

Division 5 Policy On Custody Schedule Enforcement For Older Children

(AKA . . . “what do you want me to do, drag him out of the house and put him in the car? He’s 15 and weighs more than I do!”)

The Court understands that at some point it becomes unrealistic for a parent to physically pick up a child and force them to go with the other parent during a Court-ordered custody exchange. This creates an incentive for the “favored” parent to incentivize the child to refuse to comply with custody exchanges. It sometimes looks like this:

“You need to go with your (mom/dad). But I can’t make you go, and if you don’t we’re having pizza and ice cream tonight.”

That sort of behavior by a parent is **unacceptable**. Each parent has the obligation to make real efforts to get the child to comply with the Court’s orders. First, that means that the directives to the child must be sincere, and not just an act. Second, that means that if the child refuses to comply, the favored parent needs to treat the situation like any other disciplinary issue where the child is refusing to obey the parent. That means consequences must be imposed (which could include grounding, taking away phones/tablets/computers, loss of allowance, loss of access to vehicles, etc).

Failure to impose appropriate consequences for disobedience could be viewed by the Court as a refusal to take appropriate parental action, and could have ramifications with regard to the Court’s custody and/or child support determinations.

If the favored parent believes that coercing the child into going with the other parent will be harmful to the child’s physical or emotional well-being, the burden of proof is **on that parent**. You will need to convince the Court that not having a phone (or other consequence) will be worse for the child than not seeing the other parent. This is a **significant burden**, and will likely require input from a Guardian Ad Litem, the child’s counselor/therapist, or both.