

Your Legal Questions

Roberta Ferrari
Partner & Solicitor



Q My husband and I separated some months ago. We both have children by previous relationships, my daughter is 14 years old and his son is 13 and remains living with me. We also have 5 year old twins together. He sees all four children as and when he likes, but not always regularly. He has a new girlfriend and wants the three youngest to stay with him over Christmas. His son would like to go, but my daughter is very upset and feels left out. We usually have a big Christmas for all the family, including grandparents. What should I do?

A There are no hard and fast answers, as each family is different. My own view is that children, particularly young ones like your twins, should spend the most important part of the Christmas festival at home but see the 'absent' parent as soon after as possible. Some families do celebrate all together but this can be confusing for children who think it's a sign that their parents are getting back together.

You should discuss the matter sensibly but explain to him how upset your daughter would feel to be left out in this way. Neither of you have parental responsibility for each other's children but they are both siblings to the twins.

Another factor is the presence of the girlfriend. At some stage, the children will need to accept that their parents may have different partners. However, Christmas is an emotional time to introduce her to them for a lengthy period, and might be a backwards step.

I would suggest that the children spend Christmas Eve and the following morning with you and Daddy pops around in the afternoon to give them their presents. He can perhaps take all children for a treat on Boxing Day with his girlfriend, as an outing is less threatening for children than meeting a new partner in home setting.

If contact can't be agreed between yourselves then you might try mediation. Solicitors are a last resort but can help if all else fails.

Roberta (Bobby) Ferrari is a Partner and Solicitor in the Family Department.

Direct dial 01934 637 905 / ferrari@powellslaw.com