

COVID-19 Family Law Resources (BC)

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About this Guide

This guide was created by [Hannah DeJong](#), a family law lawyer at Boughton Law, to help the public navigate new family law issues caused by the COVID-19 pandemic. It contains general information about family law in BC, and is not meant to be legal advice or an opinion. Most of the information in this guide is specific to British Columbia and may not apply outside of BC. If you have any suggestions or comments about this guide, please email Hannah DeJong at hdejong@boughtonlaw.com.

General Information

Common Questions About COVID-19 (BC CDC)

Find [answers](#) to some of the most common questions about COVID-19. If you're co-parenting, it's important that you're both on the same page and following public health recommendations during COVID-19. For more information, see the BC CDC Coronavirus [website](#).

COVID-19 and Children - Information for Patients

Many co-parents are wondering what to do if their child shows symptoms, or is already immuno-compromised. BC Children's Hospital has a [guide](#) answering health questions for children and parents. You and your co-parent should both know how COVID-19 may affect your children's health.

COVID-19 Legal Questions (BC Government)

This [website](#) from the BC government contains answers to commonly-asked questions about family law and COVID, such as, "The financial circumstances of my family have changed due to COVID-19. What happens to child and spousal support?"

"Five Minute Family Law" - Coronavirus (JP Boyd)

John-Paul Boyd, QC, a well-respected family law lawyer in BC and Alberta, has put together a [video](#) answering common questions about family law issues during the pandemic.

COVID-19 Service Changes (PovNet)

PovNet is [tracking service changes](#) for legal programs and services province-wide. See which services can still be accessed in-person, or by phone or video.

Family LawLINE (Legal Aid BC)

If you're a person with a low income experiencing a family law issue, you may be eligible for free legal advice over the telephone from a family lawyer. [Family LawLINE](#) lawyers give brief "next step" advice about family law issues.

Co-Parenting

Talking To Kids About COVID-19 (Anxiety Canada)

This [guide](#) provides tools and ideas for talking to your children about the pandemic. If you are co-parenting, it's important that both parents are on board with what you're saying to your child, as different messages will confuse and possibly make your child more worried.

Also see this [guide](#) from the Kelty Mental Health Resource Centre at BC Children's Hospital, or this [PDF guide](#) from Fraser Health.

Q&A — Parenting (Legal Aid BC)

Legal Aid BC is monitoring the COVID-19 situation and working to provide up-to-date [answers](#) to your questions about how COVID-19 affects you and the law.

Guidelines for Parenting During COVID-19 Health Crisis (Rise Women's Legal Centre)

Rise Women's Legal Centre has collaborated with Vancouver family law lawyers Zara Suleman, Andrea Glen, and Tanya Thakur to share [guidelines](#) in the hope that they help parents who are divorced or separated and have co-parenting arrangements for their children during the COVID-19 pandemic.

Parenting Arrangements During the Time of COVID-19 (Dr. Michael Elterman)

Dr. Michael F. Elterman has written a [report](#) about parenting time during Covid 19 which is being cited as persuasive authority by BC courts. This report states that a pandemic should generally not prevent a parent from continuing to follow a parenting order or agreement, and list examples of situations where exceptions may apply, including:

- If a parent has had contact with an infected party, they should disclose this immediately to the other parent.
- If the parent is infected or even ill with symptoms or needs to be tested for Covid-19, they should not take the child.
- If the parent is in a home with older family members or friends or with individuals who are immune-compromised, the child should not be in that home.
- There should be no play dates and the child should not be taken to see family or to social gatherings.
- If parenting time is to occur in a public place, such as a community centre, a mall or a restaurant, then it should be suspended.

- If a supervisor is required and who is not the spouse of the parent and living in the home, then the parenting time should be suspended.
- If either parent or anyone in the household is in an Essential Service or still working with the public, eg. doctors, nurses, at a supermarket or pharmacy, flight attendant, etc. then this can represent an increased risk to the child.

Dr. Elterman wrote that if parenting time is not possible, generous FaceTime, Skype, or WhatsApp video can be used.

COVID-19 Social Distancing Template Clauses (NSRLP)

The National Self-Represented Litigants Project (NSRLP) has prepared some [template clauses](#) on social distancing for co-parents that, depending on your situation, you can propose to the other side, and modify if you wish.

If you do make an arrangement that is different from your existing court order (or even an informal arrangement you have been observing), put it in writing and have both parents sign and keep a copy for themselves. You can do this over email - if you do not have a scanner, take a photo of the signed copy and email it to the other parent.

Summary of Recent Case Law on Parenting during COVID-19 (LK Law)

Lindsey Kenney Law posted a [blog](#) summarizing recent cases on parenting time during COVID-19. Here are some key takeaways from one important case, [Ribero v. Wright, 2020 ONSC 1829](#):

- A blanket policy that children should never leave their primary residence – even to visit their other parent – is inconsistent with a comprehensive analysis of the best interests of the child. In troubling and disorienting times, children need the love, guidance and emotional support of both parents, now more than ever.
- In most situations there should be a presumption that existing parenting arrangements and schedules should continue, subject to whatever modifications may be necessary to ensure that all COVID-19 precautions are adhered to – including strict social distancing.
- In some cases, custodial or access parents may have to forego their times with a child, if the parent is subject to some specific personal restriction (for example, under self-isolation for a 14-day period as a result of recent travel; personal illness; or exposure to illness).
- In some cases, a parent's personal risk factors (through employment or associations, for example) may require controls with respect to their direct contact with a child.
- And sadly, in some cases a parent's lifestyle or behaviour in the face of COVID -19 (for example, failing to comply with social distancing; or failing to take reasonable health-precautions) may raise sufficient concerns about parental judgment that direct parent-child contact will have to be reconsidered. There will be zero tolerance for any parent who recklessly exposes a child (or members of the child's household) to any COVID-19 risk.

- If a parent has a concern that COVID-19 creates an urgent issue in relation to a parenting arrangement, they may initiate an emergency motion – but they should not presume that the existence of the COVID-19 crisis will automatically result in a suspension of in-person parenting time. They should not even presume that raising COVID-19 considerations will necessarily result in an urgent hearing.

Child & Spousal Support

Q&A — Support (Legal Aid BC)

Legal Aid BC is monitoring the COVID-19 situation and working to provide up-to-date [answers](#) to your questions about how COVID-19 affects you and the law.

What's New (Family Maintenance Enforcement Program)

The Family Maintenance Enforcement Program (FMEP) is posting updates about their services [here](#). Some important updates so far are:

- Due to limited staff and higher than usual call volumes, you will experience delays when calling FMEP offices, waiting for a response to web messages or callback requests, or requesting to enrol in FMEP.
- If you are a payor, we FMEP acknowledges you may have difficulty paying your full amount of maintenance that is due. You are, however, still required to pay the support owing under your order or agreement. If you are unable to make full payments, it is very important that you contact us by signing into your web account and sending a web message.
- If you are a recipient, we will continue to send you payments as they are received at FMEP. If payments are not made, we will assess your case and take all appropriate action to try to get your maintenance payments.
- If you are an attachee, please continue to send payments under the Notice of Attachment if money is owing to the payor. If you have any questions about deductions, sign into your web account and send us a web message.

Family Violence

Q&A — Family Violence (Legal Aid BC)

Legal Aid BC is monitoring the COVID-19 situation and working to provide up-to-date [answers](#) to your questions about how COVID-19 affects you and the law.

Staying Safe During COVID-19 (National Domestic Violence Hotline)

[Information](#) about how the pandemic could uniquely impact intimate partner violence survivors, and suggestions for survivors that may make this uncertain time feel a little bit safer.

Legal Services & Advocacy Program (BWSS)

Battered Women's Support Services has a robust [Legal Services & Advocacy Program](#) which offers summary legal advice, workshops, and in some cases, full-representation for women leaving abusive relationships. Their [website](#) details how women experiencing violence may be affected by the pandemic.

If you need to plan around leaving, call the BWSS crisis line during a safe time, text 604-652-1867 or send an email at intake@bwss.org.

Interactive Guide to Safety Planning (Loveisrespect)

A safety plan is a set of actions that can help lower your risk of being hurt by your partner. This [tool](#) will help you create a safety plan which includes information specific to you and your life that will increase your safety at school, home, and other places that you go on a daily basis.

Resolving Problems Out-of-Court

"Getting help without leaving the house series: online access to justice" (MyLawBC)

MyLawBC is an interactive site that provides online information and services. This [guide](#) has options for resolving disputes online, including guided pathways, the Family Resolution Centre, and the Dialogue Tool. If you have any questions about using these online services to help you resolve your legal issues, please email mylawbc@lss.bc.ca.

Discounted Mediation Services (Mediate BC)

Mediate BC is now providing discounted services to those that wish to resolve their matters with the help of a mediator through their "[Quarantine Conflict Resolution](#)" page where parties submit their incomes, and get a quote back.

Here is the rate chart:

Total Annual Income	Individual Party Hourly Rate
\$0 - \$45K	\$20
\$45,001 - 55K	\$25
\$55,001 - 65K	\$35
\$65,001 - 75K	\$45

\$75,001 - 85K	\$60
\$85,001 – 100K	\$75
\$100,001 - \$120K	\$95
\$120,001+	Mediator's posted rate

Going to Court

Q&A — Courts (Legal Aid BC)

Legal Aid BC is monitoring the COVID-19 situation and working to provide up-to-date [answers](#) to your questions about how COVID-19 affects you and the law.

How To Deal with Urgent Family Matters in the Provincial Courts During COVID-19 (YWCA)

This [guide](#) from the YWCA sets out the process for applying to court for an urgent matter (the courts are currently only hearing urgent matters).

Limitation Periods (COVID-19) Order (BC Government)

Running out of time to file your claim in court? The province has issued an [order suspending all limitation periods](#) and time periods for starting a claim or bringing an appeal in a civil or family court matter. The suspension is effective March 26, 2020 and continues until the state of emergency regarding the coronavirus ends.

Family Justice Services Division Response to COVID-19 (BC Government)

Provides [information](#) about Family Justice Centre and Justice Access Centre closures, and what services are available by phone and videoconference.

COVID Updates (BC Provincial Court)

The Provincial Court of BC released an updated [Notice to the Profession and Public](#) on March 24, 2020 about changes to their operations during the pandemic.

See a list of all current COVID-19 updates for BC Provincial Courts [here](#), including a message from Chief Judge Gillespie.

COVID Updates (BC Supreme Court)

March 30, 2020 - The Supreme Court of BC released an updated [Notice to the Profession, Public and Media](#) about changes to their operations during the pandemic.

April 6, 2020 - Wondering *why* the court has suspended regular operations and can't simply hear everything remotely? The court explains in this [letter](#).

See a list of all current COVID-19 updates for BC Supreme Courts [here](#).

Online Joint Divorce App (BC Supreme Court)

This [online app](#) helps people complete the documents required for joint-filing divorces in the BC Supreme Court. Joint-filed divorces are where both applicants agree on all family law issues in their situation, such as spousal support and division of property.

Virtual Legal Forms Workshop (Amici Curiae Friendship Society)

AC Friendship Society is a nonprofit charity in British Columbia that assists the public complete their legal forms for free, regardless of their means. [Virtual AC](#) is the online version of the AC Friendship Society legal forms workshops. Sign up for an appointment [here](#).

Resources for Kids

Kids Help Phone

[Kids Help Phone](#) is a mental health service available 24/7 from anywhere in Canada, via phone or text. Children and teens can call to speak to a counsellor day or night at 1-800-668-6868. Also check out their [resources](#) for kids coping with coronavirus.

Just For Kids: A Comic Exploring The New Coronavirus

NPR has published a [comic](#) geared to children about the newly discovered virus. It can be printed and folded into a zine.

CBC Kids News

CBC Kids News has colourful, kid-friendly [videos](#) where kids answer questions such as “Can I go outside during the Coronavirus outbreak?” and “Will the Coronavirus crash the internet?”

Game On Activity Library

Bored at home? Check out the [“Game On” Activity Library](#) from Action for Healthy Kids for fun games and activities to try at home.