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Divorced parents get high-tech link to kids

Two states offer visits via webcam as a formal option for distant moms and dads.

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CHICAGO - Every Sunday evening, Michael Gough used to spend an hour or two with his daughter, Saige, who lives with his ex-wife. They played hide-and-seek. Mr. Gough read her bedtime stories. Saige showed him the first tooth she lost and the haircut she gave herself.

All this despite the fact that the two were living more than 1,000 miles apart.

Their secret: webcams and a judge's order for "virtual visitation," an increasingly common tool for parents and children to connect over a distance.

Utah passed a virtual-visitiation bill last year and Wisconsin enacted a similar one last week. Three other states have introduced bills. Gough, who has since moved from Utah to Wisconsin to be near his daughter, is working with lawmakers and activists in a dozen more. A spate of media stories is bringing further attention to the issue.

Still, it's legislation that some consider unnecessary - since no state prohibits virtual visitation - and a few see as harmful, with the potential to give family courts an easy excuse to order fewer in-person visits or to allow one parent to move away.

"We know that technology can augment contact between children and parents," says David Levy, chief executive of the Children's Rights Council. "But what we don't want is for that to substitute for real time. Virtual time is not real time. We don't want the advent of technological advances to become an excuse to justify moving away. Both parents have an obligation to stay in the same neighborhood unless they mutually agree to work something out otherwise."

Gough and others say that won't be a problem, since they're recommending language that calls the visits a supplement, rather than a substitution, for in-person interaction. The language also states that virtual visitation should not be used as justification for an out-of-state move by the primary parent.

But without the laws or the media attention they generate, they say, many judges aren't aware of the possibilities available through technology, or how affordable and easy things like webcams and instant messaging have become.

When Gough's ex-wife decided to move away and he fought for a virtual-visitiation order, a judge refused. "If it isn't case law, state law, or a statute, don't ask for it, because I won't order it," Gough remembers him saying. He ended up bringing laptops into the court for a demonstration - and getting a successful order.

"People are concerned that sometimes the courts move slower than the rest of society," says Cheryl Lynn Hepfer, president of the American Academy of Matrimonial Lawyers. "A lot of the judiciary isn't as computer savvy and is hesitant to order it because they don't understand the ease with which it can be used, or they

don't understand that the cost is relatively insignificant."

Ms. Hepfer sees it as particularly useful in cases where the move is going to be allowed anyway, and virtual technology allows for a much richer interaction between the child and the noncustodial parent.

"It's difficult sometimes to get a younger child's attention on the phone, even if they have a great relationship with their parent," she says. "With older children, it's being able to look at artwork, or being able to see what they look like in their new outfit." Hepfer uses virtual technology to connect with her grandchildren.

The laws include stipulations that electronic visitation be supervised if in-person visits are. Some parents take extra security precautions.

Vada Dreisbach configured her daughter's instant-messaging system so she could only communicate with her dad. And Ms. Dreisbach makes it a point to be around for the calls. Although she might have chafed at the idea of a judge ordering such visits, Dreisbach says, it's been a good way for her daughter, who was 2 when they moved to Colorado, to stay in touch with her dad in Virginia.

"When they can talk and play games and see each other, it's a lot easier to keep her engaged and focused," she says. "They play checkers. On one of the last calls she played some songs for him on her little keyboard. She gets to show him things rather than just tell him things."

Mr. Levy of the Children's Rights Council acknowledges that virtual technology can enrich children's interactions with already distanced parents. But he worries that judges will let it influence their decision to allow a move, even if the laws stipulate that it not be a factor.

Jim Buie, an early pioneer of virtual visitation who's now working on a book about it, tracks legal cases on his website, www.virtualfamiliesandfriends.com. In one Massachusetts case, a judge allowed a mother to move and awarded the father twice-weekly virtual visits. But when a Florida mother wanted to move to Ohio, and argued for virtual visits for the father, the judge gave the father custody and made the mother the virtual parent.

"It's an educational process that judges have to understand that in no way is this an appropriate substitute to actual personal involvement," says Hepfer. "But judges are called upon to make very difficult decisions in regards to relocation.... And it is an option."

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