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THE FOX FAMILY FILES: Why just call when you can videoconference?

By Cynthia M. Fox



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Travel with me to a typical neighborhood in west St. Louis County.

It's a Wednesday evening, and in two almost identical households, mommy is calling home from a distant city after two days on the road. After catching up with her husband, she's eager to speak with her 6-year old about his day at school.

There is nothing unusual about this scenario except that one family actually is videoconferencing, where mom, dad and the boy hear and see one another as they talk, play a game of checkers and do a little show-and-tell with today's homework. And the other family? They converse much the same way Messrs Bell and Watson did in that first historic call. Which family do you think had the more meaningful conversation?

This may sound far-fetched to those of us on the dark side of the technological divide, me included, but this capability is readily available to anyone with a recent vintage computer, a webcam, a combination headset/microphone, a high speed Internet connection and the enabling software. Total set-up cost, including software, is about \$500, plus the monthly Internet connection fee. Many of us are likely to have several of the components already in place.

So, what does this have to do with divorce and family law? It touches upon one of the hottest emerging topics in domestic relations known as "virtual visitation," whereby a divorced non-custodial parent can have more meaningful contact with the child or children through the use of this technology than via an ordinary telephone call. Yet, for all its seemingly obvious benefits, and with the technology now readily available, it is not routinely provided for in the parenting plans approved by courts here in Missouri, nor in most other states, as far as I can tell.

Substituting videoconferencing for telephone contact seems to have first come into prominence

about four years ago in Utah, when Michael Gough, a computer security consultant, asked the court there to allow it when his ex-wife and child relocated to Wisconsin. Gough said his petition initially was rebuffed by the judge because there was no case law, state law or statute providing for video conferencing in the parenting plan. Only after presenting articles from legal journals indicating it was being experimented with in other states, as well as providing an in-court demonstration, did the judge relent.

Since then, Gough has been a driving force behind having legislation enacted in Utah and Wisconsin -- where he subsequently relocated to be closer to his daughter -- providing judges in those states the statutory authority to make virtual visitation a required element in the parenting plan.

Missouri does not yet have such a statute. One was proposed in the just-concluded session but never made it into law.

As referenced earlier, I am a latecomer to things technological and I only first heard about this visitation concept a few weeks ago. I was instantly attracted because it seemed so obviously in the best interests of the children of divorced parents. As I see it, one of the purposes of the parenting plans that our courts devise for these children is to try to replicate the benefits the child would experience if living in a healthy, intact family. Substituting videoconferencing for a standard telephone call, wherever possible, seems to me an obvious and overdue step in that direction.

The most important thing to do next is to make sure the Missouri legislature enacts the enabling legislation in its next session. Beyond that, I think it's incumbent for family lawyers and judges to look for opportunities to incorporate videoconferencing within parenting plans wherever both parents are willing to participate.

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