



**PRINCIPAL FAMILY COURT JUDGE OF NEW ZEALAND**  
**TE KAIWHAKAWĀ MATUA O TE KŌTI WHĀNAU**  
**Judge Jacquelyn Moran**

3 September 2021

**Update to guidance regarding shared care arrangements of children at COVID-19 Alert Level 4**

*This guidance has been updated to incorporate the changes under the COVID-19 Public Health Response (Alert Level Requirements) Order (No 10) Amendment Order 2021 which came into force at 11:59pm on 2 September 2021.*

The Principal Family Court Judge has updated the guidance regarding the management of shared care arrangements pursuant to Family Court orders at COVID-19 Alert Level 4 (Delta variant). The overriding consideration is for parents to make decisions that are in the best interest of their children.

As Judge Moran noted in the guidance issued in March 2020, children are precious and more than ever, this is a time to focus on their wellbeing, and in particular, their safety. It is important their loved ones are also safe and well, and that children know that, and are able to see their parents and caregivers lead by example.

The intent of Alert Level 4 is to prevent COVID-19 spreading within New Zealand. Staying at home will save lives. The following guidance reflects the Alert Level Orders made by the Government under the Covid-19 Public Health Response Act 2020 and public health advice. Access arrangements under the Oranga Tamariki Act are not covered by this guidance.

- Where there is a shared care arrangement, children may move between **two homes** only if the following requirements are met:
  - The two homes that the children move between are a shared bubble – **only two homes can make up this shared bubble**; and
  - The two homes must be in the same or neighbouring territorial authorities (your local city council or district council area)
- However, even if the above requirements are met, people should follow public health guidance. Movement between the two bubbles is not recommended if:
  - The child, or someone in either home, is unwell. In this case the child should not travel between homes until they are well.
  - The child, or someone in either home has been in close contact with:
    - a person who has, or is, currently being tested for COVID-19 or,
    - a person who has visited a location of interest at the same time as an active COVID-19 case (locations of interest are regularly updated on the [Ministry of Health website](#)).

The two home bubble differs from the guidance provided during COVID-19 Alert Level 4 last year to account for new Alert Level Orders made by the Government reflecting the high transmissibility of the Delta variant.

If three or more homes are typically linked by children moving between them these arrangements can only continue when all homes are in Alert Level 3 areas and some changes may be needed to be made to existing parenting arrangements in consultation with all affected parties.

- Parents and caregivers should discuss if shared care arrangements would allow COVID-19 to potentially spread without them being aware and reach an agreement. This may mean the child may stay with one parent/caregiver during the course of Alert Level 4.
- If children are moving between homes:
  - Children should be accompanied by a caregiver from the shared bubble.
  - Private vehicles should be used, where possible. Public transport can be used where there are no alternatives.
  - It is useful to carry evidence of your parenting arrangements with you while transporting children to explain your travel.
- Where children cannot move between homes, the Court would expect indirect contact - such as by video call, phone, social media messaging - to be generous.
- Parents must put aside their conflict at this time and make decisions that are in the best interests of the child and their families and the wider community. This global pandemic should not be seen as an opportunity for parents to unilaterally change established care arrangements without cause or otherwise behave in a manner inconsistent with the child's best interests or the court ordered care arrangements.

#### **Further information for families**

For up to date information, families are referred to the [Unite against COVID-19 website](#)

Further guidance is also available on the [Ministry of Justice website](#)

#### **Family Court proceedings at COVID-19 Alert Level 4**

The Family Court continue to deal with priority proceedings during COVID-19 Alert Level 4, as set out in the [court protocol](#). This includes Applications for Compulsory Treatment Orders, IDCCR, Protection Orders, Without Notice Interim Parenting Orders including enforcement, guardianship disputes (COCA), Without Notice Custody Orders or Place of Safety warrants (Oranga Tamariki); Welfare Guardianship or Property Orders (PPPR). Priority proceedings also include any other application considered by a judge to warrant an urgent hearing or judicial conference and, other urgent applications normally considered on the eDuty platform.

ENDS.