

Child's voice helpful in setting parenting schedules

By AdvocateDaily.com Staff



Listening to a child's perspective can help parents come to reasonable scheduling arrangements that meet the needs of all parties without resorting to costly full-fledged assessments, says Markham family lawyer [Cheryl Suann Williams](#).

Williams, principal of [Williams Family Lawyers](#), says including "Voice of the Child" reports have become increasingly popular and something she embraced in her practice many years ago.

"It gives the child an opportunity to have a voice in the proceeding," Williams tells [AdvocateDaily.com](#). Typically, a social worker or another expert would conduct a series of interviews with the child to present his or her views as a way of providing context to the scheduling situation. Unlike an assessment — which may include interviews with teachers, caregivers and doctors — with these reports, the child's views and preferences are brought to court without the direction of an expert opinion, Williams says.

"The interviewer would probably talk to the child about what things he or she does with each parent, and how they might feel at mom's or dad's house," she says. "Ultimately, the goal is to find out what the child would like to see in terms of a parenting schedule."

The broader issues of custody and access would not be determined through Voice of the Child assessments, Williams adds.

When the interviewer is hired in a private practice setting, she says interviews are typically conducted with each parent and child. The social worker would hold at least two interviews, and more if necessary.

“We would typically hold a disclosure meeting after the interviews so the expert can explain what the children have said,” Williams says. “Ideally, the parents can then take the child's interviews into consideration and use them to form a resolution.”

If the case goes to trial, the report is presented as evidence and the interviewer may be called to testify, she says.

“The person who interviews the child is often looking for undue influence by the parents, and sometimes it may not be intentional,” Williams says. “People who are well-trained will be able to pick up on it.”

While the Voice of the Child report can be enlightening and helpful for shared parenting arrangements, it is not useful in every case, she adds.

“The effectiveness depends on the child’s age and ability to express themselves,” she says. “The older the child is, the more weight the court is going to place on their views and preferences.”

Williams says she has witnessed positive results when the child has a voice in these proceedings. For example, in one high-conflict case that went to a six-week trial a few years ago, the judge ordered a Voice of the Child assessment midway through the proceedings. The interviewer was able to speak with the child almost immediately before a parent could potentially step in and interfere, she says.

Williams, who is trained in Alternative Dispute Resolution and articulated at the Office of the Children’s Lawyer, says she has sought to include Voice of the Child assessments for years and doesn’t anticipate its popularity waning anytime soon.

The best interest of the child is a key pillar of family law, Williams says. “This is one way we can get at the truth by determining a child’s views and preferences,” she says.