

23 – Holidays & Vacations

Scheduling holiday and vacation time with the children can be problematic. Resolving these types of issues can be challenging. Really makes you look forward to them, doesn't it? The holiday drama that can accompany separation and divorce is illustrated in the little story I will share with you from my experience as a Rainbows facilitator many years ago. Rainbows is a world-recognized and proven program to help children recover after experiencing loss. Rainbows recognizes that a child's grieving process is different from that of an adult's.

I became involved in Rainbows for a few reasons. Yes, I did want to help others and “give back” to the community, but that wasn't my main reason. My worries and concerns were more focused on what life was like, and would be like in the years ahead, for my son. His mother and I continued to battle about virtually everything over which there could be the slightest potential for disagreement. In fact, for us, when it came to vacation planning, we could not even agree how many days there are in a week! (I did suggest that there are seven.)

Rainbows helped me to understand how children perceive loss and how to help them get beyond it with a unique approach of play-based activities. Rainbows teaches how to keep misperceptions and sadness from permanently affecting children. The methods focus on age-appropriate, play-based activities, games, and rituals that have proven to be effective. In addition to benefiting the children it serves, Rainbows parents find comfort and encouragement in trying to help their children during a difficult time in their lives.

I enrolled my son in Rainbows throughout kindergarten and first grade. While he participated in his age-appropriate group, I completed the Rainbows training and volunteered to meet with a group of third graders, mainly to try to understand how all of the parental nonsense looked to them. There were many valuable lessons that those wonderful and surprisingly perceptive children taught me. One Rainbows memory that still resonates with me to this day illustrates the reality of perception and also the trouble that children of divorce can have during the holidays. At our first meeting after the Christmas holiday, everyone was anxious to tell the group about their Christmas experiences. I will never forget the response that one adorable little girl gave when I asked her what she remembered most about Christmas. She tilted her head and with an innocent smile she said, “It was great all except the part when Mommy wouldn't let Daddy see me and the police had to come over and get me.” Before anyone could comment, I suggested that we take a bathroom and water fountain break so that I could dry my eyes in privacy.

Handling holidays in that fashion is obviously a no-no. There is, however, much you can do to ensure your children's memories of holidays and vacations are good ones. The most basic advice is that when it comes to scheduling holidays and vacations, there needs to be proper planning. As you approach that task, keep in mind that your vacation and holiday time may conflict with the other parent's similar wants and desires. No surprise, right?

Holiday and Vacation Dos

- _ Make sure that the holiday and vacation “agreements” are in writing whenever possible.
- _ Honor any written or verbal agreements.
- _ Give as much notice as possible in requesting a deviation from any prearranged plans.

- _ Stay focused on the scheduling issue at hand.
- _ Take everyone's work schedules and scheduling restrictions into consideration when trying to draft a holiday or vacation schedule.
- _ Make requests, not demands.
- _ Say please and thank you.
- _ Be flexible if requested to make reasonable accommodations or changes.
- _ Be fair.
- _ Try to give what you would hope to receive if things were reversed.
- _ Provide complete itinerary and contact information to the other parent during any extended stays or out-of-town travel.
- _ Make sure that the children call the other parent on holidays when they are with you.
- _ Focus your time and energy on how you will spend time with the children when they are with you.
- _ Keep a record (for yourself and later on if needed) of all requests that you have made and the results, and all requests the other parent has made and the results.

A Workable Schedule

The objective is to arrive at a written holiday and vacation schedule in an easy-to-follow format so that it can be charted out on your calendar far in advance. Generally, any written agreement or court order should state that the vacation schedule takes precedence over any scheduled holiday as well as the "regular" or primary schedule. Similarly, the holiday schedule overrides the regular schedule.

Make sure that each parent has a complete and full understanding as to what is to take place during any given holiday or vacation period, including beginning and ending times and related transportation issues. Clarify any areas of potential confusion or any possible differing interpretations or understandings as to the dates and times that will deviate from the day-to-day residential schedule.

Perhaps the easiest and fairest way to implement a schedule is an even-odd year approach, with or without a same-day sharing type of schedule. In my experience, parents of younger children usually want to split rather than alternate some holidays.

For example, the Thanksgiving holiday always falls on a Thursday and some parents will break up the day so the children can be with mom for part of the day and with dad for part of it too. From the children's perspective, two big meals, maybe two sets of extended families, road travel, and all the hustle and bustle may be less appealing than spending all of Thursday and into Friday with one parent this year and that same designated time frame with the other parent the next year. This is especially advantageous if there is likely to be an argument between the parents as to what time the children should arrive, depart, or return.

For children, Christmas can be even worse when parents break up the day. It is like a rollercoaster with highs and lows coming after the other. Imagine the young happy child who gets up and has all sorts of fun enjoying new gifts and now he must rush to leave all of his stuff behind. As parents we want to spend every holiday with our children, but is it really their emotional highs we are concerned about, or our own? We need to let them be children.

If you use an alternating schedule rather than a shared-day schedule, the children can have one continuous holiday without interruptions and hassles. If it is your year to enjoy it with your children, it is all you. It may be better to thoroughly enjoy five of ten Christmases than to have ten broken and hassle-ridden ones. Additionally, children are less concerned with days of the week and dates of holidays. In some households Thanksgiving dinner is served on Wednesday or Friday, and in some neighborhoods Santa comes on December 26, right?

The first step in setting up a schedule that works best for your children is to come to an agreement as to what is a “holiday.” There should be a set list. If it isn’t listed, it isn’t a holiday. If you want grandparents’ day or the dog’s birthday to be a holiday, you need to spell it out. Once you have your list of holidays, you should next define the parameters. For example:

The Thanksgiving holiday will be defined as the period of time beginning at 6:00 p.m. on the night before Thanksgiving (a Wednesday) until 9:00 p.m. Thursday (Thanksgiving). In 2007, 2009, and all years ending in an odd digit, the Thanksgiving holiday will be spent with mom. In 2008, 2010, and all even years the Thanksgiving holiday (the same time period) will be spent with dad.

Scheduling vacation time can be done in a similar fashion. I have seen many written agreements and court orders that seem quite clear, only to be muddied up by parents who can’t agree on anything. For example, let’s suppose that the document states that each parent shall have the minor child for two weeks vacation during the summer. If dad usually only has little Johnny on every other weekend and on Wednesday nights, mom can wipe out a great deal of that father-son time by carefully selecting her “two weeks.” In such a scenario there are two periods in the month when dad goes six days without seeing his child (and more importantly, the child does not get to see his father). If mom “chooses” to start her “two weeks” after she has already had the child for her usual six-day uninterrupted stretch, she can now cause her two week vacation to last twenty straight days. For a father who feels that he already gets less time with his child than he should, this will not be acceptable.

If he were to respond in similar fashion when he takes his two week vacation, he can turn it into seventeen straight days and the end result in each case is that the schedule is thrown out of whack and there can be a high degree of unpredictability throughout the summer. It can turn planning virtually everything else in the summer into a major headache for everyone. By the way, if you ask most people how many days there are in a week, what will they tell you?

One of the key elements that is necessary for any written agreement or court order regarding the allocation of holidays and vacations is to provide as much notice as possible and to provide a concrete and systematic method for providing notice where there are no specified times. Court orders or agreements commonly say that each parent is entitled to two weeks summer vacation. Even when parents do agree that two weeks equals fourteen days, there needs to be a mechanism for each parent to pick their two weeks of summer vacation so that the plans do not overlap and the schedules can be adjusted accordingly in a timely fashion.

One common method is to take an even-odd year approach to the first right of selection by stating, for example, in 2009 and all odd numbered years, mom shall have the first selection of the two-week summer vacation (these weeks may be taken separately or consecutively) by April 1 of each year in writing, along with any known destination and itinerary information. Dad then has until May 1 to respond with his summer vacation plans for the year. In 2010 and all even numbered years dad shall have the first selection of the two week summer vacation (these weeks may be taken separately or consecutively) by April 1 each year in writing along with any known destination and itinerary information. Mom then has until May 1 to respond with her summer vacation plans for the year.

One should also keep in mind that holidays and vacation times are generally special periods of time, and the parent who doesn't have the children should do their best not to interrupt such quality time. However, the parent who has the children should not be selfish and should still make efforts to ensure parent-child contact and communication.

Unfortunately, it is not uncommon for family law attorneys to receive phone calls on holidays or during periods of summer vacation because of poor planning or selfish parental interaction. I vividly remember one Christmas morning a few years ago when a hysterical client called me and then followed up with a lengthy email because the children's mother had the audacity to call her ex husband's house on Christmas morning at 11 a.m. to see how the children were enjoying the holiday since it was their father's turn to have them. The father and his new wife saw this act as an overt attempt to ruin their Christmas. The fact that my client and his new wife spent part of their Christmas morning calling me and writing me an e-mail to complain about the children's mother was absolutely astonishing.

If children in such circumstances are deprived of those special moments, one can only wonder how they feel throughout the rest of the year.

Holiday and Vacation Don'ts

- _ Don't attach demands and ultimatums to your response to any holiday or vacation requests from the other parent.
- _ Don't unilaterally make changes or make plans that would otherwise encroach on the other parent's scheduled time with the children.
- _ Don't call and pester the other parent during holiday or vacation time; you will have your time as well.
- _ Don't bother rehashing past scheduling problems.
- _ Don't make smart-ass or sarcastic comments about how you believe the other parent will spend his or her time with or without the children.
- _ Don't lay guilt trips on the children about missing them, leaving you, or anything like that.
- _ Don't ruin your children's holidays and vacations by arguing about them.

For some reason, many parents fail to provide itinerary or contact information when taking their children away for vacation. Here are some typical "reasons" for this lack of courtesy: "It is none of your business"; "He is with me, so don't worry about it"; "You have my cell number"; "You don't need the address or phone number, we'll call you if there is any emergency."

I once heard a well-respected judge put these issues into proper perspective. The mother of the child at issue in this particular ongoing saga asked why she should have to provide such information to the father when she took young Andrew on vacation, especially when his father never provided her with any such information? The judge's response was, "Ma'am, because that is what normal decent parents do!"

Be Decent

Coping with divorce can be especially difficult during the holidays. Sadness, anger, and regret may overwhelm you at a time that should be exciting and happy. Memories of happier times emphasize the unwelcome changes divorce brings. You may dread holiday get-togethers that you used to anticipate with pleasure. It's difficult enough to deal with your own emotions; facing family and friends is often too much to bear. Financial uncertainty may create worry where once you enjoyed being a generous giver.

For children, divorce turns the holidays upside down. They are torn, wanting to be with both parents. They worry that the holidays won't be the same. Will they see grandma? Will Santa find them? Will they get any presents? They hide their bigger fears about how divorce will change the family behind a litany of fears about holiday activities and traditions.

When it comes to holidays and vacations, it is helpful to remember that there are not enough of them in life. We need to take extra care and attention when we are separated and divorced to have our children enjoy as many holidays and vacations with each parent as possible. Don't rob your children of opportunities to spend memorable holidays and vacations with their other parent. Be decent. Proper planning and some mature and reasonable behavior can go a long way in accomplishing this goal.