

**PARENTING DISPUTES:**  
**CREATIVE WAYS TO GET TO RESOLUTION**

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The holidays are a time for families to come together to create and share special memories. The stressful holiday season can present a challenge to blended and divorced families. Parents naturally want to share these special occasions with their children, but when disagreements about holiday schedules arise, it is often the children who suffer most. Former spouses whose interactions are strained on the best of days may experience a complete breakdown in communication during the holidays. What should be simple issues to resolve can blow out of proportion, tainting what should be a happy holiday season.

Although most parents recognize that courts are not the best place to have parenting issues decided, they may feel they have no choice but to ask for court intervention when in danger of losing access to their children on a special day. The marital courts in New Hampshire are very busy, and their dockets are established many months in advance. There is no guarantee that there will be a judge available to resolve an argument about where a child will spend Christmas Eve, and the cost of this approach can be prohibitive. Fortunately for New Hampshire parents, there are options available.

Approximately one year ago the New Hampshire legislature significantly changed the law affecting the concepts of custody and visitation. In an effort to send a clear message that both parents should share equal importance in the lives of their children, the legislature adopted use of the word “parenting” instead of custody and attempted to empower parents to establish their own “parenting plans” to set out parameters for decision-making, residential schedules and means of dispute resolution designed to avoid court.

For those who are already separated or divorced, co-parenting counseling with a trained counselor can be a wonderful tool to enhance their ability to raise their children cooperatively. For those about to divorce or embark upon a post-divorce dispute, marital mediation and collaborative law are similarly effective ways to avoid litigation.

Marital mediation is a method by which parties to a marital matter may, with or without the assistance of attorneys, work to negotiate an end to their dispute. Participants often attend several sessions with a trained mediator who helps them reach agreement on some or all of the issues facing them. Parties will emerge from a successful mediation with the components of a divorce agreement and parenting plan in place. Those who go through the process without an attorney should take care to have any agreement which comes out of the mediation process reviewed by counsel.

Collaborative law is a process by which parties similarly engaged in a dispute can, while being represented by counsel trained in collaborative law, attempt to reach resolution in a non-adversarial fashion. The main difference between the collaborative process and other means of

alternative dispute resolution is that the attorneys involved agree that they will not represent the client in court if no agreement is reached. The hope is that this understanding which is contained in a written agreement signed by all involved will foster a spirit of cooperation and commitment to a negotiated resolution.

The New Hampshire legislature and courts have sent a clear message to parents that are responsible for planning for their own family's future by engaging in dispute resolution as an alternative to litigation. Although it may be too late to utilize these creative approaches this holiday season, the best advice to those who may face these issues in the future is to plan ahead. And remember that the actions you take toward your children's other parent will long be remembered by the children, even after your memory fades.

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