

Divorced and separated parents - splitting the Festive season



By Sarah Beskine

Christmas arrangements for children for couples who have split up are something that can cause extra stress. It can be difficult to agree plans for the children and managing the competing demands is difficult. Planning holidays, important religious celebrations such as Diwali or Eid, significant family events such as a Bar or Bat Mitzvah can be very difficult if you have recently separated. Sometimes the arrangements can cause so much distress that the event itself might be diminished by the difficulty in arranging it if great care is not taken.

As a family and divorce lawyer and mediator at Hopkin Murray Beskine, these are often issues that I am consulted about. If you have a conflict about these matters, going to court should be a last resort; only consider it once you have tried all other options including legal advice and negotiation. Mediation can be very effective as it can produce arrangements that are fine-tuned. Choose a mediator who is qualified to invite the child into mediation, and start in good time.

The law has a lot to say about contact arrangements, but it is a fairly blunt instrument. It is important to know the law's approach though, as it will inform your negotiations and any mediation.

The main question for the court is "what is in the best interests of the child?" The court looks at the wishes of the child considering age and understanding; physical, emotional and educational needs; the likely effect of change; age, sex, background; any harm suffered; how capable you are of meeting needs, and all the powers available to the court. The court can invite experts to advise them, usually freelance professionals with significant experience, often with a social work background.

Thinking about Christmas holidays, after the first Christmas, which is likely to be spent in the residential

parent's home, a fairly common approach from the court is to alternate Christmas Day/Boxing Day, or both with New Year. An alternative is to have one week of the period each, and each parent arranges their own celebration in that week so the children get two sets of celebrations.

I have learned from many families how they have managed arrangements. If you have only relatively recently split up, there is a lot to be said for keeping major events; as the child has been used to. For the parent who has moved out, there is the challenge of developing new traditions at their new home. Children generally are quite excited about having more gifts and more celebrations, so this is not likely to be difficult to present to your children, as long as both parents are positive about it - your child has double the fun and extra traditions to enjoy. Key dates that are fixed and cannot be alternated have to be thought about carefully. You can try for balance with other key dates for the family, over a period of a year rather than focussing on one important date that is coming up. If you cannot reach a longer term plan, then you can try to agree the next step ahead and how to put that to the children.

If you have any queries you would like to discuss with me please feel free to email me at sb@hmb solicitors.co.uk.

Sarah Beskine has contributed numerous editorials for the Muswell Flyer all of which are available on the HMB website at www.hmb solicitors.co.uk

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