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IDEAS FROM THE FRONT

LIVE-ACTION INTERACTION

Virtual Visitation Diminishes Distances Between Divorced Parents and Their Kids

BY ELIZABETH MILLARD

When Michael Gough's ex-wife wanted to move out of state, taking their young daughter with her, the Utah dad faced a dilemma: either see his child a few times a year, or give up his job and move. Then he found a third option.

With his attorney, Joyce Maughan of Salt Lake City, Gough asked the judge for a then-little-known addition to the custody agreement called virtual visitation.

By using a webcam—a small digital video camera that connects computers via the Internet—Gough could see and talk to his daughter in real time, despite the distance.

Virtual visitation isn't meant to be a replacement for personal interaction, family lawyers say, but it can be a good way to expand visitation arrangements. It's most likely to be used when there is distance between a noncustodial parent and child. More widespread acceptance seems to hinge simply on getting the word out. That's likely to happen even faster, thanks to the efforts of Gough and Maughan.

After the judge granted his request, Gough and his daughter spent several months visiting virtually. The experience prompted him to spread the word about the practice. Working with Maughan, he spoke to the family law section of the Utah Bar Association in October 2003 and worked with state legislators to hammer out a bill.

In spring of 2004, the legislature approved House Bill 82 after Gough's daughter. The law made Utah the first—and so far only—state to legislate the authority of judges to include virtual visitation in divorce decrees.

Although Gough eventually moved to Wisconsin, where his daughter lives, he still is an advocate for virtual visitation. He runs a Web site, Internetvisitation.org, that promotes it, and he's working with legislators in Wisconsin as well as Illinois, Maine and California on bills similar to the one in Utah.

Such legislation, Maughan says, makes virtual visitation more mainstream by increasing its visibility. And she says it also helps to inform lawyers—both technophiles and the technophobic—about how simple it is to set up.

INCREASING ACCESS

Another influential advocate is Providence, R.I., Family Court Judge Howard Lipsey, who chairs the ABA Family Law Section. "Once the parties become aware of how it can be helpful, they're very happy to try this kind of visitation arrangement," he notes. "It makes sense because it's increasing the access that a parent has to a child."

If Lipsey believes parties could benefit from virtual visitation but they aren't aware of the option, he takes it upon himself to explain it. And where parties have decided to implement the option, he's seen good results.

Yet for all of the benefits, virtual visitation is not entirely problem-free, says Phoenix family lawyer Nicole Porter Lasiter.

Within the past two years, Lasiter has dealt with a few cases where virtual visitation was part of the divorce decree. When it involved a parent who needed to move for a job, it made sense. But she's also seen cases where it didn't work, particularly in situations where both parents lived close by. "It ended up interfering with the other person's parenting time," she says.

In one instance, a mother insisted on talking via webcam to her child on the nights they weren't together, even though the custody arrangement split the time between parents equally. By taking an hour or two of the father's time with the child, the mother was being too controlling, Lasiter believes. In that case, a judge agreed, and the virtual visitation requirement was dropped.

"In the future, it's likely that virtual visitation could be used when it enhances parenting," Lasiter says. "But it's not appropriate for every custody arrangement."

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