

# The meaning of Christmas...and other special days

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## Paradox

What do we make of it? Christmas and other religious festivals are considered to be times for celebration, reflection and family solidarity. So too are other days in the family calendar, such as marking birthdays and bringing in the New Year. And so why is it that for separated families, days which were once the best of times are bitterly argued over, threatening to become the worst of times? What can family lawyers and mediators do to assist?

## Fear and yearning

Family life brings with it comforting rhythms and traditions, often taken for granted. Their value and pleasure may not be fully appreciated until threatened, damaged or destroyed by separation. Separated parents fear that they may never again enjoy such pleasures and significant moments. They yearn for them to continue. Hence they stubbornly fight to achieve arrangements which have the closest resemblance to what occurred in the past.

## Jealousy

It is bad enough for separated parents to miss out on what was enjoyed in the past. It is worse still if this is perceived to result from the former partners still enjoying those very same things. Hence they fight for an equality of arrangements.

## Practicalities

A feature of separation is that what was possible when partners were together may no longer be possible. Children cannot be in two places at once. The need to take account of the necessity of travel, especially when former partners are geographically far apart, cannot be avoided. The difficulty in formulating viable plans is only to be expected.

## Alienation

Separation often results in the severing of ongoing relationships with the former partner's family and friends. These people may have been an integral part of the honouring and enjoyment of special days. The

children will most often continue to enjoy their company. Parents are thus deprived from fully sharing in the joys and experiences of their own children. As a result, for separated parents, discussion about special days is made the more difficult by it evoking bitter-sweet feelings concerning their children.

## Finding solutions

Here are some ways for lawyers and mediators to assist parties negotiate over special days:

- Point out the features discussed in the previous four sections, in order to objectify and normalise the dynamics and experience involved.
  - Acknowledge the various emotions that the parties might be experiencing in order to assist them move past those emotions.
  - Provide reassurance that separation need not result in the irredeemable loss of what is important.
  - Explain that this is particularly the case if both parties are prepared to exercise goodwill and be prepared to compromise.
- Inculcate optimism by explaining that it is in the interests of both parties to reach a settlement.
  - Emphasise that it is in the interests of the children to reach settlement.
  - Point out that children are resilient and adaptable, and so will not necessarily suffer if things are done differently than in the past.
  - Identify all the risks and downsides of not achieving settlement.
  - Explain how the court might decide matters if called upon to do so.
  - Encourage the parties to put aside blame and not engage in retribution.
  - Engender a problem solving approach to best overcome practical hurdles.
  - Explain how other separated parents deal with similar issues, and what sort of options might be available.
  - If long term solutions are not possible, focus on short term solutions.



## Settle things with professional mediation

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