

Virtual Visits

New laws provide alternative visitation options.

By Sarah K. Cron

After his first summer visit with his 3-year-old daughter, Michael Gough had to take a month off work to recover from saying goodbye. "I just was not handling the fact that I was not going to see my daughter very often," he said, admitting that leaving her for the first time was heart-wrenching. "She cried and she had to be pulled away from me. She didn't want me to go."

Gough and his former wife divorced in 2002, and his daughter moved with her mother to Wisconsin, 1,000 miles away from where he lived in Utah at the time. So Gough, a computer security consultant, found a way to keep in touch with his daughter using the same virtual technology his company uses to conduct business across the country. But he first had to convince a judge in Utah to let him use it.

Virtual visitation technology is relatively easy to use, is inexpensive and only requires a high-speed Internet connection. Web cams and video conferencing software, which often is free, Gough said. Still, he spent several thousand dollars educating the court on how it can be used to visit his daughter on a regular basis.

Partly motivated to reduce this struggle for other parents embroiled in custody battles, Gough and his lawyer became instrumental in making virtual visitation an option for the courts by law. Utah passed the first such legislation in 2004; and since then, 17 other states have begun pushing for virtual visitation bills, according to Gough.

In March, Wisconsin became the second state after Utah to make virtual visitation an official option. Gough is actively involved in helping draft each new bill and provides legal and technological information on virtual visitation through his Web site, www.internetvisitation.org.

"I think the law is a good thing because it now specifically tells judges that [they] have the authority to [award virtual visitation]," said Rock County Circuit Court Judge James Welker in Wisconsin. "I think the statute is useful because judges tend to be conservative.

A Utah computer security consultant and his lawyer became instrumental in making virtual visitation an option for the courts by law.

They don't launch off and do new things unless there is some statutory authority for it."

Cheryl Hepfer, president of the American Academy of Matrimonial Lawyers, agreed, adding that many judges are not initially inclined to rule in

that Gough admitted many parents who are removed from their children struggle with. "It benefits everybody because when you have more contact, you have greater interest," Hepfer said. "When you have greater interest, you are much more willing to do things for the child."

Some groups say making virtual technology a legal option might enable judges to allow more parents to move away. David L. Levy, chief executive officer of Children's Rights Council, expressed concern that virtual visitation legislation, unless carefully worded, could

be misused to justify a court-sanctioned decision to allow a move. "We don't want it to replace real contact," he said. "You can't hold your child's hand long-distance. Having human contact is irreplaceable."

Judge Welker, who awarded virtual visitation rights in one case before the law went into effect in Wisconsin, said awarding visitation rights all comes down to individual judgment. "In all of these cases, you need good judges who are diligent," he said.

Hepfer also said most judges are very aware of the child's need for real contact with both parents. "Truly, judges understand that it's imperative for a child to have one-on-one physical access to the noncustodial parent," she said. "This is meant only as a supplement and adjunct to visitation."

As for Gough, he eventually moved to Wisconsin to be physically closer to his daughter. Today, he has traded virtual time for real time, visiting his daughter in person several days a week. He still uses virtual technology if he misses a day with his daughter for business reasons, always carrying books with him to read to her while he is away.

"It did wonders for me," he said. "Children are visual in nature. A telephone call is just not good enough. ... She wants me, she needs me. I am her daddy." JOC

The screenshot shows the homepage of InternetVisitation.org. At the top, there's a navigation bar with links for Home, About Us, Contact Us, and a search bar. The main content area is divided into several columns. The left column has a large image of a family sitting at a computer. The middle column has a section titled 'What is Virtual Visitation?' with a sub-heading 'Reach a great Video presentation on what is Video Call and Virtual Visitation'. The right column has a section titled 'What's New...' with a list of recent updates. At the bottom, there's a section titled 'Virtual Visitation' with a list of features and benefits.

Gough provides information about virtual visits at www.internetvisitation.org.

favor of new technological options. "Unfortunately, many of the judges simply are not as technologically connected or aware of options," she said. "They are more hesitant to pass an order that would include this provision."

Hepfer added that virtual visitation access also enables the absent parent to become more emotionally connected with the child — a problem