

# It's My Weekend! What To Do About Visitation?

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May 17, 2012 | by Mark Wechsler

**Dear Ask the Attorney:**

The Memorial Day weekend is coming up and I would like to rent a house down the shore for me and my boys. My ex-husband and I share custody and it's been pretty friendly to this point. The kids go to his place every other weekend (and Wednesday nights). However, he is insisting he gets the kids for the long weekend and it's not "officially" his weekend and is starting to "brainwash" the boys with a camping trip to Upstate New York, getting them really excited about the idea. I don't want to fight, but it's my weekend. What should I do?

**H.M.**

Dear H.M.:

There are several ways one can handle potential disagreements about parenting time such as yours.

First, you can insist on the "letter of the law". The reason settlement agreements are written is that if parents cannot agree, the written settlement agreement is supposed to control. You can cordially remind your ex-husband of this. The fact is that the settlement agreement was incorporated into your Divorce Judgment and that makes it a Court Order. Court Orders must be followed unless you both agree to an alternative.

Second, you could choose to compromise by proposing a "switch" in weekends. That is, you could propose as a solution that you agree to allow your ex-husband to take the children Memorial Day weekend in exchange for him agreeing to allow you to take them to the shore or somewhere else on one of his weekends. Do remember however that any modification of the settlement

agreement/Divorce Judgment should be agreed to in writing [via email, etc., letter, etc.] by both you and your ex-husband.

As far as your ex-husband “brainwashing” the children remember the old adage “two wrongs do not make a right”. In other words, don’t fall into the trap of further involving your children in a dispute between you and your ex-husband because he involves them. The primary issue is the welfare of your children. If they approach you about such disputes you should explain to them that there are certain issues that must be handled between parents and which should not involve children. If they then argue that “dad” tells them about these issues, simply say that even if he does, you choose not to involve them. Although this approach may be difficult for you, it will best serve your children.

If problems regarding parenting time persist you may very well consider consulting an attorney to discuss other options both inside and outside the Court system.

*“Ask the Attorney” is a blog in which answers to your legal questions submitted to [asktheattorney@einhornlawyers.com](mailto:asktheattorney@einhornlawyers.com) may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney-client relationship. The facts of each case are different, therefore you should seek competent legal representation.*