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ACHIEVING A HAPPY AND PEACEFUL CHRISTMAS FOR YOUR CHILDREN WHEN YOU'RE SEPARATED

Christmas is nearly upon us and it is a time where families spend time together, certain traditions are honoured and children are excited.

Separation is difficult, but for separated families and children, Christmas holidays can be especially difficult and stressful. Particularly, if parents do not have an agreement in place regarding the amount of time the children will spend with each parent.

The Family Law Act 1975 Cth provides us with guidance when we are attempting to resolve the amount of time children ought to spend with their parents. However, it is not determinative. The Act does not provide a law which sets out the specific time each parent is entitled to spend with their children. It is left for parents or the court to attempt to work out an arrangement that is in the children's best interests and also suits their individual family's needs. Common arrangements include the children sharing Christmas Day with one parent in the morning and the other in the afternoon; or alternating their time with their parents by spending Christmas Day on a year about basis. These arrangements are regularly negotiated by the parents and are often recorded in writing for certainty and to avoid conflict.

Forward planning is the key. Families are different, the significance attributed to Christmas is different for each family and

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is celebrated in a myriad of ways. Have a think about what Christmas means for you and your family as well as the other parent's family. It may be tempting, but we recommend that you do not ask the children who they would like to spend Christmas with this year. It puts the children in a difficult position and inevitably causes them distress. Try to make your arrangements clear and comprehensive.

- If you are sharing Christmas day – what time will the changeover occur? Where will it take place? Who will be responsible for delivering and collecting the children?

- If you or the other parent generally travels at Christmas then alternating Christmas day may be more suitable. Have agreed arrangements in place regarding the specific time the children will communicate with the other parent.

- Commit to the arrangements even if it isn't your perfect idea of sharing Christmas and abide by the set times to avoid last minute frustration and arguments. The children will feel disappointed when the set arrangements don't proceed according to plan. They will also probably feel your frustration and may even feel responsible for the conflict between you and the other parent. This is

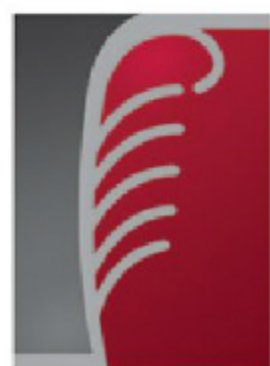
something we would like to avoid at all cost.

- If you are unable to reach an agreement with the other parent consider attending a mediation and attempt to tailor an agreement which allows the children to enjoy the Christmas holiday with both parents and also allows both of you to honour your own Christmas traditions.

The court is traditionally very busy at this time of the year, therefore, any applications which relate to the whole or part of the Christmas school holiday period must be filed in the court prior to the second Friday in November of each year. Commencing proceedings in the court should be your last resort.

If the time has passed for commencing an application in the court and you are unable to reach an agreement with the other parent you still have time to attempt mediation.

If you have been unable to reach an agreement with the other parent, and you are out of time to commence an application in the court, try to remember that regardless of the time you spend with your children you will always be a parent 100% of the time. Some children would relish the idea of having two Christmas Days and as they say, Christmas is not a date. It is a state of mind.



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