

Wishes of the Child

Many parents ask us at what age a child may begin to exercise a veto power over visitation. They seem to hope that the child may eventually control the parenting schedule. The simple answer is that parents are responsible for determining the visitation schedule (and if they can't agree a judge will do it for them) and they should consider the child's wishes when making, or modifying, the schedule. Children, however, do not determine the schedule or whether to comply with it – children have but one option: to obey the schedule.

In custody resolutions, the court is required to consider the child's wishes as to his or her custodian (the custodial parent).¹ It follows, therefore, that the court should also consider the child's wishes in resolving visitation disputes, but the law does not specifically require this.

In cases where a child desires **NOT** to go on visitation, of course, the real solution is not to terminate visitation based on the child's wishes, but to resolve the root problems. It is often the case that the custodial parent influences the child to express a desire to forego visitation with the non-custodial parent. In such cases, a modification of **custody** may be the only adequate remedy.

Our attorneys have found that properly prepared court papers can put the issue to the judge and that counseling or therapy for the non-custodial parent, the custodial parent, and the child, resolves many of these conflicts and restores the relationships to a healthy balance. Court's often mandate visitation and children are, under such orders, forced to go to visitation.² Indeed, in one case the father was ordered to take the children to visit their mother in prison despite their protests and the father's testimony that they became upset and did not want to go to the prison nor visit their mother while she remained incarcerated.³

This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or info@illinoisdivorce.com.