



## Time with children at Christmas, after separation

**Date: Monday October 11, 2021**

Several months before December each year, Mums and Dads are starting to prepare for Christmas. Whilst we all want to be focused on the joy of Christmas, it can be hard for separated families. In this blog, we look at how to prepare for discussions about spending time with children and what options are available if you cannot agree.

### Important note before we begin - cutoff date for applying for Family Court orders related to the Christmas period

Before we begin, it's important to note that if you cannot come to an agreement with the other parent regarding time with children at Christmas, and you need your matter to be decided by the Court, there is a cut-off date for filing your application. That cut-off date to ensure your matter is listed prior to Christmas is the **second Friday of November each year**.

Christmas is always an emotive time after separation. Splitting the day can be hard; to both negotiate and then to action. The "sharing" of the children can be a difficult concept to ponder, and trying to prioritise when you want them most, can get confusing and sometimes fractious.

Is it more important to have the morning wake-up with Santa and the exchange of presents? Do we traditionally go to Church? But then, what about Christmas lunch? Where can they play with their cousins? But if I take the afternoon, then I can usually get the whole of Boxing Day.

These are often questions that separated parents are grappling with when they are trying to prioritise what they want.

### Preparing yourself for how to share the children at

# Christmas

As you prepare to have this discussion with the other parent, there are a few things to consider first:

For children, it can be their favourite day of the year, let them enjoy it!

It's an important day, but it is only one day! Christmas Day (and the festive season) needs to be celebrated and there are multiple days that can be celebrated. Consider alternatives to just Christmas morning and Christmas lunch.

Where possible, do not discuss the arrangements with the children until there is agreement with the other parent. At all times, and importantly on days such as these, limit your child's exposure to conflict.

With gifts, talk to the other parent about what you intend to purchase. If you are still cordial enough to have joint presents, keep it going! It's a great sign to your children that [you and the other parent still put them first](#).

Make sure you are both delivering the same message about any religious tradition or Santa.

If you had a Christmas tradition prior to separation, which can be carried through, keep it going.

Have the conversation early! If you can start now, do so. The more certainty leading into the Christmas season (particularly in these uncertain times), the better.

## What happens if we cannot agree on time spent with children at Christmas?

[Alternative Dispute Resolution](#) is still the best way to resolve disputes, particularly about a topic so emotive. If you cannot agree between the two of you, engage a mediator to assist in having a productive conversation.

Unfortunately, if no agreement can be reached at mediation, the Court will list applications to make determinations as to Christmas arrangements.

## There is a cut-off date for getting your “Christmas” issue decided by the Court

Any application to have your matter dealt with prior to Christmas must be filed **prior to the second Friday in November of the year you are seeking Orders regarding Christmas**. We strongly recommend you file well before this date for more certainty.

Hopefully, it does not come to this. To have a stranger decide what happens with your children, children they have never met, for

such a joyous time of year has to be the last resort.

## **Get help from a family lawyer**

At Meillon & Bright, we have experience in negotiating many different alternatives for the Christmas period. We focus negotiations on the children and celebrating a joyous time of year with them, particularly after what has been a tough year for so many.

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*The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.*