

DIRECT AND INDIRECT PARENT-CHILD CONTACT

MARTIN KORNEL

Law Faculty, Masaryk University

MILANA HRUŠÁKOVÁ

Key words

direct contact, indirect contact, supervised contact, supported contact

Parent-child contact is a basic expedience for maintaining parent-child relationships in cases, when they don't share the same residence. In the legal theory and praxis, there should be distinct number of forms of contact and this paper offers general systematization and points on ideal usage of each separate form of contact.

There should be distinct line between forms of contact based on direct personal meeting and forms of contact which are not based on direct personal meeting. 'Direct contact' can be defined, as direct personal meeting between the child and its parent, during which the parent and the child usually communicate and they also interact. Obviously, direct contact is the key factor for development of the parent-child relations and for realization of parental responsibilities. Term 'indirect contact' can be used to describe contact which doesn't contain direct personal meeting (telephone calls, e-mail, etc.).

Contact scheme is basically shaped by three essential elements - parents, their child, and the best interest of the child. By reason that the parents are holders of the parental responsibilities, the child is the person possessed by his / her own rights and the best interests of the child principle is intrinsic for Czech system of law. The court is bind by law to make a decision about contact that it is in the best interests of the child.

There should be plenty of measures for differentiation of the direct contact forms. This paper works at first with duration and frequency of contact. According to this measures, there should be identified five different parent-child contact patterns: (i) 50/50 shared residence, (ii) standard contact, (iii) holiday-only contact, (iv) little or no contact (v) daytime-only contact. 50/50 shared residence by course of Czech law consists only of the cases, when the court awards parents by joint or alternating custody. Standard contact means contact between parent and child every odd or even weekend, one day during a week, two or three weeks during the summer holidays and several days in time of Christmas holidays, Easters holidays and Spring holidays. Contact in this amount can serve to preservation or development of parent-child

relationships very well, thus it is the best in those cases when there are not conditions for joint or alternating custody, or for restriction or prohibition of contact. Holiday-only contact takes part in situations when the parent and child are divided by long distances, f.e. they live in different countries. Sometimes parents don't visit their child because of subjective or objective reasons, for instance, long distance, prevention of contact by resident parent, restriction or prohibition of contact and all these cases fall within little or no contact pattern. Daytime-only contact consists of child visitation without overnight stay.

Afterwards this article summarizes forms of direct contact in compliance with persons participating in contact. Principally the parent and child have contact in a certain time, on a certain place, and without any other person. The court sometimes makes order to provide a contact in presence of resident parent and it is usually executed in the child residence. Further, it is quite common that the third person participates in contact – it is in most of the cases a psychologist. A psychologist can play different roles from monitoring interaction and conversation between the parent and child (*supervised contact*) to helping establish parent-child relations (*supported contact*).

Indirect contact also has many different forms and usually it is a natural part of the contact in general. The communication via phone calls is one of the most commonly used contact form. During the last decade there is a fair progress in indirect contact field which is provided by a computer with appropriate software and hardware equipment and the Internet connection. Sometimes professionals talk about new generation of parent-child communication. The parent and child can use the Internet phone calls, chat, video calls, e-mail; they can play games and parent can help his / her child with homework etc. Regarding this, written mails are far less used. Indirect contact forms which do not involve communication mean obtaining information about the child's health, school report, or free time activities. Typically, the parent is informed via medical reports, photos, or videotapes.

Parent-child contact can be very effectual tool for preservation of mutual relationships. But there has to be used in a proper way all the possibilities offered by different forms of contact. Primarily, there are the parents and the court who are bounded to make right decision. However, court's solutions including some of the forms of indirect contact are applicable without cooperation of the parents rather problematically in practice, because of limited possibilities of execution of decision. It means that appropriate execution of decision about indirect contact still remains an unresolved question.

Contact – email

mkornel@seznam.cz