

BEWARE OF YOUR CHILDREN'S "WISHES" AFTER SCHOOL HOLIDAYS

One of the most common issues which arises after the December/January school holidays are children telling the parent they live with that they want to live with the other parent. This in the majority of cases happens in circumstances where:

- (a) the children live primarily with their mother;
- (b) the children have spent a three or four week holiday block with their father;
- (c) during the holiday block with their father, the children have had a fantastic time either going away to the beach on a holiday, or going to theme parks or other fun-filled venues;
- (d) after having spent the holiday block with their father, the children return to their mother;
- (e) upon returning to their mother, the children are so disappointed that they are back to what they see as being the "mundane" routine of their lives, that they voice quite openly and consistently to their mother that they want to live or spend more time with their father.

We receive numerous phone calls from fathers each year in January, seeking advice on whether they can seek a change to their children's living arrangements on the basis that their children are expressing a very strong wish to either live with their father or to spend significantly more time with their father. When such calls are received after the Christmas period, a good family lawyer will always query whether the father has just spent 3-4 weeks with their children, and what type of activities they participated in during this period. A good family lawyer will also advise the father that while in some instances such wishes are unrelated to the holiday time just spent with the father, that in the majority of cases (especially with younger children), children are reacting to the wonderful holiday time they spent with their father and are not really expressing a considered and mature wish as to where they want to live. Of course, a good family lawyer will also be able to gauge whether the query does have some merit based on the overall family history related to the father who is phoning for advice.

For all the parents out there in the above position, please keep an open mind if this becomes an issue for you and really think about whether your children really want to live with you for all the right reasons, or whether their expressed wishes are more of a "knee jerk" reaction to the fun-filled holiday they have just had with you.

Oner Family Law can assist with all your family law needs. Contact us for more information.