

COVID-19 and Separated Families

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COVID-19 Issues Paper
17 May 2020



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Many families in Australia are experiencing considerable stress related to fears about COVID-19,¹ economic pressures (the loss of livelihood or income; rent or mortgage stress, etc), the strain of sudden forced confined close relationships, and juggling children and work from home.² New challenges and stresses are emerging in particular for separated families, family law professionals, and family law courts. In this paper, we reflect on some of these challenges in the context of the global COVID-19 pandemic.

I. Families at times of crisis

COVID-19 seems to have found its way into every nook and cranny of our lives. It represents a worldwide crisis³ the likes of which are experienced on only rare occasions. It is changing the ways in which many family members are interacting with each other, though it provides few roadmaps for family coping strategies. At the same time, crises always contain both dangers and opportunities.

With respect to opportunities, some families, whether separated, blended or intact, appear to be using their enforced increased time together to find more creative ways of being with each other – to rethink life’s priorities, especially about key questions of family coherence and work (paid and unpaid)⁴, and to re-engage with partners and children.⁵ They are also finding creative ways to reach out to others, including externally based family members such as grandparents. For individuals in these families, it is likely that home is mainly experienced as a place of safety, support, comfort and refuge.⁶ The strengths they derive from having a sense of place and feelings of belonging are likely to mitigate whatever stresses are being experienced – fears about the virus itself, concerns about the future, economic worries, education concerns, the problem of confined interpersonal space etc.

On the negative side, there are dangers that forced isolation will exacerbate already existing family tensions, vulnerabilities or risks. Involuntary, protracted time together can act like a pressure cooker, exposing previously hidden cracks in a couple’s relationship. At times of ongoing emotional and financial stress paired with an uncertain future, relationships can easily contort and rupture. Minor irritations can become major pressure points; new tensions can emerge; old issues can resurface and intensify.⁷

Not unexpectedly, therefore is emerging anecdotal evidence that a growing number of Australian couples are seeking to separate or divorce in the context of COVID-19.⁸ A similar story is emerging in other countries (e.g., China, Canada, USA, and the UK).⁹ While breaking up is hard to do at the best of times, separating during a global pandemic adds additional layers of complexity. In some locations, support and legal services can be hard to access. There are also reports of couples who were about to separate but have had to separate under the same roof due to lockdown. Clearly the latter, while economically practical, can be a less than an ideal emotional climate for raising children, and sometimes, unfortunately, for staying safe.

Neither positive responses nor problematic responses to COVID-19 are confined to any particular category of family. Within all family forms, there will be examples of intermittent or chronic tensions in relationships and a range of internally or externally-driven concerns and worries. Vulnerable individuals will typically express

those vulnerabilities via mental health issues and problems of addiction such as gambling and substance abuse. And unfortunately, no family form is immune from having one or more individuals who relate to other family members through the exercise of coercive control, sometimes with terrible consequences.

II. Challenges and responses for separated families

The focus of this paper is the approximately 650,000 *separated* families, and the 1.3 million children affected by these separations in Australia.¹⁰ For these families too, it is likely that COVID-19 will amplify both the opportunities and the dangers. At its best, the virus presents separated families with opportunities to reflect on what is important, especially with respect to the preservation of key relationships. At its worst, existing tensions in relationships are likely to be exposed, leading to the unravelling of arrangements that may have been functioning adequately, even if imperfectly, in earlier times.

With social isolation requirements in place in Australia, separated families are also likely to encounter new logistical issues that range from the relatively straightforward to the virtually impossible. Geographical challenges are likely to be common. Challenges may also arise in the many situations in which one or both parents have formed new relationships. Many of these new partners will share children with their own former partners who may in turn have re-partnered, and so on. In scenarios such as this, it takes only one adult to wittingly or unwittingly break the 'chain of safety' to put multiple families at risk.

At a practical level, facilitating discussions around COVID-related parenting issues can often be achieved using digital communication technologies such as Facetime, Skype and Zoom (or even telephone calls), as well as text-based communication such as SMS and email. Regardless of the technology, however, the quality of post-separation interparental relationships is likely to be a key factor in navigating necessary changes to arrangements.

Fortunately, Australian surveys have consistently indicated that the majority of separated parents report friendly or cooperative relationships with each other.¹¹ This is likely to provide a hopeful platform for dealing with COVID-related logistical difficulties that have not been faced in the past. The challenges are far more considerable, however, for that group of parents who share the care of their children (on whatever proportional basis) and who report lots of post-separation conflict (~13% of mothers and 14% of fathers) or who say they are fearful of their former partner or of somebody in their former partner's household (~7% of mothers and 3% of fathers).¹²

Challenges for children of separated families

Separation almost invariably changes the ways in which children relate to each parent. It also frequently increases the 'relationship load', bringing expectations or requirements to form new relationships with parental partners, partners' children and partners' extended families. The additional COVID-induced logistical issues, and the pressure of maintaining social distancing, adds to the overall burden for separated parents and their children.

While at this stage, the evidence suggests that children have mainly been physically unaffected by COVID-19, there appear to be signs of significant impacts on their general wellbeing.¹³ Even the popular notion that children and young people are natural adopters of technologically-based services has been brought into question. Some practitioners, for example, have noted a desire on the part of their young

clients to go back to face-to-face service delivery (and not just in the context of contact with parents).

More broadly, Kids Helpline in Australia, is reporting a 17% increase in demand for its services.¹⁴ There is evidence that young people have been calling with a wide range of anxieties related to disruption to normal activities (most notably, prolonged school closures and self-quarantine), and concern about the impacts of the virus on their family, especially their grandparents.¹⁵ Though not surveyed as a separate group, it is likely that children of separated parents would on average be coping with a greater number of physical and emotional adjustments at this time.

The research literature has documented a number of physical and mental health problems that can impact on children when they are not at school for extended periods. These can include: being less physically active, having extensive periods of screen time, irregular sleep patterns, and less healthy diets.¹⁶ Falling into poverty because of parental job losses, reduced income and/or online gambling,¹⁷ falling behind in learning, being in a family impacted by a critical illness, and a heightened risk of witnessing or experiencing high levels of conflict or violence in the home, can be some of the adverse impacts of COVID-19 pandemic on children and young people.¹⁸

In addition, school, child care, and Maternal and Child Health closures, along with widespread self-isolation by grandparents, mean that there are fewer eyes on children to ensure they are safe. On the other hand, forensic online interviews with children by mental health and child protection professionals raise a number of ethical and practical issues, particularly related to privacy and safety (who else is eavesdropping on the interview?).¹⁹ Again, all these problems are likely to be accentuated for children who are part of separated families.

Challenges for separated families

COVID-19 is presenting special challenges to separated families. With many state borders closed, or self-isolation required for those able to cross borders, COVID-19 has made complying with court orders by separated parents physically impossible in some cases. For instance, parenting arrangements in which children see an interstate parent only during school-holidays are no longer practicable. In addition, changeovers that occur in public places (e.g., at fast food outlets, schools, shopping centres, police stations) or require others such as grandparents to supervise parent-child contact can also be highly problematic.

Not surprisingly, family law courts are receiving numerous inquiries from parents about compliance with parenting orders in the context of the COVID-19 pandemic.²⁰ Many separated parents are legitimately concerned about exposing their children and themselves to the virus because of typically rigid, highly specified court orders.²¹ For instance, one parent may not be practising or be in a position to practise the same spatial distancing regime as the other. He or she may be caring for a second partner's children who in turn are spending time with their other parent. As a result, a previously agreeable parent may now be objecting to a former partner seeing a child because he or she is convinced that physical distancing arrangements are not possible or are being ignored by the other parent.²² Another parent might take action on the grounds that he or she believes his or her immune compromised child is now at risk under arrangements that worked satisfactorily prior to COVID-19. Logistical and health challenges abound.

While many concerns and behaviours will be genuine and reasonable responses to the situation under COVID-19, there are situations in which COVID-19 is

effectively ‘weaponised’. Most of these cases are likely to fall into the category of controlling behaviours or entrenched high-conflict. There are anecdotal reports, for example, that some parents are renegeing on parenting arrangements to ‘get back’ at the other parent.²³ Simply put, in a number of separated families, the pandemic might be being used as a method of revenge or of imposing additional controls.

And, as Australia inches closer to a recession, massive job losses are likely to impact the payment of child support in significant ways.²⁴ There is little doubt that a sizeable number of payers (mostly fathers) – from retail workers to airline pilots – are likely to face difficulty meeting their child support obligations whereas many low-income payers may be financially better off under *JobKeeper* and increased *JobSeeker* payments. Of course, many payees (mostly mothers) in paid work will also have experienced fluctuating fortunes. With the incomes of both parents counted under the child support formula, the complex ways in which child support liability can flip with income disparities between parents, and with the complex interrelationship between child support income and Family Tax Benefit, the impacts of COVID-19 on the child support system is likely to be creating yet another headache for government. On the ground, changes in child support can act as a lightning rod for existing tensions between parents, and result in an upsurge in informal agreements being struck up that can place some children under additional stress. To sum up: the financial knock-on effects of the virus on separated families are mind boggling.

Family Violence and Abuse

As noted, whereas home should normally be a place of ‘safety, comfort and refuge’, it can be less than a positive place, especially during COVID-19.²⁵ For some, COVID-19 is likely to increase existing risks of violence and abuse.²⁶ There is a growing research literature on the links between natural disasters, crises and national emergencies and an increase in family violence.²⁷ Spikes in family violence when families spend extended periods of time together (e.g., Christmas/Summer holidays) are also well documented.

The vast majority of victims of family violence are women. The 2016 Australian Personal Safety Survey (PSS) showed that:

- Women were nearly three times more likely to have experienced partner violence than men, with approximately one in six women (17% or 1.6 million) and one in sixteen men (6.1% or 547,600) having experienced partner violence since the age of 15.
- One in six women (16% or 1.5 million) and one in seventeen men (5.9% or 528,800) experienced physical violence by a partner.
- Women were eight times more likely to experience sexual violence by a partner than men (5.1% or 480,200 women compared to 0.6% or 53,000 men).²⁸

The Family Law Act 1975 (Cth) defines *family violence* as “violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family (the family member), or causes the family member to be fearful”; and provides that a child is exposed to family violence if the child sees or hears family violence or otherwise experiences the effects of family violence.²⁹

For separated families, COVID-19 can involve a serious risk of violence and abuse.³⁰ As noted above, this can especially apply when family relationships are

asymmetrical or controlling, or in some situations in which family members have significant mental health conditions, or in which substance abuse and other addictions are an issue.

Of concern with respect to the last of these issues is that alcohol sales, and presumably consumption, have risen sharply during the current pandemic in Australia, surpassing Christmas sales. A recent national survey found that 70% of survey respondents reported drinking more than before COVID-19, and 34% are now drinking daily.³¹ Alcohol and substance abuse are well-known contributors to intimate partner violence.³² There are serious concerns that COVID-19 has impacted drug and alcohol services which might lead to those most vulnerable to drug and alcohol addiction not getting access to the services they need.

It is known that the risk of experiencing family violence is higher for those in socio-economically disadvantaged areas and those in financial distress.³³ Separated families are among those most likely to be under financial strain. It follows that they are also likely to be disproportionately represented in the COVID-19 economic downturn, which the International Monetary Fund (IMF) is predicting could continue to be felt for another decade.

These observations are consistent with the emerging evidence that domestic and family violence (DFV) frontline services are reporting increasing case numbers and complexity since the outbreak of pandemic.³⁴ A recent small non-probability survey in NSW, for instance, found that “there was a substantial increase in the percentage of survey respondents [frontline DFV service workers] who identified violence being reported for the first time”.³⁵

According to a recent Women’s Safety NSW report:

It is likely too early in the crisis to assess the full scope of impact COVID-19 will have on rates of DFV and on the ability of women to access support services. However, these surveys provide an early indication that the demand on these services will be on the rise over the coming months as the community is subjected to isolation and social distancing measures.

Many workers who had not yet perceived an increase in clients noted that they expected to see an increase in the near future as isolation regulations begin to tighten. Others raised concerns that victims of domestic violence did not have sufficient access to information about which services were still open and able to provide support. A common concern raised was that women being kept in isolation with an abuser had limited capacity to seek help from home. (emphases removed)³⁶

This might explain why some frontline DFV services report increasing demand, while pockets of other services (e.g., women’s legal services, regional services) report being eerily quiet at present.³⁷ Like many other frontline services, DFV workers face many challenges working from home, and having to deal with new procedures and methods for supporting clients.

III. Challenges for Family & Relationships Support Services

One of the most troubling aspects of the current pandemic is its potentially disproportionate impact on some of the most vulnerable groups in society (e.g., the elderly, poor, homeless, indigenous, migrant and prison populations,³⁸ and those with disability³⁹), and the frontline not-for-profit organisations that support them.⁴⁰

New rules about how we should interact with each other have impacted most not-for-profit organisations. In considering the health and safety of their clients and their own staff, most services have had to change how they operate – shifting from face-to-face methods to the use of digital communication tools. Vulnerable groups in society are further disadvantaged by limited access to, and inability to use, technology and the internet.

As more and more individuals need to find ways of being in virtual contact with each other, one unanticipated impact of COVID-19 could be a reduction in the so called ‘digital divide’.⁴¹ In terms of service delivery, face-to-face interactions have traditionally been seen as the most effective form of communication and therefore the most effective form of assistance. Practitioners, for example, have typically spoken of the multiple cues that are available in face-to-face situations, making the establishment of trust and empathy more likely. Such observations, however, tend to take little account of the practical difficulties experienced by clients in physically accessing a service.

It is worth noting that while presenting new challenges for everyone,⁴² the pressure on practitioners to move primarily to digital communication has brought some surprising results. There is emerging evidence, for example, that some clients feel very comfortable in interacting ‘on their own turf’. And in the case of Zoom and similar sessions with couples, former couples, or family groupings, some clients are reporting lower levels of stress. Some in turn are associating this change with previous more challenging experiences of having to be in the same physical space with those with whom they may be in conflict.

Family Dispute Resolution Practitioners have also reported surprise at some families’ capacity (even when parents are stuck in high-conflict) to pivot and put aside conflict in the interest of everyone’s safety. External threats (e.g., one parent becomes gravely ill, or a child suffers some form of abuse from an outside party) can be a powerful way of necessitating a unified response within families. Whether this is just a moment-in-time for these families, or sets a precedent they can replicate when the threat is dealt with remains unclear.

In the family law space, however, other layers of complexity can emerge. Children’s Contact Services are a good example. These services seek to provide a safe place for children to spend time with a parent about whom there are concerns or with a parent who has not yet developed a sufficiently robust parent-child relationship. They also provide a safe, family-friendly location for changeovers to occur so that parents can, for a time, avoid having face-to-face contact with each other. Most clients of Children’s Contact Services are – or have been – in court for a parenting dispute, with many experiencing entrenched high-conflict, as well as family violence, mental health problems, and substance use.

With the onset of COVID-19, whether or not to continue with a face-to-face modality and/or with technologically-facilitated parent-child contact for these essential services has required swift and diligent assessment. Some Children’s Contact Services have significantly changed the way in which they deliver this service ‘face-to-face’ to reduce and mitigate the risks of social contamination. Others have made a decision that it is no longer feasible to offer their service face-to-face and comply with the necessary spatial distancing requirements opting for technologically-facilitated contact.

However, in both situations, safety assessments have also had to be amended significantly – especially where provision of non face-to-face service delivery is concerned. Even when Children’s Contact Services are continuing to operate, some separated parents appear to be no longer willing for the supervision of parenting

arrangements to occur at these locations. It is unclear where this leaves those parents required to use Children's Contact Services (mostly non-resident fathers) given that COVID-19 is likely to be present for the foreseeable future.

In other separation-related family and relationship support services, it is clear that considerable efforts have been made to shift a service from a predominantly face-to-face delivery to one predominantly delivered via digital technology. Though this ensures that the majority of family and relationship services can continue to be provided while the children and families they work with are in self-isolation, risk screening and risk assessments take on a very different dimension. Just how well digital communication is working for the often-complex and multiple needs of high-conflict families remains unclear. Anecdotally, for example, dispute resolution services are reporting the need to use two mediators while working in the online environment. Others say they are continuing to do their utmost to ensure face-to-face service delivery can still be provided. Many services seem to be reporting a rise in family violence, mental health issues, and substance and alcohol abuse. And yet, as noted, some family violence services are quiet, raising the possibility that some individuals may be too afraid to attempt to access services at present.⁴³

Looking into the future, aside from the obvious need to track and measure the virus itself, the need to track and measure increasing demand for family and relationships services will be critical if we are to ensure that children and families are able to access the services they need. Being only weeks in, the economic consequences and pressures are yet to be fully realised in families shielded by much needed measures such as increases to Newstart allowance (now *JobSeeker* Payment) and *JobKeeper* Payment. There is a plethora of literature documenting the impact of recession and economic pressure on families and parental dynamics. We should be heeding the learnings.

IV. Challenges for Family Courts

As noted by Hrdinova, Berman, Pauley and Ridgway in the US context:

The COVID-19 pandemic has ushered in tremendous uncertainty and challenges for governments, businesses and individuals all over the world. The judicial branches of governments, which often structure work around in-person encounters and are committed to traditional norms of due process, face unique challenges when a jurisdiction seeks to shelter in place and enforce social distancing in the hopes of minimizing the spread of a communicable disease.⁴⁴

Like most institutions, courts throughout Australia and the English-speaking world were generally ill-prepared for the disruption brought by the pandemic. However, as Legg and Song observe:

Justice Hamill in *Rakielbakhour v DPP* [2020] NSWSC 323 captured the moment, and the role of the justice system when he stated '[w]hile New South Wales moves steadily toward a complete "lock-down" the rule of law, and the courts and lawyers who administer it, are considered to be an essential service' (at [13]). This is a sentiment that has been expressed across the common law world.⁴⁵

Not only have the Family and Federal Circuit Courts (“the Family Courts”) continued to sit, but urgent applications to the Family Courts are suggested to have increased by almost 40 per cent since COVID-19 reached Australia.⁴⁶ In response, the Family Courts have, as of 26 April, 2020, established a separate COVID-19 list.⁴⁷ To date only three judgements have been published arising from cases in which COVID-19 has been a relevant consideration. These have related to a removal of supervision which would otherwise render a relationship impossible (A & M [unreported] [2020] FamCA 258), a consideration of health conditions and social distancing on parenting arrangements (Zeelan & Abney [2020] FCCA 884) and the impact of COVID-19 on property prices and necessitating adjournment of proceedings (Gayner & Gayner [2020] FamCA 265). No doubt many more judgements will appear as the pandemic continues.

Prior to the pandemic, the Family Courts had no capacity to conduct “*on-line hearings*”.⁴⁸ Following the closure of the Sydney Registry of the Family Courts on 17 March 2020,⁴⁹ it was announced that limits would be imposed on the number of matters listed (focusing on urgent matters only), and limiting the duration of hearings and the number of people who would be allowed to be present in the Court room at any time.⁵⁰ Telephone attendances at Court events and Registrar and Family Consultant conferences commenced almost immediately.⁵¹ In fact, a number of judges within the Court immediately closed their Courtrooms and began to undertake all appearance work by telephone. On 19 March, 2020 the family courts advised that “*the principle basis upon which work will be conducted in the Courts in the near future will be by telephone, and **when it becomes possible**⁵² by videoconferencing*” [emphasis added].⁵³

A joint practice direction issued requiring electronic filing and tender of documents issued shortly thereafter to limit the need for physical attendance at Court registries.⁵⁴ By later March 2020, social distancing measures began to be rolled out around the world. In response and on 24 March, 2020 the President of the Family Division of the High Court of England and Wales issued a statement as to compliance with family law orders in light of increasing social distancing requirements.⁵⁵ A similar statement was issued by the Chief Justice of the Family Courts on 26 March 2020.⁵⁶

In a Herculean effort, the IT department of the Federal Court and the Family Courts rapidly deployed Microsoft Teams⁵⁷ across the Courts to enable hearing work to continue. This was announced 9 April in a notice to the profession:

The Courts’ operations have had to be substantially adjusted since the beginning of March this year. Like many institutions and large organisations, the Courts have had to engage in a long term digital transformation. Microsoft Teams has been rolled out to each Judge, Registrar and Family Consultant. Each Judge and Registrar is now able to conduct hearings electronically from each Registry. Whilst urgent matters will be given priority, Judges now have the ability to continue to hear defended applications, trials and appeals.⁵⁸

On 22 April, 2020 a “*practitioner and litigant guide to virtual hearings and Microsoft teams*” was published by the Family Courts.⁵⁹ The rapid deployment of Microsoft Teams across various Federal and State Courts has not been without difficulty. While the ability to hear cases using the Teams platform was announced 9 April, 2020, the ability to transcribe the proceedings was initially problematic (although broadly resolved by late April, 2020). Further, as many in the community have experienced, with an increasing move to “*work from home*” arrangements,

necessary hardware has been in short supply. These supply issues initially created some delay in all courtrooms moving online.

The conduct of hearings using AV facilities has not been without problems. A number of reported cases, from both civil and criminal jurisdictions, have highlighted both practical and philosophical issues. In practical terms, bandwidth problems, hardware and software failures, difficulties in serving and tendering documents (or putting them to witnesses) and difficulties in engaging all necessary parties and litigants, have been reasonably widespread and acknowledged.⁶⁰

In the Family Courts, these practical difficulties are, in some important respects, accentuated. In cases involving family violence, remote attendance at “*virtual hearings*” may give rise to privacy or safety concerns as litigants are seen in their home environment and may increase stress and anxiety with an absence of support services available to litigants (which services are available at registries, such as duty solicitor services and Family Advocacy and Support Services).⁶¹ Impecunious litigants may not have access to hardware, software or reliable and secure internet connections. Matters in which parties need the assistance of interpreters present particular difficulties. Importantly, documents that are produced on subpoena are often of a sensitive and highly personal nature and cannot ordinarily be copied. To conduct a “*virtual trial*” it may be necessary to allow records such as Police and Child Welfare records, personal medical records, (including counselling and psychologists records) or records of sexual assault investigations, to be copied, scanned and emailed to and between parties and/or their legal representatives.⁶²

In addition to online, virtual hearings, the pandemic has seen a rapid acceleration in the introduction of mandatory *e*-filing of all documents and the accelerated introduction of a Digital Court File to render paper files, effectively, redundant.⁶³ Although *e*-filing of most documents has been possible since mid-2018, the uptake in registration for use of the Commonwealth Courts Portal and electronic filing has been far from complete. However, the *e*-filing of documents became a necessity with the closure of the Family Court registries to the public.

It would be hoped that once the need for social distancing and isolation are passed, there will be time for reflection and consider how to make the best use of the new technological tools, that necessity has delivered during the pandemic. There are, after all, both benefits and detriments in the use of online technology to conduct hearings. As observed pragmatically by Justice Perram in his concluding comments in *Capic v Ford Motor Company of Australia Limited (Adjournment)*:

If I could be sure that the crisis would have passed by October I would not hesitate to adjourn all the trials in my docket (save urgent cases)...Under ordinary circumstances, I would not remotely contemplate imposing such an unsatisfactory mode of a trial on a party against its will. But these are not ordinary circumstances and we have entered a period in which much that is around us is and is going to continue to be unsatisfactory. I think we must try our best to make this trial work. If it becomes unworkable then it can be adjourned, but we must at least try”.⁶⁴

The necessary movement to online, virtual hearings has been at the cost of “*open justice*”. The principle of open justice is one of the most fundamental aspects of the system of justice in Australia and the conduct of proceedings in public is an essential quality of an Australian court of justice’.⁶⁵ The present conduct of proceedings by “*virtual hearing*” does not fulfil this essential element of justice.

The greatest disadvantages of virtual technology fall to the already disadvantaged. The poor are less likely to have access to reliable hardware, software and internet connections. Those with disabilities, the incarcerated, non-English speakers and children are far more likely to be marginalised or excluded from participation.

Victims of abuse and family violence are placed in a particularly invidious position. Notwithstanding that great strides have been made with respect to the protection of confidential communications in sexual assault and other counselling, psychological and medical services,⁶⁶ the conduct of a virtual hearing increases the prospects of those records being not only “*in the public domain*”.⁶⁷ If the hearing is to be effectively conducted, records can find their way into the hands of third parties as copying and scanning of material may be required to allow instructions to be obtained and advice given and material tendered or put to remote witnesses.

There will also be a need to consider perceptions of procedural justice. The conduct of a parenting hearing, where orders are sought to allocate sole parental responsibility to one parent or to dramatically change parenting arrangements, may well be perceived by those parents as less than fair when conducted by telephone or virtual hearing. The severity of the consequences that result from such hearings have far more in common with a criminal trial than commercial civil litigation and, hence, the factors considered in the criminal jurisdiction, as to whether a can or should proceed online, are arguably germane to matters before the Family Courts.

There is the real risk that economic considerations might make the replacement of physical hearings attractive, especially in remote and circuit locations. If that were so, then those communities would be fundamentally disadvantaged and offered a lesser version of access to justice than their metropolitan counterparts.

But there are also great benefits to carry forward. The use of these emerging digital technologies can significantly enhance the protection of victims of violence who could safely participate remotely without the need to be in the same physical location as the other party/ies.⁶⁸ The use of digital technology could greatly enhance access to justice if supplementing and augmenting regional and circuit work, reducing delays in the address of urgent applications for example. Savings for both the Family Courts and litigants could be achieved when simple and administrative matters are dealt with using telephone or AV facilities. And digital technology could greatly assist in affording access to justice for those who have difficulty attending in person because of distance or infirmity.

The use of telephone and video appearance has positively impacted listing practices. Rather than all matters being listed at the same time, judges have adapted by listing matters to discrete listings or in small groupings of three or four matters at a time, to minimise the number of people on the line and the “*background chatter*” and to ease strain on bandwidth. Those practices are highly likely to continue and to benefit both Court staff and litigants as well as reducing cost through avoiding unnecessary waiting.

V. Epilogue

The global COVID-19 pandemic is creating unanticipated opportunities as well as serious health (both physical and mental), economic, and logistical challenges.⁶⁹ In this Issues Paper, we suggest that while opportunities exist around rethinking priorities, the challenges for separating families are especially likely to be accentuated.

For some separated families, the normal transitional tasks, especially those involving the negotiation of arrangements for children, have suddenly become considerably more complex. The anxieties and logistical problems associated with this invisible and highly contagious virus are placing additional stresses on parents, even the majority who describe their post-separation relationships as friendly or cooperative. The evidence suggests that many parents in this category are likely to rise to the occasion. But some will need additional counselling, mediation and other supportive services. In the meantime, these very services will be under pressure to deliver responses that are safe and are seen as safe. They will also be attempting to assist parents to manage problems that have simply not existed in the past. Practitioners in this space will need to become increasingly skilled in what Voss has labelled ‘tactical empathy’.⁷⁰

As noted, roughly one in five separated parents are struggling with, or are locked into, chronic high-conflict and/or dysfunctional behaviours associated with violence, serious mental health issues, or problems with addiction. For them, COVID-19 anxieties and logistical problems will prove considerably more difficult to negotiate. These families are more likely than ever to need swift, inexpensive and effective access to judicial decision-making. Like family and relationship services, however, courts are needing to address the challenge of finding the right balance between safe service delivery and fair and just decisions. And, like family and relationship services, courts are also likely to be experiencing resource difficulties in providing a response of this nature.

VI. Future Research

COVID-19 continues to impact on separated families in ways not yet understood.⁷¹ It is critical that high-quality, ethical research is conducted to help policymakers, practitioners, service providers, and program administrators understand the impacts of the current health and economic crisis on separated families. Timely data on work (paid and unpaid) within households, family dynamics, financial stress, family violence, and family wellbeing, for example, are critical for making good policy decisions in uncertain times.

Looking to the future, there is an urgent need for ‘natural experiment’ longitudinal studies to examine the impacts of COVID-19 on couple relationships and post-separation family life. The division of household labour during lockdown warrants investigation as a potential wedge in couple relationships. Understanding the views and concerns of children is another critical piece of the pandemic jigsaw.⁷² Equally important is a systematic and rigorous investigation into the ways in which the pandemic has impacted judicial and legal practice, and court orders. Many day-to-day adjustments to parenting arrangements are likely to be occurring during the pandemic, and these need to be tracked and mapped.

In addition, separated parents, like their still-together counterparts, are increasingly making use of digital technologies to communicate with each other, and to stay connected with their children. The use of digital communication technology by separated families during COVID-19 offers important insights for communication and conflict specialists.⁷³ There is also little systematic outcome data on the benefits (or otherwise) of using digital technology (e.g., smartphone divorce apps) by separated parents.⁷⁴ And because technologically-mediated communication provides new opportunities for those who use violence to continue the cycle of abuse from afar, urgent research is needed on technologically-facilitated abuse.⁷⁵ Finally, Indigenous separated families are being affected by the pandemic in ways that differ

from the effects on mainstream Australia. It is vital that these differences be understood and addressed.⁷⁶ The same is true for migrant and ethnically-diverse separated families. Clearly, we are currently a long way from understanding the multitudinous, complex, ever-changing, and likely long-lasting impacts of COVID-19 on separated families and the broader community.

Notes

¹ For brevity, we use the pandemic's common abbreviation 'COVID-19' throughout rather than its formal name and abbreviation 'severe acute respiratory syndrome coronavirus 2' (SARS-CoV-2) or its early provisional name and abbreviation '2019 novel coronavirus' (2019-nCoV).

² Biddle, N., Edwards, B., Gray, M. & Sollis, K. (2020). *Hardship, distress, and resilience: The initial impacts of COVID-19 in Australia* (COVID-19 Impacts Issues paper). Canberra, ACT: ANU Centre for Social Research & Methods, Australian National University. Accessible at: https://csmr.cass.anu.edu.au/sites/default/files/docs/2020/5/The_initial_impacts_of_COVID-19_in_Australia_2020_3.pdf

³ By *crisis* we mean a significantly difficult or dangerous situation with the potential to bring multiple problems in its wake.

⁴ Kraaijenbrink, J. (2020). The bright side of Covid-19: Seven opportunities of the current pandemic. Forbes Online, March 23. Accessible at:

<https://www.forbes.com/sites/jeroenkraaijenbrink/2020/03/23/the-bright-side-of-corona-seven-opportunities-of-the-current-pandemic/#6cc89b7c785c>; Freud was to famously suggest: "Love and work ... work and love. That's all there is."

⁵ See Starbird, K. (2020). How a crisis researcher makes sense of Covid-19 misinformation: Collective sensemaking during times of uncertainty and anxiety, 9 March. Accessible at:

<https://onezero.medium.com/reflecting-on-the-covid-19-infodemic-as-a-crisis-informatics-researcher-ce0656fa4do>; Cluver, L., Lachman, J. M., Sherr, L., Wessels, I., Krug, E., Rakotomalala, S., ... & Butchart, A. (2020). Parenting in a time of COVID-19. *The Lancet*, www.thelancet.com, 395, April 11. Published Online 25 March, 2020. Accessible at: [https://doi.org/10.1016/S0140-6736\(20\)30736-4](https://doi.org/10.1016/S0140-6736(20)30736-4)

⁶ Fehlberg, B., Campo, M., Natalier, K., & Smyth, B. (in press) The meaning of home for children and young people after separation. *Journal of Social Welfare and Family Law*; Fehlberg, B.

<https://law.unimelb.edu.au/covid-19/video-domestic-violence.-covid-19-and-home>

⁷ Yiyang, F. (2020). Spousal distancing: The Chinese couples divorcing over COVID-19. 3 April. *Sixth Tone (Online)*. Accessible at: <https://www.sixthtone.com/news/1005435/spousal-distancing-the-chinese-couples-divorcing-over-covid-19>

⁸ Dick, S. (2020). Coronavirus lockdown prompts more couples to seek divorce. *The New Daily*, 19 April. Accessible at: <https://thenewdaily.com.au/news/national/2020/04/19/coronavirus-lockdown-divorce/>; Newnam, S. (2010). More babies or more divorces after Covid-19? How disasters do, or don't, affect fertility and divorce. *Psychology Today* (online). Accessible at:

<https://www.psychologytoday.com/au/blog/singletons/202004/more-babies-or-more-divorces-after-covid-19>; see also: Devine, A. (2020). Agents brace for a rise in divorce couples seeking quick sales during Covid-19 crisis. *Daily Telegraph*, 19 April. Accessible at:

<https://www.realestate.com.au/news/agents-brace-for-rise-in-divorced-couples-seeking-quick-sales-during-covid19-crisis/>; Bamford, M. How COVID-19 is changing our closest relationships, *ABC radio*, 5 May. Accessible at: <https://www.abc.net.au/news/2020-05-05/coronavirus-is-changing-our-closest-relationships/12180620>

⁹ Yiyang, F. (2020), above n 7; Fies, A. (2020). Surge in divorces anticipated in wake of COVID-19 quarantine, ABC News, 17 April. Accessible at: <https://abcnews.go.com/US/surge-divorces-anticipated-wake-covid-19-quarantine/story?id=70170902>

¹⁰ Department of Social Services and Department of Human Services (2014). Joint submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the Child Support Program (Submission 94). Canberra: DSS & DHS. Accessible at: https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Child_Support_Program/Submissions

¹¹ Kaspiew, R., Gray, M., Weston, R., Moloney, L., Hand, K., Qu, L., & the Family Law Evaluation Team. (2009). *Evaluation of the 2006 Family Law Reforms*. Melbourne: Australian Institute of Family Studies; Qu, L., Weston, R., Moloney, L., Kaspiew, R., & Dunstan, J. (2014). *Post-separation*

Parenting, Property and Relationship Dynamics after Five Years. Melbourne: Australian Institute of Family Studies.

¹² Kaspiew et al (2009), above n 11.

¹³ United Nations (2020). *Policy Brief: The Impact of COVID-19 on Children*. 15 April. Accessible at: <https://un.org.au/files/2020/04/Policy-Brief-on-COVID-impact-on-Children-16-April-2020.pdf>

¹⁴ Gerova, V. (2020). Kids Helpline sees surge in Coronavirus related calls. Accessible at : <https://10daily.com.au/news/australia/a200325plzth/kids-helpline-sees-surge-in-coronavirus-related-calls-20200325>

¹⁵ Op cit.

¹⁶ Wang, G., Zhang, Y., Zhao, J., Zhang, J., & Jiang, F. (2020). Mitigate the effects of home confinement on children during the COVID-19 outbreak. *Lancet*, 595(10228), 945–947, March 21.

Accessible at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30547-X/fulltext?fbclid=IwAR393Qg1UwsA8tLHX9xJlWnZVqXbHtR1fBsTCMZ_pxBwVytKON2GzMv3KI](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30547-X/fulltext?fbclid=IwAR393Qg1UwsA8tLHX9xJlWnZVqXbHtR1fBsTCMZ_pxBwVytKON2GzMv3KI)

¹⁷ For instance, based on a weekly sample of the transactions of ~250,000 Australian consumers, online gambling increased by 142% between 27 April and 3 May compared with a “normal week”. See Alphabeta (2020). *COVID19 economic impact: Real time tracking*. Accessible at:

<https://www.alphabeta.com/illiontracking>

¹⁸ Human Rights Watch. (2020). COVID-19’s devastating impact on children: Governments should mitigate harm, protect most vulnerable. *Human Rights Watch*, April 9. Accessible at:

<https://www.hrw.org/news/2020/04/09/covid-19s-devastating-impact-children>

¹⁹ We are grateful to our New York pediatric psychiatrist colleague, William Kaplan MD, for this insight.

²⁰ See: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/mr260320>

²¹ In law, the issue would be whether the person had a ‘reasonable excuse’. There is little doubt that complying with the COVID-19 guidelines in good faith would be a reasonable excuse. See Family Law Act 1975 (Cth) ss 70NAE, 70NEA and 70NFA.

²² See e.g., Foster, H., & Fletcher, A. (2020). *Child contact, shared care, and family law in the context of domestic and family violence and COVID-19*, 13 April. Sydney: Women’s Safety NSW

²³ Fitzsimmons, C. (2020). Separated parents using pandemic to reopen custody fights. Sydney Morning Herald, 5 April. Accessible at: <https://www.smh.com.au/lifestyle/life-and-relationships/separated-parents-using-pandemic-to-reopen-custody-fights-20200403-p54h04.html>

²⁴ Daykin, S. (2020). What happens when coronavirus means you can’t afford child support, *My Money*, 31 March. Accessible at: <https://www.moneymag.com.au/coronavirus-afford-child-support>

²⁵ Fehlberg, Campo, Natalier & Smyth (in press), above n 6; see also Fehlberg (2020), above n 6.

²⁶ Domestic Violence Resource Centre Victoria, (2020). covid-19 and family violence, family-friends and neighbours. Accessible at:

<https://www.dvrcv.org.au/print/help-advice/coronavirus-covid-19-and-family-violence/family-friends-and-neighbours>

²⁷ See e.g., Parkinson, D. (2019). Investigating the increase in domestic violence post disaster: an Australian case study. *Journal of interpersonal violence*, 34(11), 2333–2362; Schumacher, J. A., Coffey, S. F., Norris, F. H., Tracy, M., Clements, K., & Galea, S. (2010). Intimate partner violence and Hurricane Katrina: predictors and associated mental health outcomes. *Violence and Victims*, 25(5), 588–603.

²⁸ Estimate of 53,000 men has a relative standard error of 25% to 50% and should be used with caution.

²⁹ Section 4AB.(1) and (3).

³⁰ Hall, B. (2020). Surge in 'urgent' Family Court cases as COVID-19 pressures boil over. Sydney Morning Herald, 25 April. Accessible at:

<https://www.smh.com.au/national/surge-in-urgent-family-court-cases-as-covid-19-pressures-boil-over-20200424-p54mxl.html>; Davies, S., & Barba, E. (2010). Europe braces for domestic abuse

'perfect storm' amid coronavirus lockdown. *Thomson Reuters Foundation News*. Accessible at: <https://news.trust.org/item/20200326160316-71ouf>

³¹ Foundation for Alcohol Research and Education (FARE) (2020). Alcohol Sales & Use During COVID-19: Polling snapshot. Canberra, ACT: FARE. See also: Green, E. (2020). Addiction crisis looms as most vulnerable fall through pandemic cracks. 10daily. 26 April. Accessible at:

<https://apple.news/A5Wm0A4QCQiyz3zLeJVaoTA>; FARE (2020). Alcohol sales and use during COVID-19: Polling snapshot. Accessible at: <http://fare.org.au/wp-content/uploads/COVID-19-POLL.pdf>

³² ABS (2017). *Personal Safety Survey, Australia, 2016* (Cat No 4906.0). Canberra: ABS. Accessible at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>; Catalá-Miñana, A., Lila, M., Oliver, A.,

- Vivo, J. M., Galiana, L., & Gracia, E. (2017). Contextual factors related to alcohol abuse among intimate partner violence offenders. *Substance Use & Misuse*, 52(3), 294–302.
- ³³ Tate, A. (2020). Governments acting on lockdown domestic violence, but cash must hit the ground. *The New Daily*, 21 April. Accessible at: <https://thenewdaily.com.au/news/2020/04/21/coronavirus-lockdown-domestic-violence-help/>
- ³⁴ Foster, H., & Fletcher, A. (2020). *Women's Safety Survey update: Impacts on COVID-19 on Domestic and Family Violence in NSW*, 2 April. Sydney: Women's Safety NSW. Accessible at: https://www.womenssafetynewsw.org.au/wp-content/uploads/2020/04/UDPATE_COVID19-Impact-on-DFV-in-NSW_2.04.20_WSNSW.pdf
- ³⁵ Op cit. N=40. See also <https://apple.news/AxOXhr3KYR3C2wfRh3FdbFQ>
- ³⁶ Foster, H., & Fletcher, A. (2020), above n 34, at 4.
- ³⁷ Tate, A. (2020), above, n 32. A similar polarised pattern appears to be occurring among mental health services: Hayne, J. (2020). Mental health services are seeing a drop in usage amid coronavirus, despite increased anxiety. *ABC News*, 29 April. Accessible at: <https://www.abc.net.au/news/2020-04-29/mental-health-coronavirus-impact-beyond-blue/12196922>
- ³⁸ See e.g., Markham, F., Smith, D. & Morphy, F. (2020). *Indigenous Australians and the COVID-19 crisis: perspectives on public policy*, Topical Issue no. 1/2020. Canberra: Centre for Aboriginal Economic Policy Research. Accessible at: <https://caepresearch.anu.edu.au/research/publications/indigenous-australians-and-covid-19-crisis-perspectives-public-policy>
- ³⁹ Royal Commission into Violence, Abuse and Neglect, Exploitation of People with Disability (2020). *Statement of concern: The response to the COVID-19 pandemic for people with disability*. Accessible at: <https://disability.royalcommission.gov.au/system/files/2020-03/COVID-19%20Statement%20of%20concern.pdf>
- ⁴⁰ Falconi, M., Fahim, C., & O'Sullivan, T. (2012). Protecting and supporting high risk populations in pandemic: Drawing from experiences with influenza A (H1N1). *International Journal of Child Health and Human Development*, 5(3), 373–381; Justice Connect (2020). *COVID-19 Response Briefing Note: Guidance for the not-for-profit sector*. Justice Connect: Melbourne. Accessible at: https://nfplaw.org.au/sites/default/files/media/Justice_Connect_-_Response_to_COVID-19_briefing_note.pdf
- ⁴¹ Digital 'have-nots' in Australia typically include: the elderly, the poor, the homeless, migrants and others with low levels of English literacy or education, those with a disability, and those who live in regional or remote areas. See: Smyth, B., & Fehlberg, B. (2019). Australian post-separation parenting on the smartphone: What's 'App-ening?'. *Journal of Social Welfare and Family Law*, 41(1), 53–71.
- ⁴² Sacasas, L.M. (2020). A theory of Zoom fatigue. *The Convivial Society: Dispatch No. 5*, 21 April. Accessible at: <https://theconvivialsociety.substack.com/p/a-theory-of-zoom-fatigue>; Jiang, M. (2020). The reason Zoom calls drain your energy. BBC Online, 23 April. Accessible at: <https://www.bbc.com/worklife/article/20200421-why-zoom-video-chats-are-so-exhausting>
- ⁴³ See e.g., ABC Radio Adelaide (2020). SA Police says no spike in domestic violence amid coronavirus restrictions, despite alleged murder, 20 April. Accessible at: <https://www.abc.net.au/news/2020-04-20/police-say-no-domestic-violence-spike-in-sa-during-coronavirus/12165598>
- ⁴⁴ Hrdinova, J., Berman, D. A., Pauley, M., & Ridgway, D. (2020). Documenting the Challenges (and Documents) As Ohio Courts Respond to COVID-19. Ohio State Public Law Working Paper, (541). Accessible at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3574733
- ⁴⁵ M. Legg, & A. Song (2020). The courts and the pandemic: the role and limits of technology. *Law Society Journal NSW*, 66 May, 68–70.
- ⁴⁶ Hall, B. (2020). Surge in 'urgent' Family Court cases as COVID-19 pressures boil over. Sydney Morning Herald, 25 March. Accessible at: <https://www.smh.com.au/national/surge-in-urgent-family-court-cases-as-covid-19-pressure-boil-over-20200424-p54mxl.html>; see also: Doran, M. (2020). Coronavirus concerns see family courts rush through applications linked to COVID-19. ABC News online. Accessible at: <https://www.abc.net.au/news/2020-04-25/family-courts-to-fast-track-cases-coronavirus/12184498>
- ⁴⁷ Practice Direction 3 of 2020 – the COVID-19 list. Accessible at <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/practice-directions/2020/jpdo32020>
- ⁴⁸ Video facilities were Accessible to conduct hearings between static locations such as other Court rooms, correctional facilities and the like. Telephone attendance was Accessible but, other than for circuit work and appearances by parties a significant distance from a Registry, sparingly used.

- ⁴⁹ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/mr160320a>. This closure caused the disruption and postponement of the “summer campaign” of call overs.
- ⁵⁰ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/covid19-170320> and <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/f2f-registrar-protocol>
- ⁵¹ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/covid19-180320>.
- ⁵² At that point it was not possible.
- ⁵³ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/covid-notice>
- ⁵⁴ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/practice-directions/2020/jpdo22020>
- ⁵⁵ See <https://www.judiciary.uk/announcements/coronavirus-crisis-guidance-on-compliance-with-family-court-child-arrangement-orders/>
- ⁵⁶ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/mr260320>. As some States implemented “hard” border closures a further guidance was issued 8 April, 2020 see <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/covid-info-borders>.
- ⁵⁷ Microsoft Teams is designed as “a hub for team collaborations” rather than the conduct of online hearings. It has been rapidly embraced and adapted for the purpose of hearings as a matter of necessity.
- ⁵⁸ See <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/covid-notice-090420>
- ⁵⁹ <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/virtual-hearings>
- ⁶⁰ See e.g., *R v Macdonald*; *R v Edward Obeid*; *R v Moses Obeid* (No 11) [2020] NSWSC 382 (8 April 2020) and *Capic v Ford Motor Company of Australia Limited* (Adjournment) [2020] FCA 486
- ⁶¹ Let alone the stress and anxieties that follow from the circumstances discussed in *R v Macdonald* and others above—intermittent connections, dropping out, not being able to hear what is occurring, etc.
- ⁶² Practice Direction 2 of 2020 provides, at paragraph 5, “Photocopy access will not be made to documents including a child welfare record, criminal record, medical record or police record, in accordance with sub-rule 15.30(2) of the *Family Law Rules 2004* and sub-rule 15A.13(2) of the *Federal Circuit Court Rules 2001*”. Accessible at: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/practice-directions/2020/jpdo22020>
- ⁶³ The DCF was rolled out across the Family Courts on an accelerated basis on 14 April, 2020.
- ⁶⁴ [2020] FCA 486 at 23 & 25
- ⁶⁵ See *Spigelman CJ John Fairfax Publications Pty Ltd v District Court of New South Wales* [2004] NSWCA 324.
- ⁶⁶ Commencing with the introduction of s.126B Evidence Act 1995 NSW [then] protecting sexual assault counselling records and each State and Territory now including some degree of protection of for “protected confidences” or medical relationships. Such protections are not, however, included in the Evidence Act 1995 (Cmwth) nor recognised in family law proceedings (see *Chisholm J Benson & Hughes* [1994] FamCA 30).
- ⁶⁷ Through production to the Court on subpoena.
- ⁶⁸ And, absent social distancing requirements, with relevant and necessary supports Accessible and including the ability to appear with and be in the same physical space as their legal representative.
- ⁶⁹ For excellent summaries of the global impacts of and responses to COVID-19, see the world maps by the WHO and the IMF: <https://www.covid-nma.com/dataviz/>; <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>
- ⁷⁰ Voss, C., with Raz, T. (2016) *Never split the difference. Negotiating as if your life depended on it*. New York: Harper Business.
- ⁷¹ Rudolph, C. W., & Zacher, H. (2020). “The COVID-19 Generation”: A Cautionary Note. *Work, Aging and Retirement*. Accessible at: <https://academic.oup.com/workar/advance-article/doi/10.1093/workar/waaa009/5820879>
- ⁷² See e.g., Dick, S. (2020). Stuck-at-home students tell of their struggles and triumphs making the grade. *The New Daily*, 8 May. Accessible at: https://thenewdaily.com.au/news/national/2020/05/08/coronavirus-learning-online/?utm_source=Adestra&utm_medium=email&utm_campaign=Morning%20News%20-%2020200508
- ⁷³ See e.g., Smyth, B. M., Ainscough, G., & Payne, J. L. (in press). Modes of communication between high-conflict separated parents: Exploring the role of media multiplexity and modality switching.

Journal of Family Communication, 20(3). Accessible at:

<https://doi.org/10.1080/15267431.2020.1754826>

⁷⁴ Op cit.

⁷⁵ Markwick, K., Bickerdike, A., Wilson-Evered, E., & Zeleznikow, J. (2019). Technology and family violence in the context of post-separated parenting. *Australian and New Zealand Journal of Family Therapy*, 40, 143–162.

⁷⁶ See the excellent COVID-19 Topical Issues collection published by the ANU Centre for Aboriginal Economic Policy Research, above n 38.