

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



Telephonic Parenting Time

Dave and Sue were recently divorced. The parenting order says Dave can call the children daily between 6pm and 7pm. Dave calls, but Sue answers and says the children are too busy or don't want to talk, so Dave rarely gets to talk with them on the phone.

Now what?

Andi's advice to Mom:

Although Sue may feel that the calls are a disruption to the children at her house, there is an order of the court in place allowing Dave this parenting time with the children. While it is reasonable for the children to have conflicts periodically, it is not acceptable for Dave to rarely be able to talk to the children on the phone.



Andi Mengedoth



Andi Lawrence

Andi's advice to Dad:

Dave should carefully document the dates and times of his attempts to call, as well as if he is able to speak with the children or not. He will need this information for both having a discussion with Sue about his concerns, as well as to present to the court if it goes that far. Although Dave needs to understand that Sue cannot force the children to take his calls, he does have the right to rely on reasonable cooperation from Sue in facilitating his communication with the children.

Here's what...

If the parties cannot work this out on their own, Dave may file a Motion to Enforce the Parenting Plan with the court. The court will enforce it's order and allow Dave to have telephonic parenting time with the children. Sue risks paying Dave's attorney's fees and costs due to her noncompliance with the order. If Sue does not agree with the order, she can file a Motion to Modify the Parenting Plan upon a showing of a substantial and continuous change of circumstances. Until or unless the court modifies the order, Sue should comply with the orders currently in place.

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



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