

5 Things To Know About Your Parenting Plan Before the Holidays

CHILD CUSTODY



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The holidays can be a stressful time under the best of circumstances.

If you are a parent who no longer lives with the other parent, this time of year can become even more taxing, especially if this is your first holiday where the family will not be in the same home on Christmas morning or light the Hanukkah candles together. Whether you have an existing parenting plan order or need to create one, you and your children can enjoy the holidays by making sure you and the other parent are on the same page about what is best for your children.

IN THIS EBOOK, WE'LL COVER THE FOLLOWING:

- 1. REVIEW YOUR PARENTING PLAN**
- 2. WHAT IF THE PARENTING PLAN SCHEDULE IS DIFFERENT THAN THE USUAL SCHEDULE?**
- 3. MY CHILD IS 14 (OR OLDER). CAN HE OR SHE DECIDE HOW TO SPEND THE HOLIDAYS?**
- 4. COMMUNICATION IS KEY**
- 5. REMEMBER YOUR CHILDREN LOVE BOTH PARENTS**





NUMBER 1


Review Your Parenting Plan

Planning ahead can help you and your family have a happy holiday season. Thus, the first thing to do is review your parenting plan. If you were divorced in Georgia or entered into a custody agreement concerning your children in Georgia, the custody agreement should already specify how the children will spend time with their parents during the holidays. Georgia law requires that the parenting plan include where and when a child will be in each parent's physical care, designate where the child will spend each day of the year, and set forth how holidays, birthdays, vacations, school breaks, and other special occasions will be spent with each parent including the time of day that each event will begin and end. That is why the place to start is the parenting plan.

That parenting plan was created with your children's best interest as its primary goal. While tweaks may be necessary as your children become older, hopefully both parents are able to remember that **the parenting plan is for the children's benefit, not the parents'**. It will help you and the children to pull out your calendar and mark where the children will be when during the holidays.

Unless you and the other parent agree to change the parenting plan, it is a court order that must be followed. If you unilaterally ignore the parenting plan, the other parent can ask the court to hold you in contempt. That is an expensive predicament to be in, and it will certainly ruin the holiday season.

If you do not have a parenting plan either because you are still in the middle of a litigated or collaborative process, start now to try to reach a temporary agreement on how the children will spend Thanksgiving and Winter Break. The courts tend to be busy this time of year and are likely going to be even busier than usual due to the tax benefits of alimony ending on December 31st. Accordingly, it may be difficult to obtain a hearing date if you and the other parent are unable to agree on a temporary custody agreement. If necessary, schedule a mediation session just to resolve the holiday parenting time issue. Your children need the certainty of a schedule, so remain open minded and flexible. Most children are thrilled to be able to celebrate the holidays more than once and can become excited about starting a new tradition.





NUMBER 2

What if the parenting plan schedule is different than the usual schedule?

Christmas falls on a Tuesday this year, the first night of Hanukkah is Sunday, December 2nd, and Kwanzaa begins on Wednesday, December 26th. What if any one of those days falls on your normal parenting time but your parenting plan requires that the children be with the other parent? Again, you must follow the parenting plan as it is a court order, unless you and the other parent agree otherwise. Keep in mind that most parenting plans alternate the holidays each year, so in all likelihood, the children will be with you on those holidays next year.

What if you typically alternate weekend parenting time with the children and the Thanksgiving custody arrangement gives the other parent two weekends in a row? Chances are, you will get two weekends in a row due to another holiday, so try to enjoy some "me time" instead of getting upset. Your children are not counting how many days they are spending with each parent, and, hopefully your parenting plan was arranged so that you are not going two full weeks without spending time with the kids. If you are, talk to the other parent and see if you can arrange a time to see the children. Plan something special to do with your children when they are back in your custody and support and encourage their time with the other parent. With FaceTime and Skype, you can see your children even when they are with their other parent. Just don't be too intrusive so your children can enjoy some uninterrupted time with the other parent.

NUMBER 3

My child is 14 (or older). Can he or she decide how to spend the holidays?

A child who is 14 years of age or older may decide with which parent he or she wishes to live, but Georgia law is clear that the child's right to select which parent will have custody does not extend to visitation.

While we at RBL Family Law do not believe that any parent is a mere visitor in his or her child's life, and, therefore, are not fans of the term "visitation," the term is still used in Georgia statutes and case law. What that means is that your child, regardless of his or her age, cannot unilaterally decide not to spend the time set forth in the parenting plan with the other parent unless (1) the parents agree, or (2) a court of competent jurisdiction modifies the parenting plan because there has been a substantial change of circumstances that affect the child. Accordingly, even if your teen says she does not want to go to the other parent's home for Christmas Eve or whatever holiday your family celebrates, you must still follow the parenting plan or risk a contempt action. If there are concerns about the other parent, you might want to consider therapy for the child and the other parent. As a general rule, children need both parents, and it should raise a red flag if your child suddenly does not want to see the other parent.





NUMBER 4

Communication is key.

You and your children's other parent should communicate about the holiday custody schedule. Although the parenting plan is a court order that cannot be unilaterally changed, parents are free to arrange time with their children in a way that is different than the parenting plan. If when reviewing your custody agreement, you notice something that will not work, talk to the other parent about it. Do not wait until the last minute to discuss or request changes. If you have poor communication with the other parent, consider going to a mental health specialist together to help you express yourself better and maybe even how to listen better.

NUMBER 5

Remember your children love both parents.

Even though you do not love the other parent anymore, your children still do. If you have questions or concerns about your parenting plan because things have changed, you should make an appointment with a family law attorney to seek legal advice. If there is a substantial change in circumstances, such as a move or a change in the child's needs, then you may ask the court to modify the parenting plan. We can help you put a team of advisors together, including a child specialist if appropriate, so that the best interests of your children will continue to be the most important consideration of how they spend time with both parents.



Need a parenting plan or need to modify a parenting plan?

Richardson Bloom & Lines can provide the experienced guidance that you need.

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