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Virtual Visitation

A child is in ONE state and a divorced parent is in another. But that doesn't mean that they can't *SEE* each other.

By Melba Newsome

CARRIE HAMMOND WATCHES as her 6-year-old son, Kegan, tears through a slew of birthday gifts and cards, his excitement mounting with each one. She waits patiently for him to open the special present she has given him—a Magnetix Magnetic Building Set, dozens of colorful rods, spheres and cones held together by magnets to form endless shapes. The look on his face tells Hammond she made the right choice.

"Thank you, Mom," he says, holding up the brightly colored box, almost forgetting about the accompanying birthday card. Later, although bedtime is approaching, Hammond gives in to Kegan's pleas for just one game of tic-tac-toe, which he wins.

It's like any other birthday scene where a parent watches a child rifle through presents, with one exception: Hammond is in California, and Kegan is in Tennessee. Their entire communication took place via the Internet.

"Internet visitation has made a real difference," says parent Carrie Hammond. "We're not seeing each other as strangers."

Since Hammond and her husband divorced and she moved out of state almost four years ago, this has been a twice-a-week ritual for mother and son. With inexpensive Webcams and microphones to help them share books, play games and catch up, virtual visitations have bridged the physical distance between them and made the separation a little more bearable.

"Since Kegan began reading and writing, I always keep several books next to the computer in case he wants to read a story," says Hammond. "He comes out over the summer, and I go out whenever he has time off from school, but the Internet visitation has made a real difference. We're not seeing each other as strangers. I stay in contact with his teachers and school and communicate with his doctors and everything else like a normal parent."

The breakup of a marriage is almost always traumatic, and even more so when children are involved and one parent moves away. The physical distance can turn a simple visit into an ordeal that requires a lot of planning and money.

Nowadays, courts routinely issue custody orders involving telephone time with parents, especially in cases where the parents live so far apart that frequent physical contact becomes a problem. More and more, those orders are being extended to include other types of electronic communication such as e-mail, instant messaging and videoconferencing.

In 2002, Hammond was living in Tennessee when she decided to relocate to California. She and her ex-husband amicably worked out their own parenting plan, and the judge approved it. However, Michael Gough, a computer security specialist based in Utah, encountered a different scenario. In 2003, Gough was sharing custody of then-4-year-old Saige when his ex-wife moved to Milwaukee, almost 1,000 miles away, to attend school. Their daughter went with her.

He didn't feel it was fair to oppose his ex-wife's move, but he also wasn't willing to sacrifice his relationship with his daughter. "I had waited a long time to have a child, I have only one, and I want to be a dad," he says.

Gough asked a judge to allow him the right to communicate with his daughter through a home computer

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Father's Rights:

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Child Custody-Divorce-Visitation Help available 7 days per week.
www.affordablehelp.org

Free Custody

Case Review

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www.casepost.com

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videoconferencing system. Not only did Gough's ex-wife resist the idea, the judge had never entertained such a request before.

"Virtual visitation had been ordered in other states, but this judge didn't want to do it, because it was not the norm," says Gough. "He didn't really understand it and thought it would be more like satellite TV." After he successfully demonstrated that his request would be good for him and Saige and would not pose a hardship for her mother, the judge granted virtual visitations, an outcome that proved to be good for everyone. When Saige visited during holidays or for the summer, she used the videoconferencing setup to stay in touch with her mother.

Gough's experience turned him into an activist behind the first law in the United States to proclaim a parental right to virtual visitation as part of a divorce decree. Enacted in Utah in May 2004 and in Wisconsin in April 2006, Saige's Law ensures that parents who visit their children electronically are not waiving the right to visit them personally. The law also states that virtual parenting time should supplement, not replace, in-person time.

Some fathers' rights groups have objected to Gough's efforts because they fear that the availability of such technology might prompt judges to grant more move-aways. Gough disagrees: "This legislation specifically prohibits a court from using electronic communications as a factor in allowing or prohibiting moving away from the other parent with a minor child."

Some opponents have argued that Internet access would violate privacy, be too expensive or too complicated to install, or disrupt the child's routine. Such arguments are failing to gain much traction, however. The Utah law states that the court may grant a parent a "reasonable amount of electronic communication at reasonable hours."

Gough would never argue that virtual visitation is the same as being there, but it's a right worth fighting for. When computer technology truly facilitates a parent's access to the child, he believes it can help maintain the relationship.

"My first 20-minute virtual visitation was better than the previous 18 months of telephone calls combined," he says. He claims that seeing and almost being in the same room with a child can prevent the shock that might occur at first sight after months of separation between personal visits.

Gough and Hammond both point out that the key to success is establishing some clear parameters for online visits. For example, it is important that virtual visits are for a reasonable amount of time and conducted at reasonable hours. They also believe that the separated parents must agree on whether the communications equipment needed is reasonably available to both.

Jim Buie began virtual visitations in the technological Stone Age—1994—when his son Matthew was just 10 years old and electronic communication left a lot to be desired. He and his ex-wife had been divorced for eight years and were both living in Maryland when she was offered a job in Indiana. Buie did not oppose the move. But a few weeks later, he flew to Indiana and installed AOL on the home computer so that he and Matthew could e-mail back and forth daily.

"We were pioneers when we started out," says Buie. "We endured a lot of frustrations. The modems were 2400 baud and extremely slow, and sometimes it would take an hour to configure a camera properly." But technology advanced rapidly, and by the time Matthew was a freshman in high school, they were videoconferencing. "That really made a big difference. It felt as if we were connecting and having a real visit."

The primary catalyst for introducing this technology into child custody agreements has been high-speed Internet access through cable and DSL lines. (Although the U.S. Government Accountability Office determined that only 28 percent of Americans had broadband connections in 2005, JupiterResearch predicts that by 2008 as many as half of U.S. households will have high-speed access, as opposed to slow-motion dial-up.) The perfection of full-motion video in synchronicity with audio means that routine households are easily capable of handling videoconferencing. The necessary equipment includes a computer, video cameras, headphones with microphone, video and voice software, and a broadband connection.

Although the technology for faceto-face visits electronically is not new, Hammond says she is surprised to learn how many parents either don't know about it or have never considered using it.

"I meet two types of long-distance parents: those who are trying to figure out the arrangements and are excited about virtual visitations, and those who have been away from their kids for a while and have no idea that this is really possible," says Hammond.

Hammond, through her Web site, www.distanceparent.org, does a lot of networking with and support of other long-distance parents. Through his site, www.internetvisitation.org, Gough does the same and has written a guide to help people set up virtual visitation systems in their homes.

Gough has since moved to Wisconsin to be closer to his daughter and now lives just a few miles away from her. Still, he has not abandoned Internet visits. Several times a week, he and Saige visit virtually.

Even though his distance problems have been resolved, Gough is committed to making virtual visitations a routine part of custody arrangements by pushing for laws in other states similar to the one enacted in Utah. So far, he and others have pushed for legislation in Missouri, Illinois, Virginia, South Carolina, North Carolina, Ohio, Georgia and California. He sees virtual visitation as the best option for dealing with a bad situation.

Gough says, "Nobody in their right mind would say, 'I'd rather be on the computer with you than see you in person.'"

With inexpensive Webcams and microphones to help them share books, play games and catch up, virtual visitations have bridged the physical distance between them and made the separation a little more bearable.



Melba Newsome, a Charlotte-based freelance writer, is a frequent contributor to Sky, Time and O, the Oprah Magazine.

ILLUSTRATION BY LEON MUSSCHE



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