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## Divorced parents gain virtual visitation rights

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**Madison** - Children of divorced parents could get a high-tech boost allowing them contact with Mom or Dad over the Internet, although some fear that virtual visitation could actually reduce the amount of face-to-face time those parents spend with their kids.

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A Wisconsin measure signed into law by Gov. Jim Doyle last week says that if a court grants physical custody to both parents, electronic communications - such as instant messaging or video conferencing - with one parent may also be granted during the other parent's time with the child.

Some family law experts said the Wisconsin legislation wasn't necessary because judges could already allow for such visitations, and some fear parents could be forced to exchange face time with their children for electronic visits if the law isn't applied appropriately.

But supporters argue that it's important to formally add electronic visitation to the list of options available to judges, so they feel compelled to consider it when requested.

Rock County Circuit Judge James Welker said that the Web technology can help a parent stay connected with a child he or she is physically separated from, whether by thousands of miles or a few city blocks.

Why you can't get your kid on the Internet every night to say, 'Good night,' there's no reason," Welker said.

Under the law, judges will evaluate whether the communication is in the child's best interest and whether the necessary equipment is available. The law requires that such communications be used to supplement, not replace, regular in-person visits.

It also says that if a parent's physical placement with a child is supervised, the electronic communication must be supervised, too.

In a statement, Doyle said that the new law will provide another way for families to spend time together, especially when a parent's contact with children is limited by location or other factors.

Before the bill was signed, Welker had granted electronic visitation in a recent custody case when the mother of a 10-year-old child was moving to Texas and the father was staying in Wisconsin. When the child is in Texas with the mother, Welker allowed for visits over the

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Webcam with the father, and the situation reverses when the child is in Wisconsin.

Welker said the arrangement has gone well so far.

Wisconsin became the second state, after Utah, to pass such a law. Before the law was passed there, Michael Gough had to convince a judge that he should be allowed virtual visits with his daughter, now 6, who moved to Wisconsin with her mother in 2003.

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Gough, who has since moved to the Milwaukee area to be closer to his daughter, and his Salt Lake City attorney later worked to get the measure passed in Utah, and now he's taking the movement nationwide. More than a dozen other states are considering such laws, he said.

A computer security consultant, Gough enjoys remembering many of the little moments he was able to have with his daughter over the Internet during the year when their visits were

primarily virtual: Seeing the haircut she gave herself; checking out her first missing tooth; and reading each other stories.

When his daughter took scissors to her own hair, for example, "I saw the subtle changes in the following weeks . . . and that was worth more than the previous six months of telephone calls combined," Gough said.

Gough's ex-wife, Nissa McEveny, however, disagrees that the electronic visits have been a success, said her attorney, Linda Ivanovic, but she declined to elaborate.

Some parental and children's rights groups - especially those representing fathers - have raised concerns that such communications could replace real-life visits.

David L. Levy, chief executive officer of the Children's Rights Council, a Hyattsville, Md.-based advocacy group for children, is supportive of such legislation as long as electronic communications are in addition to, and not in lieu of, in-person time.

"We have real kids, with real parents, and real kids need parents who can be with them," Levy said.

Carrie Hammond's job took her from Tennessee to the San Diego area more than three years ago. In between formal visits with her now-6-year-old son, the pair spent time chatting, playing games and telling stories over a Webcam.

"I cannot imagine what it would have been like if I hadn't been able to see him two or three times a week," Hammond said. "In between visits, it made it bearable."

Now, Hammond's son lives with her and does Internet visits with his father, who remains in Tennessee.

The technology may first work best in urban areas, where families have better access to broadband Internet connections, said family law attorney Tom Glowacki of Madison.

Some say a stumbling block could be that judges - accustomed to handling custody matters in a particular way - may initially be wary of such arrangements.

That's why getting it on the books as a formal option was important, said Rep. Robin Vos (R-Caledonia), who sponsored the legislation with Sen. Cathy Stepp (R-Yorkville).

"Some of the people in the court system haven't gotten to the same level of technology comfort, and this helps to say, 'This another tool that parents can use,' " Vos said. "When you're going through a divorce, you tend to follow the past procedures that lawyers understand and judges are comfortable with."

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