



Our top 5 tips for surviving the festive season when separated/divorced

We know what you are going through,
and we are here to help.





We know...

That going through a divorce or separation can be stressful at the best of times, but over the festive season emotions can run very high, especially when there are children involved.

Filing or considering a divorce before Christmas

It is very common for couples to try to “keep-it-together” through the festive season for the sake of the children, but if you’re already separated then a bit of careful planning and communication will help.

Filing for divorce

If you’re thinking of going through a divorce and haven’t told the children, you may want to consider whether it’s worth upsetting them so close to Christmas. There is never a good time to separate, however, if you can cope with the situation a little longer, it might help the children to get Christmas out the way first.

Considering divorce

If you’re considering divorce and things are reasonably amicable between you then mediation could be worth a try. This process helps families reach agreements about what should happen after separation or divorce. It is becoming a popular alternative than asking the court to make decisions about family issues.

Our top 5 tips for surviving this festive season

1

Consider **family mediation**

Family mediation helps couples who are in the process of separating or divorcing to decide what to do about the house, the children, the assets, the debts, and can help everyone in the family to establish new working relationships.

What if it doesn't work?

If an agreement can't be reached through mediation then a solicitor can help you to apply to the courts to decide what's best for your children.

You don't want the children's lasting memory of Christmas to be a day of disagreements.



Let us help:
0330 108 0366

We are here for you however you need us. Phone/video/face to face, early mornings, and with a choice of fee levels.

2

Plan ahead

Although you may not wish to speak to with your ex-partner, it is essential to keep the gates of communication open. Remember, you're doing this for your children.

With careful planning and communication, you can avoid disappointment and any upset on Christmas Day.



What should I do?

Discuss in detail, who buys what for the children at Christmas, and where they're going to spend time between Christmas Eve and Boxing Day.

If you talk about it well in advance, even as early as the year before, it can help you to reach a compromise and discuss it more calmly.

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3

Be flexible

You may not like the thought of being without your children on Christmas Day, but don't forget, being flexible may buy you some good will for other occasions throughout the year such as the summer holidays and birthdays.

What should I do?

It is a good idea to work out a rota for when each parent will see the child(ren) and when. This will need to include some compromise and sharing of special days.

Whatever you decide, you can always find ways to make it fair and give each parent special time with the children.



4

Make plans for yourself

If you won't be with your children on Christmas Day, make other plans well in advance. That way, you have something to look forward to and distract you from feeling too upset. Remember, Christmas is a time for you too.



What should I do?

Reach out to the people that matter to you to and make plans for yourself over the Christmas period. Visit your family, or perhaps invite over another single parent who is in the same boat.

Christmas might not be the same but it can still be a happy time for everyone.

5

Put children first

The main thing to remember is that Christmas should be about your children and forming safe, loving environments for them. As the festive period is generally considered to be a time for family, it is perfectly understandable for both parents to want to see the child(ren) on Christmas Day, but this may not be practical.

What should I do?

Don't ask the child to choose between you and your partner. This puts them in the middle and creates too much pressure and tension. Get ideas from the child(ren) about things they'd like to do, traditions they'd like to start. Focus on arranging a few things you will all enjoy.

If you do not see the child(ren) on Christmas Day, create the day on another day. Your child(ren) will love the opportunity to spend the special day over again.



Our 5 most frequently asked questions

1

What if the other partner buys an inappropriate present for their child?

An example of this may be a computer game that has adult-themed content, or maybe a mobile phone for a younger child. It is important to say that the gift is inappropriate and not suitable for your child. If this approach doesn't work, we can write a letter on your behalf. This advice also relates to birthdays and all gifts in general.

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2

What if the children are not returned at the agreed time?

Contact the other parent to find out why they're late. In the first instance, it's best not to jump to conclusions. There could be an issue with traffic or the car may have broken down. If there's no response after a while you can contact the Police who can perform a "safe & well check". The Police will track down the other parent and find out the situation, however, they won't return the child.

Make a record of when this happened and depending on the circumstances and the situation you may wish to contact your legal advisor. However, remember, how you respond to these matters may have repercussions moving forwards. Find a good source of communication with the other parent and stick to it! In life, rock solid communication helps to reduce disappointment and frustration.

When it comes to children, it's ultimately important to remember that they will suffer if you can't communicate with the other party effectively. Whether it's by email, text, Facebook Messenger or WhatsApp, it's essential to have written confirmation when making plans about your children. This approach not only helps to avoid confusion but if there's any further legal action required, both parties have written evidence.

If there's any conflict within the communication, don't put your children in the middle of the situation. Never ask them to pass messages on between the two of you. Remember that the divorce or separation process is between you and your, soon to be, ex-partner. Moving into the new year, you want to have healthy communication and make the process as easy as possible for everyone involved.

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3

What if the other parent shows up unexpected on Christmas day?

If there are no safety concerns, let them in and explain when they'll see the children again. Don't let your feelings have an impact on the children. When going through separation or divorce, it's important to set boundaries and respect the time each parent has with their children.

4

What if the other parent wants to take the children away over the Christmas break?

In the UK

As a parent, you want to do what's best for your children. However, dependent on their age and if you think your child would enjoy it, why would you not want them to go on holiday?

Ensure that dates are agreed, information is provided about where they will be, and how best to contact them in case of an emergency.

Abroad

If you're going abroad and in the absence of a Court Order confirming that the child(ren) live with you, a letter/email from the other parent with parental responsibility for the child is required to show you have permission to take them abroad.

Under the jurisdiction of England and Wales, you are allowed to take a child(ren) abroad for 28 days/a month without needing permission from the other parent, if you have a Child Arrangement Order that says the child lives with you. If you take a child abroad without permission, this is child abduction. It is highly recommended to speak with all parties involved and if in doubt get legal advice.

5

What if the child wants to stay with the other parent despite the agreement?

From approximately secondary school age, the wishes and feelings of the child will become an important factor. In this situation, listen to your child and the reasons why they are making the decisions they are.



Finally, be realistic

A common worry for separated parents is that Christmas after a break-up will no longer be 'perfect'. Try to reset your expectations of Christmas. It will be different, but you can still make it as magical for the children. You can carry on with your Christmas traditions, or if they are no longer possible, then you can create new ones that you can hopefully all enjoy for years to come. Remember, as children grow older, so do their views and expectations, especially of the Christmas period.

We know that going through a divorce will have its difficult moments. At Banner Jones, we help people get the best result possible and to get their lives back on track.

BB

You were very helpful and sympathetic whilst dealing with my case and your knowledge and advice was excellent. Once initiated, my case was dealt with speed, professionalism. Good contact and communication was maintained throughout.

Mr G, Stavelly

97% of our clients would recommend us to a friend

(ongoing client survey)

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If your financial circumstances are complex and you need advice on the division of high value matrimonial assets and property, then we have the experience and skills to ensure you receive a fair outcome.

Our team are ready to help

1

Free call with one of our team

2

Agree a fixed fee (no hidden costs)

3

Appointment with an expert solicitor

4

Receive professional and specific advice in writing

5

You decide how you would like to proceed



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HEAD OF FAMILY LAW



Shetal Gudgeon
SENIOR SOLICITOR



Lauren Mahon
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