

## **CAN A CHILD DECIDE WHERE THEY WANT TO LIVE WHEN THEY TURN 14?**

This is a commonly asked question when families separate. There seems to be general belief in the community that children at a certain age (usually 14) have a right to choose where they live, and that wish must be followed by all, including the Family Court.

There is no set age as to when a child's views must be followed by a Court, and no provision in the Family Law Act which requires a Court to follow a child's views. It is true that the views of a child must be taken into account by a Court, and the older and mature that child is, the more likely the Court will give weight to those views. It is however clear that a Court is not obliged to make an Order in accordance with the child's view and many times Courts will not do that, particularly in cases where children have been estranged or alienated from a parent and the children's views have been manipulated.

When deciding children's cases a Court must consider a myriad of factors, including the weight to be given to a child's views. This can be very difficult in cases where a child is expressing a very clear view that they do not want to spend time with another parent. Ultimately a court will take all relevant matters into account and make an Order that is in the best interests of the child, whatever the child's views.

So in answer to the question, can a child decide where they want to live when they turn 14?, the answer is "no", there is no set age as to when a child's views must be followed by a Court.

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