

There are two sides to every family law story...



Conflicting Vacations

Tom and Gina each have a right to 14 consecutive vacation days with the children during the summer. Gina wants to take them to the Bahamas for 10 days from June 3 through June 13. When Gina called Tom to tell him about the trip, he advised her that he wants to take the children to his family reunion in Ohio on his regular weekend from June 3 through June 5.

Now what?

Andi's advice to Mom:

As a general rule, vacation parenting time supersedes "regular" parenting time, and therefore Gina's trip would supersede Tom's regular weekend. However, this situation is less clear since Tom is actually taking a trip on his parenting weekend. If the parenting agreement gives Gina priority in scheduling summer vacation she should be able to go.



Andi Mengedoth



Andi Lawrence

Andi's advice to Dad:

Tom should discuss with Gina whether she can take her trip later in the summer. Of course it is important for the children to get to see their extended family and since Tom's proposed trip would not interfere with Gina's "regular" parenting time, he should be able to go provided another portion of the parenting agreement doesn't dictate otherwise. That being said, even though Tom is free to schedule activities on his own weekend he should have given Gina notice of this special event as soon as he knew of it to avoid this situation.

Here's what...

If Tom and Gina have a Parenting Coordinator, they should start there. If not, either parent may file a motion with the court to ask the judge to make orders regarding the conflicting vacations. If there is language in the Parenting Plan that outlines who gets first priority in a particular year in scheduling summer activities, the court will likely give preference to that parent. If there is no provision and no reason why Gina is limited to taking vacation only on the proposed days, Tom will likely be permitted to take the children to the family reunion. Ideally, Gina will not yet have purchased any tickets and the parents can coordinate their schedules so the children can attend both fun events.

If you have a family law question that you would like answered, email us at AndivsAndi@HallierLaw.com.



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