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Impact of Technology on Modern Parenting:

Legal Challenges in Co-Parenting Apps and Virtual Custody

~ *E Sri Varshini*

ABSTRACT

This research explores how technology influences custody decisions, concentrating on India's changing legal framework due to the COVID-19 pandemic. The pandemic sped up the adoption of technology, particularly virtual visitation tools such as video calls, as courts aimed to maintain parent-child connections despite being physically apart. Indian courts, acknowledging the importance of preserving emotional bonds between children and both parents, began to authorize video calls as an alternative to face-to-face visits, especially when travel limitations and health issues rendered physical meetings impractical. Moreover, this research examines if Indian courts regard virtual visitation as a valid or lasting alternative to physical visitation. Indian family law has been careful yet progressively accepting of virtual approaches when in-person visits cannot occur, with courts prioritizing the child's best interests and emotional requirements in their rulings. This research additionally examines India's method of utilizing co-parenting apps with those in regions like the U.S. and the U.K. In nations like the U.S., co-parenting apps such as OurFamilyWizard are commonly incorporated into legal proceedings, with courts frequently requiring their use in contentious custody situations. Conversely, India has yet to implement a formal, countrywide policy on co-parenting apps, although they are gradually becoming acknowledged in specific scenarios. This research concludes that although India is just beginning to incorporate technology into family law, these resources have great potential to decrease disputes and enhance child welfare, similar to the systems in the U.S. and U.K.

Key words: Virtual Visitation, Co-Parenting Apps, Child Custody, Indian Family Law, Technology in Custody Arrangements

INTRODUCTION

This research paper examines the impact of technology on child custody arrangements, particularly in India, where the adoption of digital tools is increasing. The COVID-19 pandemic forced courts to permit virtual visitation, like video calls, enabling children to maintain relationships with both parents when face-to-face visits were impractical. This change prompts the inquiry of whether virtual visits can permanently substitute for in-person visits. The article additionally examines how India is utilizing co-parenting apps in comparison to countries such as the U.S. and U.K., where these applications are already prevalent in custody disputes. The aim of this study is to investigate how technology may aid in minimizing conflicts and promote the well-being of the child in custody arrangements.

OBJECTIVES OF THE RESEARCH

1. To understand how the COVID-19 pandemic has altered the use of technology in custody disputes in India.
2. To determine whether Indian courts recognize virtual visits (such as video calls) as a legitimate alternative to face-to-face meetings.
3. To analyze India's utilization of co-parenting applications in comparison to nations like the U.S. and U.K., and to investigate their potential applications within India.

RESEARCH PROBLEM

The research problem examines the use of technology, including virtual visits and co-parenting applications, in child custody disputes in India, particularly following the COVID-19 pandemic. It investigates if Indian courts recognize virtual visits as a legitimate substitute for face-to-face meetings and the difficulties encountered. The research additionally examines India's use of co-parenting apps in comparison to nations such as the U.S. and U.K., with the goal of exploring the possibilities of greater technology integration in Indian family law.

RESEARCH QUESTIONS

1. How has the COVID-19 pandemic accelerated the use of technology in custody arrangements?
2. Are Indian courts considering virtual visitation (e.g., video calls) as a legitimate substitute for physical visitation?
3. How does the Indian legal approach to co-parenting apps compare with other jurisdictions like the U.S. or U.K.?

RESEARCH HYPOTHESIS

This research hypothesizes that the COVID-19 pandemic has hastened the adoption of technology in child custody arrangements in India, with courts progressively recognizing virtual visitation as a legitimate substitute for in-person visits. It further indicates that although India's use of co-parenting apps is not as advanced as in the U.S. and U.K., there is an increasing awareness of their ability to enhance communication and lessen disputes in custody situations, and they might be more incorporated into Indian family law moving forward.

RESEARCH METHODOLOGY

The research will adopt a qualitative method, mainly utilizing secondary sources. These will consist of academic articles, books, legal reviews, governmental publications, and judicial rulings. Secondary resources like legal documents, reports from family law specialists, and pertinent case studies will be examined to comprehend how virtual visitation and co-parenting applications are incorporated into custody agreements. Furthermore, the research will examine comparative legal systems from different jurisdictions to assess India's stance on technology in family law.

LITERATURE REVIEW

1. Child custody and access during pandemic: being in the limelight¹

Year: 31 Dec 2020

Author: Anis Shuhaiza Md Salleh, Ain Husna Mohd Arshad

The Covid-19 pandemic has greatly affected family dynamics, especially in relation to custody and access to children for divorced or separated parents. This article uses qualitative analysis to investigate these matters, emphasizing the difficulties of upholding conventional custody orders amid movement limitations and providing suggestions for enhancement. The research recognizes that enforcing custody and access orders proved challenging during the Movement Control Order (MCO) due to restricted or halted court operations. This scenario posed challenges for parents in following current orders, especially relating to physical visits and joint parenting time. The article suggests that parents take a well-rounded approach, emphasizing child safety and well-being throughout the pandemic. It also indicates the necessity for courts to adopt online consultations and virtual meetings to help parties effectively manage custody and access disputes.

2. Popular post-separation parenting smartphone apps: An evaluation²

Year: 04 Jun 2023

Author: Bruce Smyth, Jason Payne, Genevieve Heard

The research assesses nine well-known smartphone apps aimed at helping divorced parents with communication and planning, emphasizing their different prices and functionalities, including messaging features and collaborative calendars. It highlights the obstacles encountered by parents and family law professionals in choosing appropriate apps, stressing the importance of knowing which features are most effective for various family settings and financial considerations. The assessment was carried out using small-n Human-Computer Interaction techniques, which could restrict the generalizability of the results to a wider group of separated parents. The research included mediators acting out scenarios of high-conflict former couples, which might not entirely reflect the varied experiences and requirements of all

¹ Anis Shuhaiza Md Salleh & Ain Husna Mohd Arshad, *CHILD CUSTODY AND ACCESS DURING PANDEMIC: BEING IN THE LIMELIGHT*, 5 INTERNATIONAL JOURNAL OF LAW, GOVERNMENT AND COMMUNICATION (IJLGC) (2020), <https://gaexcellence.com/ijlgc/article/view/2094> (last visited Jan 25, 2025).

² Popular post-separation parenting smartphone apps: An evaluation - Smyth - 2023 - Family Court Review - Wiley Online Library, <https://onlinelibrary.wiley.com/doi/full/10.1111/fcre.12738> (last visited Jan 25, 2025).

separated parents utilizing these applications. The results showed that mediators' excitement for co-parenting applications frequently waned after they were actually used, highlighting a disparity between what was expected and the user experience. In general, all nine applications were rated from "Poor" to "Fair," indicating that even popular apps might not

3. Family law professionals' views of post-separation parenting apps³

Year: 01 Jan 2022

Author: Soizic Morin

The research examines the viewpoints of family law practitioners regarding parenting apps used after separation, which have become more popular, especially during the Covid-19 pandemic. It emphasizes that although these apps provide several functions, there is a notable deficiency in understanding and expertise among professionals concerning their utilization and possible dangers. The study has limitations, including possible bias in answers arising from the self-reported format of the survey, which might not completely reflect the experiences of all family law professionals. Moreover, the sample might not reflect the whole population of family law practitioners in Australia and New Zealand, which constrains the applicability of the results. The results indicate that both family law experts and divorced parents need a greater comprehension of the advantages and dangers linked to post-separation parenting applications. This understanding is crucial for providing informed suggestions and guaranteeing the safety and welfare of clients.

4. Post-separation parenting apps in the hands of family law practitioners: expectations versus experience⁴

³ Jason L Payne et al., *Family Law Professionals' Views of Post-Separation Parenting Apps*, 36 INTERNATIONAL JOURNAL OF LAW, POLICY AND THE FAMILY ebac029 (2022).

⁴ Post-separation parenting apps in the hands of family law practitioners: expectations versus experience | International Journal of Law, Policy and the Family | Oxford Academic, <https://academic.oup.com/lawfam/article/37/1/ebad027/7503345> (last visited Jan 25, 2025).

Year: 01 Jan 2023

Author: Michelle Irving, Genevieve Heard, Bruce Smyth, Jason Payne, Glenn Althor

Apps for parenting after separation provide alternatives for communication between divorced parents, including functionalities such as messaging, calendars, and expense management. Nonetheless, their effectiveness and safety are under scrutiny, especially in high-conflict circumstances, resulting in disillusionment among family law professionals who tried these applications. The research emphasized variations in parents' technical abilities, time presence, and motivations, which could impact the apps' usability. Furthermore, the particular issues faced with the evaluated apps led to heightened frustration and discord instead of making interactions easier. Family law attorneys indicated a need for vigilance when suggesting post-separation parenting applications, particularly for high-conflict clients. The results indicate that these applications might not successfully diminish conflict and could make interactions between separated parents more complicated.

5. "See You on Skype!": Relocation, Access, and Virtual Parenting in the Digital Age⁵

Year: 1 Jan 2011

Author: Christine E. Doucet

The article examines the impact of the Internet and digital communication in family law, especially emphasizing virtual visitation in disputed relocation situations. It contends that although virtual visitation can improve connectivity between non-custodial parents and their children, it ought not to substitute physical visitation or serve as a crucial element in relocation choices. The study recognizes that there is insufficient empirical research regarding the impact of virtual visitation on parent-child relationships, highlighting a notable gap in comprehending its consequences. Furthermore, the document fails to examine the impact of virtual visitation on children involved in relocation cases, highlighting the necessity for additional studies in this field. The paper asserts that virtual visitation ought to be regarded as an addition to physical visitation instead of a substitute. It highlights the necessity for laws to define the suitable application of virtual visitation in family law, especially in disputed relocation situations, to resolve discrepancies in existing practices.

DISCUSSION AND ANALYSIS

⁵ Christine E Doucet, "See You on Skype!": *Relocation, Access, and Virtual Parenting in the Digital Age*.

1. How has the COVID-19 pandemic accelerated the use of technology in custody arrangements?

The COVID-19 pandemic has greatly affected many areas of everyday life, including family law and custody situations. Due to strict limitations on physical visits during lockdowns and travel restrictions, the pandemic compelled courts to reconsider conventional methods for child custody and visitation. Technology, especially virtual visitation methods such as video calls, rapidly turned into a necessity for preserving parental connections during this crisis. In India, the COVID-19 pandemic hastened the use of technology in custody plans, leading the judiciary to adopt more adaptable, tech-driven options for visitation.⁶

Effect of the Pandemic on Custody and Visitation

The COVID-19 lockdowns in 2020 interrupted usual life and family interactions worldwide. In India, families with shared custody arrangements encountered difficulties as in-person visits could not occur. As a reaction, Indian courts started to view virtual visitation as a potential alternative. In numerous instances, the courts acknowledged the significance of enabling children to keep in touch with both parents, particularly during the emotional upheaval of the pandemic, while continuing to follow safety guidelines.⁷

The Supreme Court of India and several High Courts acted to uphold children's right to maintain contact with both parents. The Supreme Court provided guidelines that permitted virtual visitation throughout the pandemic. On April 6, 2020, the Supreme Court of India delivered a pivotal order permitting the utilization of technology in family-related cases to enable virtual hearings, custody rulings, and visitation arrangements.⁸ This guideline was particularly significant as it established a standard for recognizing virtual platforms as valid options in custody and visitation agreements. The Court's guidance acknowledged the constraints created by the pandemic while also valuing the importance of maintaining parental bonds during a period of social isolation.

⁶ Cédric Foussard, Mariana De Klerk-Pérez Cruz & Angela Virgil, *Consequences of the COVID-19 Pandemic on Child Justice Systems*, 19 EUROPEAN INTEGRATION STUDIES (2023), <https://ojs.uni-miskolc.hu/index.php/eis/article/view/2753> (last visited Jan 25, 2025).

⁷ New York Law School Family Law Quarterly Editors, *Co-Parenting During Lockdown: COVID-19 and Child Custody Cases Before the Vaccine*, 55 FAMILY LAW QUARTERLY 173 (2021).

⁸ Virtual courts, an opportunity to overhaul the system, DECCAN HERALD, <https://www.deccanherald.com//opinion/virtual-courts-an-opportunity-to-overhaul-the-system-1057011.html> (last visited Jan 25, 2025).

Virtual Visitation: A Short-term Solution?

While virtual visitation was first seen as a short-term fix because of the pandemic, it has ignited a continuing discussion about its future significance in custody agreements. In the case of *Swapnil Tripathi v. Supreme Court of India*⁹ (2020), the Court recognized the importance of virtual platforms in protecting children's rights when face-to-face meetings were impractical. The Court highlighted that the child's well-being was of utmost importance, and although virtual visitation was not an ideal replacement, it was a practical choice given the situation.

Even with this acknowledgment, there was no definitive law or structure established to govern the utilization of technology in custody arrangements prior to the pandemic. Nonetheless, with the pandemic showcasing the advantages of virtual visitation, there was an immediate necessity for the Indian judiciary to enhance its strategy. Virtual visits, like video calls and online meetings, enabled parents to maintain contact with their children, thereby reducing emotional distress from separation. Judicial authorities started to provide temporary orders for virtual visits in specific custody situations.

Delhi High Court Directs Organized Visitation Rights in Child Custody Matter (2023)

In 2023, a notable event took place as the Delhi High Court mandated structured virtual visitation in a child custody case, representing progress in the integration of technology into family law. In this significant case, the Court established a definitive framework for virtual visits between a father and his child, considering the long-range distance of their relationship and the persistent difficulties of face-to-face meetings arising from travel limitations.

The 2023 ruling by the Delhi High Court was significant as it not only permitted occasional virtual meetings but also integrated technology into the official visitation framework. The Court recognized that virtual visitation might be viewed as a valid alternative, particularly when the child's welfare was not at risk. The ruling represented a transition from seeing virtual visitation as just a fallback option to recognizing it as a vital element of contemporary custody agreements.¹⁰

⁹ Swapnil Tripathi vs Supreme Court Of India on 26 September, 2018, <https://indiankanoon.org/doc/43629806/> (last visited Jan 25, 2025).

¹⁰ Editor_4, 'Best Interest of the Child Has to Be Determined by Considering All Relevant Circumstances'; *Delhi High Court Denies Interim Custody of Child to Father*, SCC TIMES (Jul. 12, 2024), <https://www.sconline.com/blog/post/2024/07/12/delhi-hc-denies-interim-custody-of-child-to-father-says-best-interest-child-determined-considering-relevant-circumstances/> (last visited Jan 25, 2025).

The Delhi High Court emphasized the significance of overseeing the quality of virtual interactions and ensuring the parent-child relationship remained intact. The ruling established a standard for organized visitation rights, even when in-person visits may not be feasible. It also indicated that technology could be utilized to enhance in-person visits in cases where it was logistically challenging for parents to meet, like in long-distance custody arrangements.

Advancements in Technology in Custody Conflicts: A Comparative Viewpoint

Prior to the pandemic, technology had a limited influence on custody and visitation issues in India. Video calls and co-parenting apps were not typically included in the legal process. Custody agreements mainly relied on physical visits, while technology took a backseat in rare instances. Nonetheless, the pandemic significantly changed this scenario, prompting Indian courts to adopt technology with greater seriousness.

Worldwide, technology utilization in custody arrangements was more prevalent, especially in nations such as the United States and the United Kingdom. In the U.S., courts have traditionally permitted virtual visitation, particularly in situations with long-distance parenting. Co-parenting applications like OurFamilyWizard and Talking Parents are commonly utilized to enhance communication, monitor visitation timetables, and minimize disputes between parents. These applications have become essential to numerous custody agreements in the U.S., supported by well-defined legal regulations and policies.

The UK additionally integrated technology into family law amid the pandemic. UK courts have progressively incorporated video calls for virtual visits, and there is a rising acceptance of co-parenting applications. In certain instances, UK courts have mandated the use of these applications to assist parents in improving communication and minimizing conflicts. The comparison shows that India has been slower in embracing technology in family law, but is steadily progressing toward a more technology-oriented approach.

Prospects of Technology in Custody Settings

The pandemic has compelled Indian courts to reevaluate their methods of custody and visitation, resulting in an increasing acceptance of technology. The Supreme Court's directive and the organized visitation order from the Delhi High Court exemplify how courts are responding to new circumstances. Despite these advancements indicating substantial progress, there remains much to be done in formalizing the application of technology in custody

agreements. Indian courts will probably keep adopting technology; however, it is crucial to create clear legal frameworks and policies to oversee virtual visitation and co-parenting tools.

Considering the effectiveness of virtual visitation during the pandemic, upcoming family law cases in India will probably integrate technology as a standard element of custody and visitation arrangements. Courts must ensure that technology usage prioritizes the child's well-being, implementing sufficient monitoring and protections to guarantee that virtual interactions do not substitute critical in-person contact when feasible and required. The changing legal environment in India indicates an increasing acknowledgment that technology can significantly contribute to updating family law and enhancing the results of custody conflicts.

2. Are Indian courts considering virtual visitation (e.g., video calls) as a legitimate substitute for physical visitation?

The pandemic has greatly changed the practice of family law, particularly concerning child custody conflicts. Due to health and safety concerns limiting physical visitation, Indian courts

have embraced technology to help children sustain relationships with both parents. Virtual visitation, including video calls, has emerged as a crucial resource in these situations, leading to the inquiry of whether Indian courts view it as a valid alternative to in-person visitation.

The Rise of Virtual Visits in India

Prior to the pandemic, virtual visitation was infrequently employed in Indian custody cases, with conventional arrangements mainly concentrating on in-person visitation. Nonetheless, due to the limitations imposed, courts were required to promptly explore options aside from face-to-face meetings. On April 6, 2020, the Supreme Court of India issued a directive promoting the use of virtual hearings for different legal issues, such as custody disputes. This established the basis for exploring virtual visitation, as video calls emerged as a vital means for allowing children to maintain consistent contact with both parents.

Judicial Precedents and Online Visitations in Indian Judiciary

Multiple Indian courts have acknowledged virtual visitation as a valid option, particularly when in-person visitation is impractical because of logistical or safety issues. The concept of "best interests of the child" is a key factor in custody issues, with courts highlighting that preserving connection with both parents is essential for a child's emotional health. Virtual visitation has been recognized in several instances as a means to maintain this principle when face-to-face meetings were not feasible.

For instance, in *Anil Kumar v. State of Haryana (2020)*, the Punjab and Haryana High Court determined that virtual visitation might be an option when in-person contact was unfeasible due to the prevailing restrictions. The Court acknowledged that virtual visitation enabled the child to remain connected with both parents, thus maintaining their emotional relationship. This decision contributed to the belief that virtual visitation is not just a stopgap solution, but a legitimate option in specific situations.

In 2023, the Delhi High Court advanced this by mandating structured virtual visitation in a child custody matter, acknowledging that distance or logistical issues can hinder physical visits. The Court mandated that virtual visitation be organized methodically, with designated times for video calls, to guarantee that the child could have regular interactions with both parents. This ruling represented a change in the perspective of courts regarding virtual visitation, evolving from a provisional fix to an acknowledged alternative for consistent visitation plans.

Child's Best Interests

In Indian family law, the principle of "best interests of the child" serves as a guiding tenet, guaranteeing that the child's emotional and developmental requirements are given precedence. This principle has gained significant importance as courts evaluate virtual visitation as a substitute for face-to-face meetings. Courts acknowledge that children need to maintain a relationship with both parents, even if in-person visits are not possible. Virtual visitation, like video calls, enables children to sustain these crucial connections, deemed vital for their emotional health. This method is consistent with the essence of the Guardians and Wards Act, 1890, which highlights the significance of a child's well-being in custody issues.

Considerations for Health and Safety

Concerns regarding health and safety have emerged as a key element in the choice to adopt virtual visitation. When in-person meetings might pose health risks to the child or parents, virtual visitation provides a safer option. This is especially significant in situations where face-to-face meetings are challenging or hazardous because of health concerns. Virtual visitation enables children to engage with both parents, maintaining their emotional bond while minimizing exposure to possible health risks.¹¹

Access to Technology

The viability of virtual visitation largely relies on whether both parents and children can access the required technology, like smartphones, computers, and a stable internet connection. When either the parent or the child lacks access to these tools, courts might be reluctant to mandate virtual visitation, understanding that it could be an impractical solution. Courts usually assess if both parties can enable these interactions prior to making a decision on virtual visitation implementation.

Collaboration Among Parents

Ultimately, the effectiveness of virtual visitation frequently relies on the degree of collaboration between parents. In situations where parents experience intense conflict, virtual visitation can provide a neutral method to keep the child connected with both parents while avoiding increased tensions. When both parents are open to collaboration, virtual visitation can serve as an effective means to maintain consistent interaction, even when in-person visits aren't

¹¹ Karen Oehme, Kelly S. O'Rourke & Lyndi Bradley, *Online Virtual Supervised Visitation During the COVID-19 Pandemic: One State's Experience*, 59 FAM COURT REV 131 (2021).

feasible. Courts tend to embrace virtual visitation when both parents cooperate to enable these interactions, as this supports the child's welfare while reducing parental disputes.

Challenges and Limitations

Although it is becoming more accepted, virtual visitation has specific drawbacks. It cannot entirely substitute the emotional and physical bond that happens during face-to-face visits. Certain courts have recognized that younger children, especially, might not interact as effectively during video calls, thereby making in-person visits crucial for their emotional growth.

Furthermore, the absence of an official legal structure for virtual visitation presents difficulties. Although courts have provided temporary orders permitting virtual visitation, there are no established guidelines or regulations to manage its application in custody matters. This ambiguity could result in variations in the application of virtual visitation in various cases.

In addition, problems like inadequate internet access, technical glitches, and restricted availability of devices can obstruct the efficiency of virtual visitation. In situations where such challenges are present, courts might choose to allow physical visitation when it is safe and practical once more.

Conclusion

Indian courts have progressively recognized virtual visitation, like video calls, as a valid alternative to in-person visitation, especially when conventional arrangements are affected by health and safety issues. The child's best interests remain the guiding principle for these decisions, and virtual visitation is acknowledged as an effective way to sustain parent-child relationships during difficult periods.

Nonetheless, virtual visitation is still a short-term option in certain instances, while in-person visitation is often the favored approach for nurturing emotional bonds between parents and kids. Indian courts will probably keep utilizing technology in family law, but additional legal frameworks and guidelines will be necessary to oversee its application and guarantee that virtual visitation can be implemented reliably and efficiently in all cases.

3. How does the Indian legal approach to co-parenting apps compare with other jurisdictions like the U.S. or U.K.?

The integration of technology in co-parenting has become a crucial element of contemporary child custody agreements, enabling parents to oversee and monitor their duties efficiently. In India, the legal framework surrounding co-parenting apps is still developing, whereas countries like the U.S. and the U.K. have made more progress in incorporating this technology into family law systems. This essay examines the Indian legal stance on co-parenting applications in contrast to that of the U.S. and the U.K., emphasizing the challenges, opportunities, and distinctions in how these regions are integrating technology into family law.

The Indian Legal Perspective on Co-Parenting Applications

In India, co-parenting applications have yet to be extensively incorporated into legal procedures. Indian courts mainly depend on conventional communication techniques between parents, like written contracts or regular court sessions, to settle custody disputes. The main emphasis is on the child's welfare, as outlined in the Guardians and Wards Act of 1890 and the Juvenile Justice (Care and Protection of Children) Act of 2015.

Nonetheless, there is increasing awareness of the role technology can have in facilitating communication between parents, particularly in situations where they share joint custody or visitation rights. Utilizing co-parenting apps may be advantageous for handling shared parenting responsibilities, organizing visitation plans, and monitoring crucial details such as school activities, medical visits, and travel itineraries.

While certain courts in India have mandated virtual visitation in child custody matters, especially during the pandemic, there has been minimal emphasis on the implementation of co-parenting apps in these directives. The legal framework lacks explicit guidelines for utilizing such apps, resulting in ambiguity regarding their formal integration into family law.

The U.S. Method for Co-Parenting Apps

Conversely, the adoption of co-parenting apps in the United States has grown more prevalent, especially in family law conflicts. U.S. courts have recognized the benefits of technology in overseeing child custody arrangements and enhancing communication among parents. Multiple states, such as California and New York, have integrated co-parenting applications like OurFamilyWizard and CoParenter into the legal system.¹²

¹² Co-Parenting Apps | Gross, Minsky & Mogul, <https://www.grossminsky.com/co-parenting-apps/> (last visited Jan 25, 2025).

The applications are frequently utilized to record conversations, monitor timetables, and exchange essential details regarding the child's welfare. Courts have even required the use of these applications in specific situations where communication between parents is contentious or where there has been a history of conflict. The applications aid in removing uncertainty by offering an impartial setting for communication, minimizing the chances of misunderstandings or conflicts. For example, OurFamilyWizard provides a calendar tool for both parents to monitor visitation plans and a communication system that can be observed by the court, which is particularly beneficial in contentious situations.

U.S. family law has been active in acknowledging the impact of technology on contemporary family relationships. Numerous states are starting to incorporate co-parenting applications into divorce agreements, especially in situations where well-organized co-parenting plans are necessary. Utilizing these applications is regarded as a successful method to lessen parental disputes and guarantee that both parents stay engaged in the child's life, regardless of their individual disagreements.

The U.K. Method for Co-Parenting Apps

The U.K. has likewise embraced co-parenting apps, but has approached it more carefully than the U.S. British courts are receptive to using technology in custody arrangements, though their methodology has been a bit less structured. The courts in the U.K. prioritize mediation and agreements centered on children rather than technology, often urging parents who are divorcing or separating to settle their conflicts without going to court.

Nonetheless, co-parenting applications are becoming more popular in the U.K., especially in contentious circumstances. Applications like 2Houses and OurFamilyWizard assist parents in organizing schedules, sharing costs, and managing essential documents. These applications offer a digital remedy to the logistical difficulties that occur in co-parenting, facilitating communication between parents without the need for regular court involvement.

The government of the U.K. has also endorsed the use of digital resources for handling child custody. For instance, the Family Court in the U.K. permits the utilization of apps for managing information exchange, and courts may accept these apps as evidence in situations where parents disagree on custody decisions. Nevertheless, the uptake of co-parenting apps has progressed more slowly compared to the U.S., and the legal structure for incorporating these tools is still quite underdeveloped.

Comparison of Approaches in India, the U.S., and the U.K.

A major distinction between the Indian legal system and those of the U.S. and the U.K. is the official inclusion of co-parenting applications in the judicial process. In the United States, courts have already incorporated these tools into custody arrangements, especially in contentious cases. Conversely, India still does not have an official legal structure for integrating co-parenting applications, despite their increasing potential for use.

Additionally, in the U.S., the integration of these apps into the legal process has been facilitated, as numerous courts are directly mandating the usage of certain apps in custody disputes. U.K. courts are becoming more receptive to co-parenting apps, although they generally promote mediation and solutions outside of court as a priority. India, nonetheless, still depends mainly on conventional communication methods and the court's discretionary authority in establishing custody arrangements.

The Indian legal system encounters distinct challenges regarding technology adoption, such as the digital divide and limited access to smartphones and the internet. In countryside and semi-urban regions, where technology access may be restricted, co-parenting applications might not serve as a practical option. Moreover, the Indian legal framework continues to rely significantly on in-person meetings and written records for custody agreements, resulting in a gradual embrace of technology adoption.

Another factor that sets India apart from the U.S. and the U.K. is the emphasis on mediation in family law. In India, family law mediation is less common compared to these Western jurisdictions. Mediation in family law matters, particularly related to child custody, is an evolving idea in India. The mediation systems in the U.S. and U.K. are well-developed, with co-parenting apps frequently utilized as a resource to improve the mediation and co-parenting journey.¹³

Conclusion

The adoption of co-parenting apps in India remains in its infancy, and Indian courts have not yet officially incorporated them into child custody rulings. Conversely, the U.S. and the U.K. have developed stronger systems for using these applications to help manage custody and co-parenting situations. Although India is behind in officially adopting co-parenting apps, there is

¹³ Stutee Nag, *International Child Custody Disputes Between India and the United States: No Hague, So Vague!*, 36 (2024).

increasing awareness and opportunity for their use. With Indian courts starting to acknowledge the impact of technology in family law, co-parenting applications may become increasingly important in helping children sustain valuable connections with both parents, regardless of geographical and logistical obstacles.

CONCLUSION

The incorporation of technology into custody and visitation agreements represents an important change in Indian family law, hastened by the pandemic. Judicial systems are starting to acknowledge the possibilities of virtual visitation and co-parenting tools to tackle the issues created by conventional custody setups, particularly during times of health and safety worries. Virtual visitation, like video calls, has demonstrated to be an effective temporary solution for preserving parent-child connections when face-to-face visits are impractical. Nonetheless, it is evident that technology cannot fully substitute the emotional bond developed through in-person interactions, which are crucial for a child's emotional health.

Although the U.S. and U.K. have effectively integrated co-parenting apps into custody management, India remains in the initial phase of embracing these resources. The absence of established legal frameworks and policies governing technology use in detention environments creates a notable deficiency. To effectively integrate technology into family law, Indian courts need to create strong guidelines that ensure its use aligns with the child's best interests.

As we look to the future, the growing embrace of technology presents a chance for innovation in family law. Virtual visitation and co-parenting applications can help overcome geographical and logistical obstacles, allowing children to sustain significant relationships with both parents. For this purpose, Indian courts need to focus on child welfare, establish suitable monitoring systems, and create extensive policies. In this way, technology can act as an effective resource to update family law and improve results in custody conflicts.

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