

Tis the season to co-parent during the Festive Period

Christmas is a special time of year for most families, particularly for children, however at this time of year, family solicitors are often contacted by separated or co-parenting families with questions around contact arrangements over the festive period. Whether you are in the midst of separating, separated, going through a divorce or your divorce has been finalised, the festive season can be a challenging time for a child and the parents, particularly if this is the first time the family will not be spending Christmas together.



Further, the build-up to Christmas and Christmas itself can be a difficult, stressful and anxious time for the families, particularly if they are in dispute about the contact arrangements concerning the child over the festive period. There may be a sense of loss due to the uncertainty of whether previous Christmas traditions will be carried out due to the changes and a child may feel torn as to which parent they want to spend Christmas Day with.

Plan the festive holidays in advance

It is important that separated parents discuss the contact arrangements concerning the festive season in advance, and always put the child's best interests first. Forward planning will allow separated parents to try to agree and prepare the arrangements in advance and then share the plans with the child.



Some parents may have a Child Arrangements Order, which may have predetermined the arrangement concerning the contact between the children and separated parents during the festive period. If the order is silent on the arrangements over the festive period, then it is ultimately up to the parents to agree the proposed contact arrangements, which may be difficult for separated parents if they are unable to reach an agreement.

Children celebrating two Christmases

Whilst the contact arrangements can vary family to family, some of the common arrangements that family law practitioners are familiar with, include as follows:

1. **Have Two Christmases:** One parent spending Christmas Day with the child, and the other parent spending Boxing Day with the child; or
2. One parent spending Christmas Day and Boxing Day with the

child, and the other parent spending New Year's Eve and New Year's Day with the child;

3. **Alternate Years:** Separated parents alternate Christmas Day with the child each year, so both parents get the opportunity to experience Christmas magic, i.e. if one parent spent the previous Christmas Day with the child, then this year, the child will spend Christmas Day with the other parent;



4. **Split Christmas in Half:** Another option is to share Christmas Day between the households, i.e. one parent spending Christmas morning with one parent and then Christmas afternoon with the other parent;
5. **Spend Christmas Altogether:** both parents spending the day together, albeit this is quite uncommon unless the parties are either on good terms or amicable.
6. Parents could divide the holidays so one parent spends the first week of the school holidays with the child, including Christmas Day and the other parent spends the second week of the school holidays with the child, including New Years Day, and this could alternate each year.

It is always best for parents to reach an agreement between themselves, however there is no one size fits all approach when it comes to matters concerning contact arrangements between separated parents and the child. Parents should be open-minded to the views and try and reach an agreement that works not only for them, but is more importantly in the best interests and welfare of the child.

What to do if the contact during the festive season cannot be agreed

If parents are unable to negotiate the contact arrangements during the festive period between themselves, then they should seek independent



legal advice from a family solicitor.

Alternatively, they should consider attempting Family Mediation, which may help to facilitate further discussions or any other form of Non-Court Dispute Resolution. The benefit of Non-Court Dispute Resolution is that it can be a useful process in assisting the parties in exploring any issues and assisting the parents in trying to reach an agreement without needing to issue court proceedings.

What if you have an existing Child Arrangements Order

If the parties are unable to reach an agreement outside of court, then parents may need to restore matters back to court, particularly if there is a Child Arrangements Order in place and hence you will need to make an application to vary the Child Arrangements Order so Christmas arrangements are set out in an Order for the future. Alternatively, parents can lodge an application at court for a Child Arrangements Order if there is not one in place.



Court applications are always the last resort and it is advisable that the parties should explore other options first, including mediation. Also, even if court proceedings are necessary, it may take months to be determined.

Gifts

There can be disagreements between separated parents concerning gifts for the child and quite often, family solicitors are being informed by the clients that the other parent is trying to outdo them by spending lavishly.

Parents should discuss setting a budget and also may need to consider avoiding telling children that the “gifts” are “just from me” and perhaps consider whether it is suitable for the

parents to buy a joint gift for the child and label it from “mum and dad.”



Communication

In situations where communication may be challenging or difficult, parents should consider communicating via “co-parenting apps,” including ourfamilywizard, 2houses, cozi.

How we can help

We specialise in disputes relating to child-related issues. If this issue affects you and you want to discuss your situation in more detail, then contact our team of specialist family solicitors on 020 7272 1234 or familyprivate@hmbolicitors.co.uk

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