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Answers to pressing questions on Family Law

Family Matters by John Syrtash

Access to Children, Covid-19, and our Underfunded Courts from the 70's

It's Passover and I shouldn't be surprised, but I was. Why? This is a time when social distancing has ironically brought people much closer together. As children we sang "*He's got the whole world in his hands. He's got...*" So even estranged or distanced friends and family members contact each other; children call their parents; the elderly and disabled are being called by those who should have called well before this crisis; and acts of kindness are legend: just in time for Pesach. At the BAYT synagogue in Thornhill Ontario Rabbi Korobkin organized volunteer University students to deliver groceries to shut ins. Many have found spiritual renewal in prayer or prayer in a more devoted fashion. Others show their gratitude through charitable donations. Even the canals of Venice spew fresh water, no longer a sewer.

However, a letter I just received did, in fact, surprise me. A client of mine, the father, is separated and has a small child who lives with his mother. We asked for access which she had denied for some time. But now she's continuing to deny it *solely* because of Covid-19. Unless there is a valid medical reason then no parent, *especially* in these uncertain times, should use the pandemic to deny

a child access to his mother or father. As long as the access parent agrees to stay safe then such an excuse to deny access is specious.

So, what to do? The problem is that the Courts are now closed, except for "urgent matters" until at least the end of May 2020. Only exceptionally urgent motions, such as child abduction, will be considered. The courts sometimes treat unfair access denial less seriously as custody claims, child support, or allegations of child abuse or claims for restraining Orders. When this happens, the Court punishes the child since unfair access denial is akin to child abduction and is a form of child abuse.

The real problem is that the Family Courts in Ontario are not properly funded to embrace the technology of 2020, not 1970. Judges could be hearing matters from their homes if video live streaming on the internet, like Zoom, could be accommodated rather than closing down the Court. Yes, our health concerns are currently paramount, and they should be. But when its over we need to quickly bring the Courts up to date. Stevie Wonder: *move over*. Its time for Taylor Swift. And I mean swift.

At Garfin Zeidenberg LLP we would like to wish all our readers a chag Pesach kasher vesame'ach

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