

## **Summer Holidays and Co-Parenting: A Family Lawyer's Guide**

As the summer holidays approach, family lawyers across England and Wales brace for the annual surge in urgent applications and queries from separated parents unable to agree on holiday arrangements. What should be a time of joy and relaxation for children often becomes a battleground for parents, with courts often seeing desperate last-minute applications for prohibited steps orders and specific issue orders, sometimes just days before planned departures.

The six-week summer break (eight weeks, if your children are privately educated) presents unique challenges for separated families. Unlike the structured routine of term time, the holidays offer extended periods for family bonding, travel opportunities, and memory-making experiences that both parents naturally want to share with their children. However, when communication breaks down and compromise seems impossible, children become caught in the crossfire of adult conflict.

From a specialist family lawyer perspective, the key to successful holiday co-parenting lies not in asserting parental rights, but in maintaining a focus on the children's best interests. This child-centred approach requires parents to set aside personal grievances and work collaboratively to ensure their children enjoy meaningful relationships with both parents during the precious summer weeks. Much easier said, than done...

### **Understanding Children's Holiday Needs**

Children approaching the summer holidays have different needs and anxieties compared to adults. While parents may focus on fairness, equal time distribution, or asserting their rights, children are primarily concerned with feeling secure, maintaining important relationships, and enjoying new experiences without being burdened by adult conflict.

Research consistently shows that children of separated parents fare better when they maintain strong relationships with both parents and when parental conflict is minimised. During holidays, these principles become even more critical as children have extended time away from the familiar routines that normally provide stability.

Children also need predictability and advance notice of holiday arrangements. Last-minute changes or ongoing uncertainty about where they will be and when creates anxiety that can overshadow the intended benefits of holiday time. The child's age, personality, and specific circumstances all influence how holiday arrangements should be structured to meet their individual needs.

For younger children, shorter periods away from each parent may be more appropriate, while older children may benefit from longer uninterrupted periods with each parent and may have their own preferences about holiday activities and timing. Let's also not forget that the older a child gets, the more they become separate individuals, with their own friends and social plans. No one child is alike, and a cookie-cutter approach is not suitable.

The key is ensuring that arrangements are made with the child's emotional, social and developmental needs at the forefront.

### **Common Holiday Disputes and Their Impact**

Summer holiday disputes typically centre around several recurring themes that reflect deeper communication problems between separated parents. Understanding these common patterns can help parents identify potential areas of conflict before they escalate into court proceedings.

**Timing and Duration Conflicts:** Parents often disagree about how to split the six/eight week holiday period, with each wanting maximum time with their children. These disputes frequently involve inflexible positions about "fair" division without considering practical factors like work commitments, extended family availability, or the children's own preferences and commitments.

**Travel and Destination Disputes:** International travel plans frequently trigger disputes, particularly when one parent objects to destinations, travel dates, or believes they should have been consulted about holiday bookings. These conflicts often reflect underlying trust issues and communication breakdowns rather than genuine welfare concerns.

**Financial Disagreements:** Disputes about who pays for holidays, whether child maintenance should be adjusted during extended periods with one parent, and expectations about holiday spending can create significant tension. These financial conflicts often mask deeper feelings about fairness and recognition of parental contributions.

**Extended Family Involvement:** Holidays often involve grandparents, step-families, and other relatives, creating complex dynamics about who should be included in decision-making and how different family relationships should be balanced during holiday periods. Tense relationships with the in-laws don't help...

**Activity and Routine Conflicts:** Parents may disagree about holiday activities, screen time, bedtimes, dietary restrictions, and other aspects of daily care during holidays. These disputes often reflect different parenting approaches and can create stress for children who must navigate different expectations, and try and settle between two very different parenting styles.

The impact of these disputes on children cannot be overstated. Children who witness ongoing conflict about holidays learn to associate what should be joyful times with stress and anxiety. They may begin to feel responsible for their parents' disputes or believe they must choose sides, creating loyalty conflicts that can have lasting psychological effects.

### **Legal Framework and Court Intervention**

When parents cannot reach agreement about holiday arrangements, the family courts have various powers available under the Children Act 1989. However, court should always be viewed as a last resort.

**Prohibited Steps Orders** prevent a parent from taking specific actions, such as removing a child from the jurisdiction or taking them on holiday to particular destinations. These orders are typically sought when there are genuine concerns about child welfare or risk of abduction, but they are sometimes misused in routine disputes about holiday timing.

**Specific Issue Orders** can resolve particular questions about children's lives, including holiday arrangements. Courts may make orders specifying when and where children should spend holidays, but judges prefer to encourage parental agreement rather than impose detailed holiday schedules.

**Lives With and Spends Time With Orders** may include specific provisions about holidays, particularly for families with established patterns of conflict. However, courts recognise that rigid orders can create more problems than they solve and sometimes prefer flexible arrangements that allow parents to adapt to changing circumstances.

The court's paramount consideration remains the child's welfare, assessed through the welfare checklist in section 1 of the Children Act 1989. This includes the child's wishes and feelings (considered in light of their age and understanding), their physical, emotional and educational needs, and the likely effect of any change in circumstances.

Judges increasingly recognise that children benefit from spending meaningful time with both parents during holidays, and that rigid enforcement of mathematical equality may not serve children's best interests. The trend is towards encouraging flexible, child-focused arrangements that can adapt to families' changing needs over time. Unfortunately, this sometimes leads to more issues down the line.

### **A Child-Focused Approach**

Successful resolution of holiday disputes requires a fundamental shift in perspective from parental rights to children's needs. The following strategies, developed through years of family law practice, can help parents move beyond conflict towards collaborative solutions.

#### **(1) Early Planning and Communication**

**Start Holiday Discussions Early:** Begin discussing summer plans by Easter at the latest. This provides time for meaningful negotiation and reduces the pressure that leads to hasty, poorly-considered decisions. Early planning also allows children to look forward to holidays rather than worrying about ongoing uncertainty. Set an annual date during which all holidays for the academic year are agreed, with proposals sent by a certain date and agreed by a certain date. In cases of disagreement, mutually agree to engage in mediation, work with a co-parenting coach or agreed third party, to try and resolve the dispute.

**Use Structured Communication:** Establish regular, focused communication about holiday plans. Consider using co-parenting apps or email for important discussions, keeping conversations focused on practical arrangements rather than emotional grievances. This creates a paper trail and helps maintain boundaries.

**Involve Children Appropriately:** While children should not be burdened with adult decisions, their age-appropriate input should be considered. Older children may have preferences about timing, activities, or destinations that can inform parental planning. Younger children benefit from being told about plans once they are finalised, giving them security and something to anticipate.

#### **(2) Flexible Scheduling Solutions**

**Consider Alternating Arrangements:** Rather than splitting each summer holiday mathematically, consider alternating longer periods each year. One parent might take the first three weeks in even years and the last three weeks in odd years, with the other parent having the reverse arrangement. This provides both parents with meaningful holiday time while reducing annual negotiations.

**Build in Buffer Time:** Avoid back-to-back arrangements without transition periods. Children need time to settle between parents' homes, and practical arrangements for handovers need flexibility. Building in buffer days prevents minor delays from becoming major conflicts.

**Plan Around Fixed Commitments:** Consider both parents' work commitments, pre-existing holiday bookings, and children's activities when planning arrangements. A parent who works in education may have different availability than one in year-round employment, and these practical realities should inform planning rather than being ignored in favour of abstract fairness. It is not about the quantity of time, as much as the quality of time.

### **(3) Travel and International Holidays**

**Establish Clear Communication Protocols:** For international travel, establish clear expectations about advance notice, documentation requirements, and communication during trips. Most disagreements about international travel stem from poor communication rather than genuine welfare concerns.

**Share Itineraries and Contact Information:** Provide detailed itineraries, accommodation details, and contact information for international trips. This transparency reduces anxiety for the non-travelling parent and ensures appropriate contact can be maintained if needed.

**Consider Passport and Documentation Issues:** Ensure both parents understand their rights and responsibilities regarding passport applications, renewals, and retention. Consider whether formal agreements about international travel are needed to prevent future disputes.

**Plan for Emergency Situations:** Discuss contingency plans for medical emergencies, travel disruptions, or other unforeseen circumstances during international trips. Having clear protocols reduces stress and prevents minor problems from escalating into major conflicts.

### **(4) Financial Arrangements**

**Separate Holiday Costs from Maintenance:** Avoid linking holiday expenses to child maintenance arrangements unless there are exceptional circumstances. Each parent should generally fund their own holiday time with the children, preventing financial disputes from contaminating holiday enjoyment.

**Discuss Extraordinary Expenses:** If holidays involve particularly high costs or special opportunities, discuss whether costs should be shared. This might apply to once-in-a-lifetime trips or educational opportunities that provide long-term benefits for the children.

**Plan for Practical Expenses:** Consider practical costs like travel to handover locations, equipment needed for different activities, and whether children need certain items for particular holidays. Clear planning prevents last-minute disagreements about who provides what.

### **(5) Managing Extended Family Relationships**

**Coordinate with Grandparents and Other Relatives:** Recognise that holidays often involve extended family members who are important to the children. Coordinate with grandparents and other relatives to ensure children maintain these relationships without creating conflicts between different family factions.

**Respect New Relationships:** Where parents have new partners, discuss how these relationships fit into holiday arrangements. Step-parents may play important roles in children's lives, but their involvement should be planned sensitively to avoid creating unnecessary conflict.

**Consider Special Occasions:** Birthdays, anniversaries, and other special occasions during holidays need particular consideration. Flexibility and compromise may be needed to ensure children can celebrate important events with relevant family members.

### **Alternative Dispute Resolution**

When direct negotiation fails, alternative dispute resolution methods can provide more constructive approaches than immediate court proceedings. These methods focus on rebuilding communication and finding solutions that work for the whole family.

**Mediation:** Family mediation allows parents to explore holiday arrangements with the assistance of a trained mediator who can help identify areas of agreement and facilitate compromise. Mediation is particularly effective for holiday disputes because it allows flexible, creative solutions that courts might not be able to impose.

**Collaborative Law:** For parents who need legal support but want to avoid court proceedings, collaborative law provides a structured process where both parents have legal representation but commit to reaching agreement without litigation. This can be particularly valuable for complex holiday arrangements involving international travel or extended family considerations.

**Early Neutral Evaluations (ENE):** ENE's involve an agreed, neutral third party (often a barrister) assessing the dispute and providing a professional, non-binding assessment. It can help parents reach agreement, and avoid litigation.

**Arbitration:** For parents who can agree on most issues but need binding resolution of specific disputes, arbitration provides faster resolution than court proceedings. Arbitrators with family law expertise can make binding decisions about holiday arrangements while allowing parents to maintain control over the process.

**Co-Parenting Counselling:** Specialist counselling focused on improving co-parenting communication can address underlying relationship issues that create holiday conflicts. This therapeutic approach may be more valuable than legal intervention for parents whose disputes stem from unresolved emotional issues.

### **Age-Specific Considerations**

Different age groups have distinct needs that should inform holiday planning and dispute resolution approaches.

**Pre-School Children (Ages 2-5):** Younger children generally need shorter periods away from each parent and benefit from consistent routines even during holidays. Overnight stays may need gradual introduction, and activities should be age-appropriate rather than ambitious. Flexibility about timing may be needed to accommodate nap schedules and developmental needs.

**Primary School Children (Ages 6-11):** School-age children can handle longer periods with each parent but still benefit from regular contact with the other parent during extended holidays. They

may have preferences about activities and destinations that should be considered in planning. This age group often enjoys special traditions and activities that become important markers of holiday time.

**Teenagers (Ages 12-18):** Adolescents increasingly have their own social commitments, part-time jobs, and preferences about how to spend holidays. They may resist rigid arrangements and prefer flexibility to accommodate their developing independence. Parents need to balance their own desires for holiday time with their teenagers' growing autonomy and social needs.

**Children with Special Needs:** Children with disabilities or additional needs may require particular consideration in holiday planning. Routine disruptions may be more challenging, specialist equipment or support may be needed, and activities may need modification. Both parents should be fully informed about their child's needs and how to manage them during holiday periods.

### **Utilise Technology**

Modern technology offers tools that can improve co-parenting communication during holidays while maintaining appropriate boundaries between separated parents.

**Co-Parenting Apps:** Specialist applications like Our Family Wizard, AppClose or Talking Parents provide structured communication platforms that maintain records of discussions, shared calendars for planning, and neutral spaces for holiday coordination. These tools can reduce conflict by providing clear documentation of agreements and decisions.

**Shared Calendars:** Digital calendars that both parents can access allow real-time coordination of holiday plans, reducing the need for constant communication while ensuring both parents stay informed about arrangements.

**Video Calling:** Regular video contact during extended holidays helps maintain relationships between children and the other parent while allowing parents to see that children are happy and well-cared for. However, contact arrangements should be agreed in advance and should not become intrusive or controlling.

**Photo Sharing:** Sharing photos and updates during holidays can help both parents feel involved in their children's experiences while creating positive memories. However, this should be balanced with respect for each parent's private time with the children.

### **When Court Intervention Becomes Necessary**

Despite best efforts at resolution, some holiday disputes require court intervention. Understanding when and how to seek legal assistance can help parents navigate these situations effectively while minimising harm to children.

**Genuine Welfare Concerns:** Court intervention may be necessary when there are legitimate concerns about child safety, international child abduction risks, or other serious welfare issues. These situations require immediate legal advice and may justify urgent court applications.

**Persistent Communication Breakdown:** When parents cannot communicate effectively about basic arrangements despite professional support, court orders may be needed to provide clear frameworks for future holiday planning. However, orders alone rarely solve underlying communication problems.

**Breach of Existing Arrangements:** When one parent consistently ignores agreed arrangements or existing court orders, legal enforcement may be necessary to protect children's relationships with both parents and maintain stability in their lives.

**Complex International Issues:** International travel disputes involving jurisdictional issues, Hague Convention concerns (i.e. travel to a non-Hague country), or complex documentation requirements may require specialist legal intervention to ensure children's interests are protected.

### **Conclusion: Keeping Children at the Centre**

Summer holidays should represent opportunities for children and parents to build precious memories, strengthen family relationships, and enjoy the freedom that comes with school breaks. When parents become embroiled in disputes about holiday arrangements, they risk transforming these special times into times of stress and anxiety for their children.

The most successful holiday arrangements emerge from parents who maintain relentless focus on their children's needs rather than their own rights or grievances. This requires maturity, flexibility, and sometimes professional support to overcome the communication barriers that a relationship breakdown creates.

As a specialist family lawyer, I have seen too many families sacrifice children's happiness on the altar of parental pride. The parents who achieve the best outcomes for their children are those who recognise that successful co-parenting during holidays requires compromise, advance planning, and a willingness to put their children's interests ahead of their own desires for control or recognition.

The summer holidays will come and go, but the memories children create during these precious weeks will last a lifetime. Parents have the power to ensure these memories are positive ones, filled with love, security, and joy rather than conflict and anxiety. By adopting child-focused approaches to holiday planning and dispute resolution, separated parents can give their children the greatest gift of all: the knowledge that they are loved unconditionally by both parents, regardless of the family's structure or the adults' personal differences.

The choice between cooperation and conflict is ultimately a choice between serving children's interests and serving adult egos. For the sake of their children's happiness and long-term wellbeing, parents must choose cooperation, even when it feels difficult or unfair. In doing so, they model the maturity and love that will help their children thrive despite the challenges that family separation inevitably brings.

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