

BowTieLawyer

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Christmas Custody and Visitation.

In divorce situations the holidays, including Christmas, can be more difficult than any other time special time when every one is supposed to get along and we celebrate family. However, a divorce can change that.



Most often divorced parties alternate the children during the holidays. Usually the Christmas break is between the parents based upon the school calendar. Additionally, the children usually spend part of the holiday with each parent. The typical Custody/Visitation schedule may look like this.

“In even-numbered years the Father shall have Thanksgiving from Wednesday prior to Thanksgiving weekend, ending Monday morning when he returns the child to school.

In even-numbered years the Mother shall have Christmas from the day school recesses for Christmas until Christmas Day at 2:00 p.m., and the Father shall have from 2:00 p.m. December 25 until January 1, at 12:00 noon. The mother shall have from noon January 1, until school resumes, at which time the regular custody/visitation schedule shall resume. In odd-numbered years this schedule shall be reversed and the Father shall have from the time school recesses for Christmas Break until Christmas Day at 2:00 p.m., and the Mother shall have from 2:00 p.m. December 25 until January 1, at 12:00 noon, with the Father having from January 1 until school resumes.”

This is just an example, though is fairly typical. Having said that, the Court will likely approve whatever the parties can mutually agree upon. There are good reasons to agree to an alternative plan. Some families have a tradition is to celebrate Christmas Eve and it may make more sense and be easier for the children to continue with that tradition. Sometimes the parties live so far apart that the travel on Christmas Eve is unreasonable. Pay attention to this. It may make more sense and be easier for everyone involved to have the child be with the custodial parent on the 26th. One judge, no longer on the bench, always awarded the custodial parent Christmas custody because the sentiment was the children needed to be “home” for Christmas. The other parent did receive a good amount of time over the holidays and just adapted with “new” traditions.

As parents your job is to make the holiday as normal as possible. It is okay to start new traditions, but be mindful of the expense of your child’s emotional well-being. Oh, and don’t agree to the alternating Christmas custody papers based upon the other parent telling you, “don’t worry about it, you can always have Christmas custody ‘irregardless’ of the papers.” First of all ‘irregardless’ is a non-standard word that will have the gra

route and secondly if it's not in your papers, it's not going to happen.

Remember this, Christmas can be whenever you and your child have the chance to be together.

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