



FAMILY LAW PRACTICE

ALERT

MIRTH, NOT MISERY: MANAGING HOLIDAY CUSTODY & VISITATION ISSUES

By Jennifer Weisberg Millner

The upcoming holiday season often brings thoughts of sweet smells drifting from the kitchen, opening gifts, and spending time with family. Yet for families dealing with separation and divorce, stress for both children and parents can overshadow the joy of the season.

Parenting can be tough during the holidays, even for those parents who get along amicably, and the painful emotional issues surrounding a break-up are often magnified. Before the holidays arrive, take some time to ensure that your child will have a cheerful season.

Act Now

The most common mistake parents make is waiting too long to tackle issues surrounding the season, and the result may be a screaming match, hurt feelings, and a distraught child. A holiday plan should be well thought out and include an understanding of how the children are to be transported if parents are not close to each other. As hard as it may be, parents need to communicate with each other about holiday plans. Children need the structure and security of knowing where they are going and when. When plans are left up in the air, it is often the child who suffers.

In the event that you are unable to work out a schedule with your child's other parent and need court assistance, ample time should be left to ensure that you have the ability to engage legal counsel and to make the appropriate application to a court. December is traditionally a very busy time for judges, and you must comply with court filing deadlines.

Be Proactive When Traveling

If your child will be traveling, be proactive and make arrangements early. Make sure your child has a passport if necessary, and that all flights are non-stop if your child will be traveling alone. Ensure you have a way to communicate with the other parent for the entire time your child is in transit.

Send Them Off with A Smile

Do not tell your child how much you will miss him or her during the time he or she will be with the other parent. This only adds to the stress and guilt that the child may feel when with the other parent. Also, try to leave conversations about the divorce until after the holidays. Otherwise, a child may later associate the holidays with your divorce. Even worse, it could come back to haunt you in a custody hearing, if custody is an issue.

Take A Holiday from Your Conflicts

Recognize that your anger is directed at the other parent and not at your child. Divorces can be nasty, and very often revolve around financial issues, not parenting ones. Do not fall into the “revenge” trap by preventing or making it difficult for the other parent to see the child. Now, more than ever, your child needs to see both parents working together.

Create New Traditions

This is a time of change for everyone, and holidays are not likely to remain the same. In order to ease the transition, think about starting a

new holiday tradition with your child. Allow your child to provide input as to how they want to spend the time. More importantly, don't make your child feel guilty if he or she wants to spend the holiday with the other parent. As child psychologist Dr. Greg Moore says, “Be kind to yourself, set realistic expectations, and vow to keep your kids out of the middle of conflicts.”

For more information on this and other family law issues, contact an attorney in Fox's Family Law Practice or visit us on the web at www.foxrothschild.com.

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