

Family Law

Judge Orders Skype Visits as Condition of Mom's Move

Posted Aug 12, 2010 12:03 PM CDT

By Molly McDonough

A New York judge has ordered that a Long Island mother make her two children available to talk to their father via Skype, an online video conferencing service, as a condition of her move to Florida.

This is the first time such a condition has been made on a case in New York, the New York Law Journal reports. But last year, the New York Times reported that a number of states have begun allowing for "virtual visitation," giving judges the option to keep non-custodial parents in contact with their children via e-mail, instant messaging and Web cams.

In the New York case, Suffolk County Supreme Court Justice Jerry Garguilo, in *Baker v. Baker*, ordered that the mother, at her own expense, "will see to it, prior to re-location, that the Respondent, as well as the children, are provided the appropriate internet access via a Skype device which allows a real time broadcast of communications between the Respondent and his children."

The couple has been divorced since 2008 and the mother, who is unemployed, is planning to move to Florida where she can live with her parents and find work.

In granting the mother's request over the father's objections to his children moving, Garguilo noted that common sense makes clear that a move aimed at finding a better way to support the family is necessary.

Hat tip: Legal Blog Watch.

Also see:

ABA Journal (2005): "Live-Action Interaction: Virtual Visitation Diminishes Distances Between Divorced Parents and Their Kids "

Journal of Law and Family Studies (PDF): "Virtual Parents: How Virtual Visitation Legislation Is Shaping the Future of Custody Law"

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ABA Journal

8/12/10

Debra Baker proposed the move to her parents' Venice Beach, Fla., home after she lost her job and the family house went into foreclosure.

"Common sense, logic and a realistic view of life on Long Island clearly indicate that (Debra Baker) and children cannot maintain a residence, heat, clothe themselves ... on the monies that are currently available," Garguilo wrote.

But he created the Skype plan to ensure the father had long-distance access to the couple's 9-year-old daughter and 6-year-old son. The children live with Mrs. Baker.

The ruling followed a two-day July hearing where James Baker "pled with the court not to take his children away, as he loves them dearly," Garguilo wrote last week.

The decision, the first of its kind in New York state, was initially reported in the New York Law Journal.

The couple was married in 2000, and divorced eight years later.

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