

Submitter: Annelisa Smith
On Behalf Of: Myself as a family law attorney
Committee: Senate Committee On Judiciary
Measure: SB313

As an attorney representing children and parents in juvenile and family court for 17 years, this proposed change to the law is a terrible idea. In my experience, the vast majority of children whose parents are litigating custody and parenting time issues in family court love and want to spend quality time with both of their parents but often feel pressured to choose one parent over the other. The pressure on a child is often most strongly exerted by a parent who is at war with their former partner over issues from their initial divorce or separation. Asking a child to be responsible for selecting their preferred parent places that child in an impossible loyalty bind and messages to the child that they must pick one parent over the other - they can't have a good relationship with both. Importantly, anyone who has parented a teenager knows that ages 14-17 is a tumultuous developmental stage where kids are testing boundaries, focusing on peers and social relationships, and trying to figure out who they are separate from their parents. This change in the law will not only encourage parents in high conflict relationships to put even more pressure on their children to choose one parent over the other, but it will also place on the shoulders of children the full responsibility for managing their parent's adult problems instead of focusing on their own age-appropriate work.

When I have an initial consultation with a parent over a custody or parenting time issue, frequently the first thing the parent asks me is at what age their child can select the parent with whom they would prefer to live. Once I explain that the age when a child can make this decision is 18 and I help them understand why asking their child to make this decision is not good for them, I am often gratified at how quickly they reach the conclusion and understand that it is actually better to insulate them from the legal case. This change to the law will have a severe and extremely negative impact on children and families. Educating and counseling parents is the answer here, not asking children to make decisions they are not psychologically equipped to make. I strongly encourage you to oppose this bill.