



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

1 October 2021

Update to guidance regarding shared care arrangements of children under COVID-19 Alert Levels

This guidance has been updated to incorporate the changes under the COVID-19 Public Health Response (Alert Level Requirements) Order (No 12) Amendment Order (No 2) 2021 which came into force at 11:59pm on 28 September 2021.

The Principal Family Court Judge has updated the guidance regarding the management of shared care arrangements pursuant to Family Court orders at different COVID-19 Alert Levels (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 that was first 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 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.

If the homes are in Alert Level 4 areas

- 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**;
 - The two homes are both in either Alert Level 3 or Alert Level 4; and
 - The two homes are 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.

Movement between homes in Alert Level 4 and other Alert Level areas

Children resident in an Alert Level 4 area cannot travel outside an Alert level 4 area for shared care arrangements.

Travel through an Alert Level 4 area

If travel between homes which are both in Alert Level 2 areas means that travel through an Alert Level 4 area is necessary, this is allowed. Travel must be direct and in one trip to collect or drop children. Stopping in the Alert Level 4 area is only permitted if essential, for example, in the case of an emergency. Evidence of the parenting arrangement and the locations of both homes must be carried when travelling through an Alert Level 4 area.

If the homes are in Alert Level 3 areas

Within an Alert Level 3 area, movement is permitted between homes for shared care arrangements. The homes must be part of an extended bubble arrangement, however, there is no requirement that the homes are in the same or neighbouring territorial authorities.

If the homes are in Alert Level 3 and Alert Level 2 areas

Children may move between homes that are in different Alert Level areas for parenting arrangements. Children can travel into, and out of, the Auckland area.

Children moving between Alert Level areas can only be accompanied or collected by a person who lives at one of the homes that forms part of the shared parenting arrangement. Both the child and the accompanying person must carry either:

- evidence that they have had a COVID-19 test in the last seven days, or
- a medical certificate confirming they do not have COVID-19 symptoms and, for a particular physical or other need, are unable to have a COVID-19 test.

COVID-19 tests are free. Testing is available at community testing sites or from a doctor. You do not need a test to travel from the Alert Level 2 area into the Alert Level 3 area.

Evidence of the parenting arrangement and the locations of both homes must be carried when travelling between Alert Level areas to help explain your travel.

Alert Level rules should follow you across the Alert Level Boundary – if a child from an Alert Level 3 area travels into an Alert level 2 area, they must continue to abide by the Alert level 3 area rules.

Travel through an Alert Level 3 area

If travel between homes which are both in Alert Level 2 areas means that travel through an Alert Level 3 is necessary, this is allowed. Evidence of the parenting arrangement and the locations of both homes must be carried when travelling through an Alert Level 3 area.

If the homes are both in Alert Level 2 areas

There is no restriction on the number of homes a child may move between, if consistent with the parenting agreement and if all homes are within Alert Level 2 areas.

General Considerations

- 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](#)

ENDS.