

# COVID-19 quandary: Is the pandemic making divorce a bigger nightmare?

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Special to National Post, Josephine Wong

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Gwendolyn Zezulka of Toronto, a divorced mother of two, has primary residence of a 10 and 13-year-old. The children visit their father on Wednesdays and every other weekend.

When the coronavirus outbreak first unfolded, Zezulka was not able to find any information and recommendations for children who go back and forth between two homes.

“Nobody thinks about kids having two homes... It’s kind of like having a sleepover. And you’re not supposed to have a sleepover. It’s hard to know what the line of safety is.

“I am just basically having my fingers crossed that [my ex-husband and I] are on the same page.”

Even though Zezulka is taking a cautious approach, keeping the children at home and focusing on online courses, she is uncertain about her ex-husband’s level of isolation.

Zeulka also worries that with no official guidance of specific “dos and don’ts,” some of the parenting measures she has implemented, such as no play dates, may cause problems for divorced parents who don’t agree with each other.

“Nobody really has any clear indications. Somebody needs to step up and say, ‘This is OK. Don’t do this. Don’t do that.’”

Zeulka is just one of many separating or divorced couples who are seeking guidance in these difficult times. And custody arrangements that can’t easily be honoured are just the beginning.

According to a 2014 Analysis Paper by Statistics Canada, approximately 1.2 million Canadians who had separated or divorced within the last 20 years had at least one child aged 18 years or younger. While it was reported that only 9% of these children share equal living time between the two parents’ homes, 44% of children who live with one parent still spend time with the other.

Leena Yousefi, a Vancouver family lawyer, says most problems related to the coronavirus crisis so far have to do with parenting arrangements, although she anticipates that there will be requests to change child support and spousal support payments in the future.

Yousefi describes a couple who agreed that the father, an active-duty police sergeant, would exercise his parenting time through telephone, FaceTime and Skype, so that the children’s exposure to Covid-19 could be minimized.

Yousefi is also helping a father, an out-of-work pilot, to increase his parenting time now that he is at home more.

“Surprisingly, everybody is co-operating. Everybody is working for a higher purpose. It’s no longer personal. In some ways, [divorced or divorcing couples] are uniting,” says Yousefi.

But there still are some unreasonable people.

Yousefi says she knows of one former couple who both work from home. The mother does not want the children to go to their father’s because she feels it’s too dangerous to have the children leave home at all.

Yousefi says that the risk of something catastrophic happening by putting the children in a car and taking them to the other parent’s home, is small. “We don’t know how long this is going to last. Will there be four or five months of no contact [between the father and the children]?”

Yousefi says she may need a court to deal with this as an urgent matter if no agreement is reached.

Elizabeth Hyde, a Toronto lawyer and parenting co-ordinator, says she has received inquiries from parents whose children have travelled or are still travelling with their ex-partners. She says some parents are concerned because their children have not been brought home despite travel advisories, and some don't know whether children should be exchanged if one of the parents is sick.

Hyde says she's told her clients that existing separation agreements and court orders still govern, and she's advised them to follow the advice of authoritative and credible third parties, such as their family doctors.

As parents are going to be spending a lot of time with young children at home, Hyde emphasizes that now is the time for parents to co-operate with each other. She encourages parents to ask each other to help out: It's OK to ask the other parent to take the children out for a while, even if it isn't that parent's scheduled parenting time.

Vindy Teja, a Vancouver divorce coach, suggests that it could be helpful for parents to include their children in discussions about coping with COVID-19 restrictions; children received information at school and from other sources and may appreciate participation in some decisions. Teja, who shares guardianship of her 16-year-old daughter with her ex-husband, says her daughter independently decided to forgo a spring break trip to Hawaii.

Toronto divorce coach Diane Horsman says many of her clients who are still negotiating separation agreements are also experiencing a heightened level of stress. Specifically, the volatile stock market has made some previously negotiated deals difficult to honour.

"The stock market is crashing and people's ability to pay is compromised. They can't close their agreements."

These difficulties exacerbate the plight of separated couples who still share a family home.

Horsman says it may now be more difficult to secure an agreement for one client who still lives with her former partner; she may not be able to move out to the separate residence she found.

"She's living in limbo. It's a very difficult time."

Yousefi agrees that city-wide lock-downs are not good for separated couples who need to remain in the same home, especially for people suffering verbal abuse with no imminent physical harm: They probably are not cases that the police or the courts will deal with at this time.

Yousefi recommends that people in these circumstances set boundaries, limiting communications to text and to issues that relate only to their children. "Be rational."

Yousefi also encourages parents to discuss and agree about guidelines for what they can or cannot expose children to: Should friends visit the home? Should the children visit their grandparents? Should they go to the park?

Even though some courts may remain open for urgent matters, this is no comfort to families who have waited months and years to get closure from the breakup of their marriage.

“People have been waiting a long time to get in front of a judge or that they have been anticipating orders on things such as custody, access or support. The anxiety comes from no end in sight to resolving their files,” says Horsman.

Horsman recommends divorcing couples be patient and increase communication. She highlights this as an opportunity for couples to engage in negotiations and mediations, which can be done remotely.

When it comes to resorting to court, Hyde adds: “Resources are limited. Urgent means urgent. If it’s not super urgent, nobody is going to be pleased dealing with it.

“Let’s focus on baby steps, day by day, week by week. Things will come up and people will have to be flexible.”

Horsman sums it up in one sentence.

“Sit tight and take care of the kids,” she says.

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