



WHEN A CHILD IS BORN

Christmas is a time of joy and a time when each of us wants to spend time with our closest family.

Even in Families where the Parents and Children live together, Christmas can be a very challenging time with everyone wanting to make sure that the Children have a great time.

In 21st Century Britain almost 2 Million Families are now headed by a Single parent or have a Parent and Step – parent to care for their Children.

Christmas can be a very difficult time for Families, especially so in second marriages/relationships when the Christmas Festivities demand multiple arrangements to be made with ex – Spouses/ partners to accommodate Father Christmas leaving presents on Christmas Day and Christmas meals with the Family.

Christmas is the particular time of the year when a Parent who does not have their Children living with them feels a real need to spend time with their Children.

Happily, in many of these situations the Parents are able to discuss and agree arrangements which satisfy everyone's wishes and needs.

If the parents live far away from each other then it is unfair to the Children or the Parents to travel for hours on Christmas Day. As an alternative, parents can transform Boxing day into a second Family Christmas day. This allows both parents to share a Christmas day with their Children.

If the Parents live close enough to each other, Christmas Day can be shared. One parent could have the care of the children from morning to mid-afternoon, with the other Parent having care of the Children from mid-afternoon, evening and overnight.

Unfortunately, in some situations, Christmas can become a battle of wills between parents, with neither Parent willing to give way. Resisting Contact or refusing to facilitate contact or making unreasonable demands for Contact, intended to punish the former Spouse / partner is indirectly punishing the Children and demonstrates an inability to put the needs of the Children First.

If ex- spouses / partners have had an acrimonious split in their relationship then it is unlikely that things will suddenly improve at Christmas. This is when difficulties can arise over contact arrangements for Christmas. If the Children live with and spend more time with one Parent compared to the time spent with their other parent, it is often wrongly assumed that the Parent who has the Children for the majority of the time has greater rights over the Children and can dictate where and when the Children will see their other Parent. That is not correct.

If both Parents have Parental Responsibility for the Children, then each Parent will have identical rights, responsibilities and obligations towards the Children.

If the parents cannot agree the arrangements for the children at Christmas, then the parents may choose to seek help from a third party. This can take the form of Family Mediation.

Family Mediation is conducted by trained and highly skilled Mediators. The Mediator will sit down with the Parents in conflict and try to resolve all outstanding Issues and assist the Parties in recording that agreement in writing. This will provide certainty and an agreed timetable for Contact with the Children over Christmas.

Mediation can help the Parents to identify the Issues between them and through discussion and Mediation, help them to find a solution which is acceptable to the parents and puts the children first.

If Mediation breaks down, or the parents do not wish to attend Mediation, or the parents believe that they cannot reach an agreement, then either Parent can ask the Court to intervene and decide the Issue of Contact over Christmas. This would be an Application for a Contact Order and would be heard in the Local Court.

All Applications for a Contact Order are heard in Private, by a District Judge in the County Court or a Bench of Magistrates in the Family Proceedings Court.

At David Lee Solicitors we have Dave Lee, a Solicitor, or Emma Poole, a Family Executive, who can assist you with your problem. Both Dave and Emma have substantial experience in dealing with contact applications and other Children Act Matters.

Dave or Emma will meet with you to discuss the issues and give you confidential advice on an appropriate way to deal with those issues. The initial meeting will be free of charge.

If you choose to discuss the issues with the other parent, then Dave or Emma can deal with any correspondence or any face to face negotiations, on your behalf.

If you believe that the Court must intervene and decide the Issue, then Dave or Emma will prepare the Application, submit the Application to Court and represent you at Court. Dave or Emma will be with you at every stage of the Court Proceedings.

To contact Dave:

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At David Lee Solicitors we pride ourselves on our practical and no nonsense approach. We can act swiftly and decisively to help you achieve a fair outcome.