



Psychologists by Scott Abel

In deciding custody and access matters, there is one basic principle to follow – what is in the best interests of the child. Seems like a relatively simple rule to follow. But as is the case with many principles in the legal system, defining what is the “best interests” is difficult to do.

Each child will adjust to a divorce differently. There are many factors which will affect that adjustment, including their age, their relationship with each parent, and the level of acrimony between the parents. How the child is adjusting to the post-separation life they are leading will affect how their best interests are defined.

If a child is older, is adjusting well to the separation and has a strong relationship with each parent, then defining their best interests will not be so difficult, as opposed to a younger child who is not adapting well.

In considering the best interests, age appropriate parenting plans ought to be considered. The developmental needs of the child will be different at

different ages. Obviously, at a younger age, the parents are the primary social contact for the child, while teenagers require social interaction with their peer group. The developmental needs of the child will then effect how their best interests are defined.

The Judges do not need to solely rely on their own knowledge, or the opinions of the parents, to determine the best interests. The legal system itself has recognized a need and benefit to having others with expertise in these areas assisting both the parents, and the Judges, in determining what is in the best interests of any given child.

For example, child psychologists, using their own knowledge and clinical research, are able to assist in determining how a child is adjusting to the separation, and what their specific developmental needs are at any given time. With this knowledge, the Judges or the parents themselves, can begin to develop a parenting plan which

focuses not on the wishes of the parents, but the actual needs of the child.

In any custody dispute before the Courts, Judges are being asked to make a decision of utmost significance, being the parenting arrangements for a child. The best evidence ought to be before the Court to assist the Judge in making such a decision. Often times, the parties themselves can or have worked out a parenting plan, which they believe to be in the best interests of the child.

However, failing agreement the parties are asking a complete stranger, being the Judge, to make a decision that will impact the child’s life. Such a decision should be made with the best evidence available, and the legal system is adapting to that reality, by engaging the services of experts.

Obviously, using a child psychologist is only one example of how determining the best interests of the child may be undertaken. Social workers, parenting coaches, psychologists and mediators are

all available to be used in determining the best interest of a child.

While determining the best interest of a child may be a complicated undertaking, there are professionals and resources available that make the process less complicated.