only shares some profile information with everyone. If you know Jane Doe, add her as a friend or send her a message.

Jane-Doe Taylor:

that does not scare me.....jerk...and i know you spy on us through face book ...so get this......threaten me all you want....you are a child abuser...and you..stand there and let it happen....and your busted....so quit calling me...and call a lawyer!!
told is true. I love you
Beccs.

Becca... You hear everything that is said in that house and alot of it isn't nice. right?

Ya im just a sperm doner not a father...

You know... stuff like that...

That im a dead beat dad

That you girls arent covered under my benefits anymore. Thats not true you.
Limitations of REA

• Most attention has been in the popular media

• Context not specific to separation and divorce

• Gap in literature with very few articles to determine if a difference is made to the quality of the parent-child relationship when using virtual technologies
Review of Canadian Case Law

• Review included
  1) How common were orders for VPT?

  2) What types of VPT are being ordered?

  3) What factors (if any) mitigate in favor or against an order including VPT
Virtual Parenting Time in Caselaw

• Sharp increase in past two years in which virtual parenting time was sought, proposed and/or ordered
When is VPT Ordered?

- Search conducted between 2001-2012
  - 164 VPT based decisions (proposed or ordered)
  - 116/164 involved parents who lived in different cities, provinces, or countries.

- 80% of the 164 cases were mobility cases
  - petition by one parent to relocate with the child(ren) to another city, province or country
When is VPT Ordered?

• Parents seeking to relocate may propose virtual parenting time to ‘make up’ for diminished in-person parent-child time

• Virtual time unlikely to be ordered when parents live in the same region or when there is no physical barrier to regular physical access
Contact between parent and child is not limited to being physically together.

Technology makes it easy and inexpensive to be in contact both orally and visually.

[The child is] accustomed to using webcam and voice communication through the internet.

“The child is still less than 3 yrs old and it is highly unlikely that a voice on the telephone or a grainy picture on a computer will be any substitute for a flesh and blood father sitting him on his lap or kissing him goodnight.”

Orders

• Orders for virtual parenting time
  – Some judges order VPT to the non-custodial parent, while others allude to it with no order
  – Most common types ordered:
    • Webcam (skype) and e-mail
  – VPT ordered as enhanced alternatives to telephone
  – E-mail ordered as a supplementary form of access
Orders

• Frequency of e-mail communication less likely to be specified in contrast to webcam or Skype access

• The younger the child, the more likely Webcam or Skype is ordered to take place multiple times per week

• Virtual visits ordered for durations ranging from 5-45 minutes
Orders

• VPT ordered as a first step in re-establishing estranged / strained parent-child relationship.

• No access and no contact orders in parental alienation cases at times included specific terms regarding virtual contact
  – Alienating parents were ordered no contact with the child including “telephone contact, e-mail, fax, Facebook, Twitter, Skype, IM or text messaging contact”
Benefits of VPT from Case Law

• Ability to maintain parent-child relationships within context of a parent relocating to a different jurisdiction

• VPT thought to improve quality and time

• Availability of multiple online activities for parents and children to maintain contact
Limits of VPT from Case Law

- Interference by a custodial parent
  - overly monitoring visits
  - restricting child’s computer use
  - not allowing the child privacy
  - refusing to download the required software updates

- VPT not a replacement to in-person contact

- VPT should be scheduled / monitored in high conflict cases
Limitations of Caselaw

- Use of VPT in non-contested child custody cases remains unknown

- Continued debate over the role virtual parenting time can and should play

- Further research needed to explore online technologies as a means to maintain parent-child contact
What Children Are Saying!

- Important for parents to “get with the times” and learn how to use Facebook, BBM, text messaging
- Balance between contact and privacy
- Different methods for different situations
- Lag time / connection issues
What Children Are Saying!

- Kids preferred text messages or emails when they just needed to provide factual information.

- To develop more “closeness” or “bonding” with a parent, Skype is the best method since both “need to be fully engaged in the conversation” whereas its easy to focus on other things when using instant messaging.
“I wouldn’t talk about how I’m feeling, I would just use a lot of those smiley face pictures”

...with email, sometimes you will sanitize it a bit; like you’re feeling really sad but you don’t want the person to know how sad you are.”

“... you can't really, like, feel someone's emotion that they're, like, feeling. Like if they don't want to talk about it then you don't know what we're going through.”

(Yarosh & Abowd, 2011)
What Children Are Saying!

• Children reported feeling as if virtual parenting time should not replace real contact

• Children felt a barrier in developing emotional closeness and higher quality relationship if it was just limited to online methods
What Children Are Saying!

- The most meaningful conversations for children were ones that focused on the reunion:

  "What we were going to do when he got home, planning different restaurants that he hadn't been able to go to, what games he hadn't been able to play with us, stuff that he hadn't been able to do that was one of the first things we wanted to do when he got home, looking forward to getting home."

  (Yarosh & Abowd, 2011)
Limitations of Qualitative

• Extremely small sample size
  – Limits generalizability / transferability

• Does not include the views of younger children
  (under the age of 16)

• Preliminary and provisional data only
Considerations in Drafting VPT Plans

• Age and maturity of the child
  – Implications for the type of technology used
  – Issues regarding monitoring
  – younger children will need some assistance with virtual parenting time
Considerations in Drafting VPT Plans

• **Daily Schedules of Child and/or Adolescent**
  – Not be disruptive to child’s or teenager’s schedule
    • Teenager is able to commit to regular VPT but in light of increasing obligations (work, school, volunteer and social) (Bach-Van Horn, 2008)
    • Child’s extracurricular schedule (particularly important with teens) should be taken into account when scheduling VPT (Shefts, 2002)
• **Clear schedules and expectations**
  
  – Well-defined schedule of how the visitation will transpire including specific dates, times, lengths of contact (Shefts, 2002; Stephenson, 2009)

  – Fully outline the types of communication which will work best such as emails, texting, videochat, a website for shared pictures and information (Consoli & Wilshusen, 2010)
Considerations in Drafting VPT Plans

• **Financial Considerations**
  – Deciding who will be responsible for the financial cost of technology (Shefts, 2002; Stephenson, 2009)
  – Specify who pays for the necessary technology, including computer, computer access to the Internet, web camera, e-mail, and necessary software
Considerations in Drafting Judgements

• **Behavior of Parents**
  
  – Clear rules to prevent interference with the VPT (National Legal Research Group, 2001; Stephenson, 2009)
  
  – Clear rules to prevent disengagement / failure to participate (National Legal Research Group, 2001; and Shefts, 2002)
Considerations in Drafting VPT Plans

• Respecting privacy
  – Parents refrain from monitoring
  – Any information transmitted between the non-custodial parent and the child remains private between the non-custodial parent and child
  – VPT without or interference (Schepard, 2002; Shefts, 2002; Stephenson, 2009)
    • Parties should agree that they will not use the child to communicate any issues related to the divorce, and the agreement should punish non-compliance, with the remedies or sanctions clearly spelled out
Considerations in Drafting VPT Plans

- **Considerations regarding supervised access**
  - If safety is an issue
    - Wisconsin is the only state to date in which legislation passed with regard to supervised access specifically outlines that if a parent has supervised physical access, then the virtual access should also be supervised (Bach-Van Horn, 2008)
Types of Activities

• Virtual field trip together
  – Synchronous communication, instant messaging or video chats, can take place while looking at the webpages.

• Virtual time together
  – dinners
  – bedtime routines

• Parent can make a video and/or audio tape of them reading bedtime stories to send to their child along with the book
Types of Activities

• Play Internet games together
  – Jeopardy or Wheel of Fortune, golf, card games, chess, checkers

• Create an "add-on" story through email
  – Writing a paragraph in a word document, sending it to the child via email, and the child can write the next paragraph to the story saving the attachment and sending it back to his/her parent, continuing a back and forth writing of a story.

• An Internet crossword puzzle program made personalized
  – Clues could include special times together, memories, or each other's favorite activities. The puzzle can be done asynchronously or synchronously.
Concluding Remarks

1. Structuring contact so that children are not exposed to parental conflict

2. Clear parenting plans that ensure no parental interference

3. Consistent and predictable dates and times for VPT (more so in higher levels of conflict)

4. Clear expectations about the contact between children and parents
Concluding Remarks

• Regardless of whether one supports or opposes VPT, the fact is attorneys, psychologists, and others involved in family law should be aware of its uses and misuses

• VPT is an enhancement tool for parent-child relationships

• Further research is needed to explore online technologies as a means to maintain parent-child contact and to determine both the benefits and limitations of this mode of contact
Prof. Michael Saini, MSW, RSW, PhD
Factor-Inwentash Faculty of Social Work
University of Toronto
246 Bloor Street W
Toronto, Ontario
Canada M5S 1V4
Phone: (416) 946-5027
Fax: (416)-978-7072
Email: michael.saini@utoronto.ca

Shely Polak, MSW, PhD (cand)
Graduate Student
Factor-Inwentash Faculty of Social Work
University of Toronto
246 Bloor Street W
Toronto, Ontario
Canada M5S 1V4
Phone: (647) 883-2415
Email: shely.polak@utoronto.ca