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Weekends With Dad, Courtesy of D.S.L.

By LYNETTE CLEMETSON

WITH work and the school week behind them, Charles A. Mason III and his daughter, Arielle, who live more than 1,500 miles apart, prepared for their scheduled weekend visit. There was no packing involved, no plane tickets, no car rides or drop-offs. All it took was some instant messaging on their home computers and a little fidgeting in front of their respective Webcams, and father and daughter were chatting, playing checkers and practicing multiplication tables.

"It's funner than talking on the phone, because I can see him," said Arielle, 10, who lives with her mother in Longmont, Colo., but has regular "virtual visits" with her father as part of the custody arrangement her parents worked out after her mother moved eight years ago. "It's just like being in front of him, but with games and computer stuff added."

As for Mr. Mason, who lives in Warrenton, Va., the video chats are a vast improvement over telephone calls, during which his daughter — like many children her age — is often monosyllabic and easily distracted.

"I can barely hold her attention on the phone for five minutes," he said. "When we can play checkers and look at one another, I can keep her talking about school and life for an hour or more."

As divorce has remained a constant, custody arrangements have evolved over the last half-century. Increased awareness of the toll divorce can take on children and fathers' increased involvement as parents, combined with the demands of working parents who often have to move in order to get and keep jobs, have made for increasingly creative and sometimes complex custody agreements.

As the legal system begins to acknowledge the potential benefits of technology in bridging the physical and emotional distance caused by divorce and separation, more families are experimenting with computer-assisted custody sharing.

Although any separating couple can opt for virtual visits in their custody agreement, debate surrounding the issue is unfolding on the state level as advocates push to have the option spelled out in state laws in order to broaden awareness of the practice and enable judges to grant such visits where they see fit.

In January the Wisconsin Legislature passed a measure allowing judges to grant virtual visits in custody agreements. If Gov. James E. Doyle signs the bill, Wisconsin will become the second state officially to allow such visits, following Utah, which entered virtual visits into its state code in 2004.

Efforts to push similar legislation are in various stages in several states, including Virginia, Illinois, Missouri, Florida, California and New York.

But not everyone gives virtual visits a ringing endorsement. In addition to concerns that it may be used to limit in-person visits, some lawyers and noncustodial parents also worry that it may be used to bolster the case for a custodial parent's contested relocation.

In 2001 an appeals court in New Jersey overruled a lower court decision denying a custodial parent's request to move out of state, reasoning that the court did not consider computer-assisted visits as an option for the noncustodial parent who objected to the move.

A Massachusetts court ordered video visits in 2002 in another contested relocation dispute. The father in the case, who argued that video visits were being imposed to replace in-person visits with his children, lost his appeal to stop the move.

"The danger is that it will become a substitute for real time," said David L. Levy, chief executive of the Children's Rights Council, based in Hyattsville, Md., which advocates for children affected by divorce and separation. "Virtual time is not real time. You can't virtually hug your child or walk your child to school. We don't want this to be seen as an excuse to encourage move-aways."

The Utah and Wisconsin regulations specify that virtual visits should be used as a supplement to, not a substitute for, traditional visits. The Wisconsin bill also specifies that virtual visits should not be used to justify a custodial parent's relocation. The laws define "electronic communication" as contact by video conference, e-mail, instant message, telephone or other wired or wireless technology.

"I think that most judges understand that children require physical one-on-one contact with the absent parent," said Cheryl Lynn Hepfer, president of the American Academy of Matrimonial Lawyers.

Mr. Mason, who sees Arielle in person over spring and summer breaks and alternating holidays, said virtual chats allow him to maintain a comfortable rapport with his daughter between visits. At one point during a recent call, Arielle repositioned the camera toward her piano keyboard and played him a few songs she had learned.

"I have always wanted to attend my daughter's recitals," said Mr. Mason, 42, a director of information systems for the Wolf Trap Foundation for the Performing Arts. "And here it was, Sunday afternoon, and I was getting a private recital just for me. It makes me feel closer, like I have some input."

Some parents fear that incorporating a Webcam into their children's computer activities will make them vulnerable to online predators. Those who allow virtual visits say the equipment involved requires the same parental supervision as any other technology in the home.

Vada Dreisbach, Arielle's mother, said she maintains control of the Webcam and the passwords for logging on to the necessary computer programs. She also has the computer set up so that Arielle can receive instant messages from only her father. She logs her daughter on and off before and after each visit.

"It's a very isolated connection," said Ms. Dreisbach, 43, a meteorological systems engineer. "There is a lot of coordination involved, but the more comfortable a person is

with the technology, the less scary it is."

Despite the demand for long-distance custody arrangements, those who support virtual visitations say it is an option that is still relatively unknown. Some lawmakers and lawyers said legislation is needed, if only to raise awareness among lawyers.

"Lawyers and judges tend to be behind the technology curve," said Brian M. Hirsch, a family lawyer in Reston, Va., who represented Mr. Mason in his custody case. "We tend to look at something new and immediately think, 'How can this be abused?' And the judges I have asked to do this have had a very negative reaction to it."

Judge James C. Hallock, an associate judge in Kane County, Ill., who supports virtual visit legislation, said many judges need the parameters of such measures spelled out for them. "Some judges my generation and older never even turn on a computer," he said. "That makes it difficult to understand how this could be a good supplement to a relationship."

State Senator Jay O'Brien of Virginia said he introduced virtual visiting legislation this year after witnessing a divorced relative's difficulty with trying to see his children. His bill failed to pass Virginia's Senate Courts of Justice Committee, which decided that since there was nothing expressly barring virtual visits, there was no need to permit it officially.

Senator O'Brien said he plans to work on the language of his bill and reintroduce it. "In my own life I have seen a family member struggle with this, and if his requests weren't specifically permitted by the code, it was not going to be granted in his case," he said. "I think it is necessary to inform courts and attorneys to ask for this where it is appropriate."

John M. Speer, a financial consultant in Palm Valley, Tex., says he could benefit from state involvement. Though technically permitted by the terms of his custody agreement to visit with his three children every other weekend, such visits have become financially prohibitive since he moved from the Chicago area, where his children live, to Texas in 2001.

"Flying all three children here so often, or flying myself there and paying for a hotel, as much as I want to, I just can't do that all that often," Mr. Speer said. "Having another way to see one another and communicate would prevent the distance from growing between us during the months we're apart."

Because his ex-wife, he said, has yet to approve his requests for Web visits, having the option of such visits written into Illinois statute would allow a judge to approve the visits over her objections.

Michael Gough, who successfully lobbied for the Utah provision after his ex-wife and daughter, who was 4 at the time, moved to Wisconsin in 2003 and led the advocacy effort for the Wisconsin legislation, is working with lawyers and noncustodial parents around the country to push for similar legislation in other states.

Mr. Gough, a computer security consultant, runs a Web site called www.internetvisitation.org, which tracks legislation, offers divorce resources and gives user testimonials. He also runs a how-to site called www.videocalltips.com that walks users through the mechanics of video conferencing and rates software and Webcams.

Still, some families have found virtual visits more hassle than they're worth. When Alex

Tomaszczuk moved to California in 2004, he bought a Webcam for himself and one for his ex-wife and children, who remained in Virginia. The image on the screen broke up if the kids moved around too much, and coordinating visits around the three children's busy schedules proved difficult.

"In some respects it's just easier to pick up the cellphone when I'm on the freeway and talk to them for 45 minutes," said Mr. Tomaszczuk, 50, a government contracts litigator who still works from Virginia part time and sees his children in person at least twice a month.

Jim Buie and his son Matthew struggled with myriad technical problems when they began experimenting with video visits in 1999. Matthew, then in high school, was living with his mother in North Carolina, and Mr. Buie was living in Maryland. But as the technology improved, Web visits became a cherished link between father and son, and they continue them, even though Matthew is now 22.

Matthew, who directs audio systems for a cruise line, took a break in a cafe in Aruba during a recent Caribbean cruise to check in with his dad via Webcam.

The two chatted about Matthew's forthcoming cruise schedule and joked about the bold Caribbean shirt he was wearing. Mr. Buie remarked that he still had not met his son's new girlfriend and asked him to bring her along for an introduction on their next virtual visit.

"This way of communicating has become something special that we share," said Mr. Buie, 51. "Of course it's not as good as seeing him in person. But at least I can see him. It has kept us close."