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Visitation Rights Are Becoming High-Tech

Many Courts Are Granting Webcam Visits With Children

By Jim Buie

Special to The Washington Post

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Like many dads this Father's Day, Michael Gough plans to spend some special time with his daughter Saige, 5. He'll probably read and show her some picture books like "Pocahontas." Maybe they'll play a game of checkers. He might make some goofy faces and tell corny jokes to elicit one of her contagious belly laughs.

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Since Gough is divorced, and lives in Salt Lake City, and Saige lives with her mother in Wisconsin, his Father's Day time with her will be high-tech. Several times a week, by court order, no matter where Gough happens to be -- even when he travels as a computer consultant -- he "virtually visits" with his daughter using Web cameras and synchronized voice technology over a high-speed Internet connection. Last September, Gough won the legal right to engage in "Internet visitation" with his daughter.

For Gough, interacting with Saige over the Internet, using inexpensive webcams and microphones so they can see as well as hear each other, helps to ease the pain of divorce. "When I called my daughter up on the telephone, the conversation would last about five minutes and she would often give one-word responses to questions," Gough recalled. "I had very little idea what was really going on in her life."


But once the webcams were installed, their communication became far richer, he says.

"My daughter was even able to virtually visit with her grandparents and great grandparents, something she would have missed without the video call," he says.


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Eager to help other parents, particularly fathers, obtain more access to their children without the kind of court battle and legal expenses he incurred, Gough and his attorney, Joyce Maughan, contacted a state legislator in Utah, who introduced a bill that would insert the right to "virtual parent-time" into the state's child custody guidelines. Last month, Utah became the first state in the nation to enact a law recognizing a parent's right to "virtual visitation." Gough proudly calls the legislation "Saige's law."

Gough isn't alone when it comes to choosing virtual visitation as a way of trying to overcome the miles between parents and their children.

Conflict over the right to computer-based communication between parents and children has played a role in at least a dozen court cases in 11 states since 2001. Some parents have offered computer communication as an olive branch in custody battles, and others have fought requests from former spouses for such access on the grounds that a webcam and high-speed Internet connection would violate privacy, would be too expensive or too complicated to install, or would create a hardship by disrupting a child's routine. Two of the best-known cases were in Florida and Massachusetts.

In Orlando in 2000, Tawny Kaleita Sniderman proposed virtual visitation as a custody solution when she sought to move to Ohio with her new husband. She and her attorney did such a good sales job on its benefits that the judge decided in 2001 that she could be the virtual parent, deciding that her then-10-year-old daughter would stay with her father, Gary Kaleita, in Orlando. The mother had sought primary physical custody. But the judge did not award the father everything he wanted. The father had asserted that liberal virtual visitation access would disrupt household schedules. The judge disagreed, giving the mother permission to contact her daughter as often and as long as she wanted.

In the Needham, Mass., case, in 2002, Paul Cleri objected to receiving virtual visitation over physical custody of his three young children who were allowed to move with their mother to New York. Cleri is appealing the decision, claiming that virtual visitation is absolutely no substitute for living with or nearby his children. His lawyer called it a "glorified phone call."

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