



Eeny, meeny, miny, moe...

Can a child choose which parent to live with?

Sometimes parents involve their children in custody, residency and access matters hoping the opinion of the child sways the outcome. At other times, children may seek to initiate a change themselves. The child's desire may be due to conflict with a parent; seeking to be closer to a particular school or friends; or even seeking to avoid reasonable parental expectations looking instead to live with the parent with whom they have greater albeit inappropriate freedoms. Thus children sometimes wonder about their influence in such matters too.

Generally, custody, residency and access decisions are matters for parents to decide. When they are unable to reach a decision between themselves, parents may turn to a counsellor for guidance. If that is unsuccessful, parents may then turn to a mediator and if that is unsuccessful, they may turn to the court.

With regard to the input of children, the older the child, they more weight their input can have in the decision making process.

Often the age of twelve is considered a turning point when the opinion of a child may begin to truly give added weight to these decisions. However, there is nothing magical or automatic about that number. Maturity of the child, the situation and parental influence will also be important factors, not to mention the needs of the child and the respective parent's ability to meet those needs appropriately and in a timely fashion. Therefore, being minors, the decision still remains in the hands of adults, be they the parents, professionals or Courts.

Parents are always cautioned against involving their children in custody, residency or access decisions.

In the event a parent influences a child, the child may feel in a bind, unable to resist the influence of

the parent and not wanting to undermine their relationship with the other parent. Hence influencing a child only adds to their psychological and emotional distress living between their separated parents. In these circumstances, parents must ask themselves if what they are doing is truly for the child or their own interest.

From the child's perspective there can be all sorts of legitimate reasons to alter their residency between separated parents. However the child may not be privy as to how the custody, residency or access decisions were arrived at in the first place. Hence their view of the situation may not be fully informed. So while children may form a reasonable argument in view of their desire, it still remains between the parents to discuss and reach a decision.

Whether child initiated or parent initiated, parents are encouraged to sit down with each other and the older child and if unable to resolve matters between themselves, consult a counsellor, mediator or lawyer to aid in their decision making process.

Counsellors or mediators who work for an agency may have long waiting lists for service. Those who are in private practice, where the parents pay for service, are generally more readily available. While parents may consult with the older child, hopefully in the end they will keep the actual decision making process to themselves.

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Gary Direnfeld is a social worker. Courts in Ontario, Canada, consider him an expert on child development, parent-child relations, marital and family therapy, custody and access recommendations, social work and an expert for the purpose of giving a critique on a Section 112 (social work) report. Call him for your next conference and for expert opinion on family matters. Services include counselling, mediation, assessment, assessment critiques and workshops.