



## How can I make sure I spend time with my children at Christmas?

**Date: Tuesday October 13, 2015**

NOTE: Strict time limits apply to applications to be dealt with for Christmas.

We understand that Christmas, New Year and long summer school holidays can be an anxious time for separated families; both for parents and children.

Unfortunately situations do arise during this period which will require you to obtain assistance from the Family Law Courts. Over the years we have seen that the most common disputes which occur during this period are:

- The other party has unilaterally decided to change the arrangements for the children without discussing it with you and you do not agree with those changes;
- The other party has threatened to not let you see the children at all during this period even if an earlier agreement was in place;
- You might need to make changes to the arrangements due to unforeseen circumstances arising; for example family lunch or dinner time changing or your employment commitments changing and the other party just won't agree;
- There is no [Consent Order or Parenting Plan](#) in place about when you are to spend time with the children during this period and you are worried that the other party will not let you see them or will only let you see them for a limited amount of time;
- There is an agreement that is in place but the other party has not been strictly complying with that agreement leading up to this period and you are worried they will not keep up their end of the deal.

These types of situations can happen to anyone even if there is a [Parenting Plan or Consent Order](#) in place stating what time each party is to have with the children over the holiday period.

## What can you do about disputes over spending time with your children?

You could contact one of the [Andersons Family Law](#) team members to discuss your options.

*"The cut off to file applications in the Family Court in time for Christmas is 4.00 pm on the second Friday of November each year; therefore this year the cut off is **4.00 pm on Friday 13 November 2015.**"*

It might be that you should try and arrange for yourself and the other party to participate in Family Dispute Resolution to try and resolve the matter and come to an agreement. Family Dispute Resolution is a pre-action process that is to be carried by parties before they are able to apply to the Court for [Parenting Orders](#). However there are exceptions to this if the matter is urgent. Urgent matters include matters where there has been family violence or threats of family violence.

Beware that there can be delays associated with undertaking Family Dispute Resolution and so we strongly recommend that you commence this process as soon as possible and well before the Christmas and school holiday period as the Family Dispute Resolution agencies are particularly busy at that time of year. There can sometimes be a delay of a number of weeks before you are able to get an appointment with your chosen agency.

Any applications being made to the Family Court for Parenting Orders must be filed prior to the Court's cut off date. If the application is not filed before the cut off date there is no guarantee that you will receive the Parenting Order before the end of the year. We recommend that before filing an application to the Court you obtain specialised [family law](#) advice from one of our experienced family lawyers.

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If you are filing an application in the Federal Circuit Court of Australia there is no set cut of date. You should be aware that even though there is no cut off date the Court gets extremely busy at this time of year and so there is no guarantee when your matter will be heard before the Court.

The Court will look at many factors when assessing your application, such as any urgency in the matter and the availability of court dates. If there is urgency to your matter this will need to be set out clearly in the Affidavit filed in the Court along with your application. We suggest you obtain legal advice as soon as possible if you are considering filing an application in the Federal Circuit Court for [Parenting Orders](#).

### Family Law assistance over Christmas and New Year

During 2015/2016 Christmas/New Year period, the Family Law Courts will be closed on public holidays and will reopen on 2 January 2015.

The Adelaide Registry is the only Registry open in South Australia. It is not open on public holidays. On other days during the period, there will be a Duty Registrar available for urgent matters.

The National Enquiry Centre will also be open and be contacted by phone on 1300 352 000, except on public holidays.

If you are affected by any of these issues, you need to talk to a solicitor highly experienced in Family Law and we recommend you speak with one of our [Family Law](#) team members.

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*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*