



CHILDREN AND CHRISTMAS

The Christmas holiday period can often be a difficult time for parents of children from separated families when making arrangements for the children. Conflicts can arise over when, and how much time, children spend with each parent and their families on Christmas Eve/Day and for the school holiday period.

Parents may agree upon the children's holiday arrangements during this period, which may be formalised into a Parenting Plan or Consent Orders. If parents cannot reach an amicable agreement it may be necessary to ask a Court to make orders regulating the children's arrangements during the Christmas period. This can be upsetting for parents since a Court may not always make orders a parent is happy with.

Parenting Plans may outline in detail anything agreed between parents relating to the children's arrangements however they are not legally enforceable.

If there are Court Orders regulating the children's time with the parents during the Christmas holiday period, the parents each have a positive obligation to ensure compliance with the Orders (subject to

protecting the children's health and safety) by encouraging the children to spend time with the other parent.

In the event a parent contravenes a Court Order by withholding the children then the other parent may be able to bring urgent recovery proceedings to bring the children back into their care. Unless there are issues of family violence, urgency or it has been less than 12 months since the Court Order was made then family dispute resolution must first be attempted prior to commencing legal proceedings for recovery.

If a Court Order has been breached the innocent parent may bring enforcement action in a Court whereby the guilty parent may be penalised for their offence and make up time allocated to the innocent parent. This is a powerful tool to stave off further breaches of the Orders and ensure compliance.

Parents should always consider the best interests of the children and try to keep any parenting dispute out of the purview of the children so that the children are given the opportunity to freely enjoy the Christmas holidays without the burden of their parent's dispute.