

Making Custody Arrangements Work At A Special Time Of Year

Note: Dear Reader, your author has been in a nearly 2 week long family law trial that has taken a great deal of time prepping for. I thought I posted this prior to Christmas, but it turns out I did not. So, instead of being a month late, I like to think I am 11 months early!

Home for the Holidays

Many divorced parents can attest to the headache and hassle that can accompany a



Photo courtesy Mei Teng

visitation schedule involving frequent shuttling of the kids back and forth between the parents' homes. In the holiday season, these difficulties can be amplified by a hectic flurry of trips to see grandparents, relatives visiting from out of town, and a multitude of school programs. If you're struggling to make a visitation schedule work at this time of year, consider these tips to reduce the stress.

Keep to the planned arrangement

Regardless of how unfair your current custody situation may be, now is not the time to start a fight with your ex about re-allocating dates and times. Your kids will notice the hostility, and, regardless, you won't achieve anything if your ex is not open to negotiation—courts are not in session on Christmas or New Year's Day! If you're having trouble with your ex failing to provide scheduled visitation periods, simply keep a written log of the failures for use, should you need it, in the future.

Consider having the parents, not the kids, move

Although the standard practice is to move the kids between each parent's home, another option, particularly during the holidays, is to have the kids stay in one place while the parents rotate on and off who stays with the kids. This works if you have somewhere such as a grandparent's home where the kids can stay for a week or so.

Negotiate between yourselves whenever possible

As we noted above, the courts aren't open on Christmas. More importantly, even if they were, you really don't want to be like, for example, the couple who had sorted out how would have custody of the kids on New Year's Eve but who couldn't agree on what time of day New Year's Eve started and needed a court order to determine that.

Remember that there's always next year

If your ex has wangled his or her way into having the kids for more time than is equitable this holiday season, write down who ended up seeing the kids when (memories can become fuzzy quickly) and use this in negotiating a visitation schedule next year. A written record of the time you spent, or didn't spend, with your kids this season will be more convincing to your ex than any spoken sentence that starts out "The way I remember it..."

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While I appreciate all of our readers (I really do!) a few things to know before you send me an email with a "quick legal question" I'm a Minnesota only lawyer. I can't give any advice about the laws in any other state except Minnesota. Also, while I am a believer that while clients need to know as much information as they can (that's why I do these blogs) I can't give advice to you via email and unless we sign a retainer agreement and pay the retainer as our malpractice carrier is very particular about giving out advice over email to non-clients.