



Stress Free Holidays: A Primer for Attorneys and Their Clients

By Vanessa Soto Nellis and Terri L. Asanovich

OFTEN TIMES HOLIDAYS are stressful because idealized expectations conflict with the reality of family and its cast of characters. We would all love to sit as a family and share a meal with great conversation, but that may be unrealistic. Life is interesting because it is not perfect.

It is helpful to see people as they are during the holidays and manage expectations, accept what you cannot change, and, if you have never gotten along with Uncle Bill, face the fact that you probably won't enjoy his company this year. If your family is divided over politics, then it may be a good idea to agree in advance that political discussions are off limits.

How Will Holiday Time Be Spent?

For many families—whether divorced

or not—how holiday time should be shared with family and friends is often a topic of disagreement.

For families who want to work together, there are several options for resolving how, and with whom, holiday time should be spent. Try a new schedule, particularly if children are involved. Moving them between various family members can be difficult for all involved so it might be best to come up with other ways to spend quality time with loved ones, perhaps invite them to come to you; share another holiday with them; visit when the children have a day off from school and traffic is not so bad and Facetime on the holiday; or work to resolve differences when parents are no longer together or if a child is unwilling to spend significant time with one parent.

In addition, Family Court Services can provide mediation for child custody disputes at the courthouse, or consider the collaborative divorce process, where couples considering divorce can negotiate an agreement with professional help, including collaborative lawyers, mental health professionals and/or child custody specialists.

A willingness to try new things and compromise is key to coming up with a solution. In any event, schedule appointments early, since therapists often take time off during the holidays and it is important to schedule sessions well in advance to allow ample time to address issues.

What Can Be Done to Prepare for the Holidays?

Be honest about who you want to



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spend time with during the holidays and why, especially if being with family causes anxiety and stress.

Another option may be to get out of town on vacation or volunteer to help a good cause to avoid dealing with extended family tensions altogether. Inform family members in advance of your plans so that they know what to expect and can plan accordingly.

From a family law perspective, if parents have been involved in a rancorous, less than amicable divorce, it can only be hoped that those involved would put their differences aside for the holidays and suddenly make rational, child-centered decisions. However, that being unlikely, the parties should expect continued tension during the holidays.

One way to manage expectations and establish boundaries is to file a request for the court to decide the children's holiday schedule well in advance of the holidays. The parties will be required to attend mediation before the court hearing to attempt to agree upon at least some holidays in advance. If there is not a custody order, the requesting party will need to show what holiday schedule is in the child's best interest as laid out in *Burchard v. Garay*.¹

If there is a final custody order in place, the requesting party will need to show that there has been a substantial change of circumstances warranting a modification, and why that modification is in the child's best interests.²

It is important to keep in mind that holidays are known well in advance so parents should not delay asking the court to intervene, as it is routinely difficult to schedule a court date during holiday seasons such as Thanksgiving and Christmas. The parties involved can also retain a mutually agreed-to parenting plan coordinator with the authority to resolve specific custody disputes when the parties cannot agree. This is often more cost effective and often results in a faster decision.

Los Angeles Crisis Hotlines

L.A. County Mental Health/Crisis Line	800-854-7771
Suicide Prevention Center (24 Hours)	213-381-5111
Suicide Prevention Crisis Center (24 Hours)	310-391-1253
Assaults Against Women Hotline (24 Hours).....	310-392-8381
Women and Children Crisis Shelter (24 Hours).....	562-945-3939
Child Abuse Hotline	800-540-4000
Rape Treatment Center (24 Hours)	310-319-4000
Alcoholics Anonymous (24 Hours)	213-936-4343
Cocaine Anonymous (24 Hours)	310-216-4444
Narcotics Anonymous (24 Hours).....	909-622-4274
California Youth Crisis Line.....	800-843-5200
Haven Hills Hotline, Domestic Violence.....	818-887-6589
Elder Abuse Hotline	877-477-3646 or
.....	800-252-8966
Covenant House (for homeless and trafficked youth)	323-461-3131

A list of therapists experienced in family disputes can be found at <http://www.lacourt.org/flresource/ui/f10107.aspx>.

National Crisis Hotlines

Brief intervention	800-821-4357
Child Abuse National Hotline	800-252-2873
Child Abuse	800-422-4453
Cocaine National Hotline	800-262-2463
Children in Immediate Risk or Danger	800-843-5678
CyberTipline for Reporting the Exploitation of Children	800-843-5678
Domestic Violence Resource Hotline (referrals for shelters and counseling in your area)	800-799-7233 or
.....	800-787-3224 (TDD)
Friends of Battered Women and Their Children	800-603-4357
Kid Help (Children and adolescents in crisis will receive immediate help. Referrals to shelters, mental health services, sexual abuse treatment, substance abuse, family counseling, residential care, adoption/foster care, etc.)	800-543-7283
NAMI Helpline National Alliance for the Mentally Ill	800-950-6264
National Youth Crisis Hotline.....	800-448-4663
National Child Abuse Hotline	800-252-2873
National Mental Health Assn. (Provides free information on specific disorders, referral directory to mental health providers, national directory of local mental health associations.)	800-969-6642
National Institute of Mental Health Information Line (Provides information and literature on mental illness by disorder for professionals and general public.)	800-647-2642
Runaway Switchboard (Provides crisis intervention and travel assistance to runaways. Gives referrals to shelters nationwide. Also relays messages to, or sets up conference calls with, parents at the request of the child. Has access to AT&T-Language Line.)	800-621-4000
SAFE (Self-Abuse Finally Ends)	800-366-8288
Youth Crisis Hotline: Crisis Hotline for Runaways or Youth in Crisis	800-448-4663

Even if parents plan ahead, and obtain a custody order or agree upon a schedule, one or the other parent could disregard it, leading to holiday conflict. If this happens, communicate in a concise and amicable manner. For example, if mom returns the child four hours late, then an equitable solution is that dad should keep the child for an additional four hours. Or perhaps the receiving parent has the next holiday or makeup time. Frustrating visitation can be a basis to modify custody³ and a parent can be found in contempt of court for failing to follow court orders.

Making It Personal

What are some suggestions for coping with holiday stress?⁴

Understand that it's critical to keep expectations balanced and realistic. One cannot get everything one wants and some things will go wrong. Remember, everything does not have to be perfect and try not to worry about things that are out of your control.

It's also important to remember that families change and grow. This is especially true for families experiencing divorce, as holidays will be observed in a different way than in the past when the family was intact. Encouraging clients to pick some traditions and rituals and create some new ones can help re-inject specialness back to the holiday seasons.

Trying to do too much during the holidays can add fatigue on top of an already stressful situation. Utilize time management to pick and choose what things genuinely require attention. This will help generate the energy to experience enjoyable activities with family and friends.

Create a reasonable budget and stick to it. During the holidays, people


tend to overspend in an effort to buy happiness. We often see this with families in the process of a divorce. Reinforce to a client that material things do not buy happiness.

Don't isolate yourself. Get out of the house or office and take some time to honor lost or distant loved ones. It's normal to feel sadness and grief if you are separated from or have lost loved ones. If it is not practical to be with the ones you love, make plans to celebrate again when time permits.

Continue healthy routines such as daily exercise and walking. "The rhythm and repetition of walking has a tranquilizing effect on your brain, and it decreases anxiety and improves sleep," says nutrition-and-wellness expert Ann Kulze, M.D. Aim for a brisk, half hour walk every day.⁵

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You can actually improve your mood by taking something outside to read in the sunlight. There is actually a type of depression called SAD (seasonal affective disorder) that some people experience due to shorter days or bad weather during the fall and winter months.

Take some personal time every day for yourself and be aware of post-holiday syndrome, which can occur when holiday activity suddenly ends, causing an emotional letdown. To help alleviate post-holiday syndrome, plan a rest day towards the end of the season to regroup and emotionally and mentally prepare for the New Year ahead. 

¹ *Burchard v. Garay*, 42 Cal.3d 531, 534 (1986).

² *In re Marriage of Burgess*, 13 Cal.4th 25, 37-38 (1996).

³ Family Code §3040(a)(1); *Catherine D. v. Dennis B.*, 220 Cal.App.3d 922, 927 (1990); see also *In re Marriage of Wood*, 141 Cal.App.3d 671 (1983).

⁴ Barton Goldsmith, Ph.D., "Ten Tools for Dealing with Holiday Stress and Depression. May the Holiday Season Touch your Heart," PSYCHOLOGY TODAY (December 21, 2011) <https://www.psychologytoday.com/blog/emotional-fitness/201112/10-tools-dealing-holiday-stress-and-depression>.

⁵ Laurie Powlik-Kienlen, "25 Ways to Fight Holiday Stress," HEALTH (November 1, 2016), <http://www.health.com/health/gallery/0,,20306655,00.html#holiday-stress-busting-tips>