"My name's James, and I want to live with my dad"

The child's wishes:
Where do I find them?
How do I convey their content
and context to the court,
with appropriate respect and wisdom?

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Disclaimer





- Case examples in this presentation are truthful expressions of my experience conducting child and family interviews for the court, but...
- ... they have been deidentified, and merged, so as to respect the child, family and court process
- Please be prudent and respectful











"My name's James, and I want to live with my dad" James age 10

"the child appeared surprised to be asked for her views about her living arrangements" Sarah age 9

Conveying the child's wishes

- Verbatim
- In objectively described context
- · Pofessional opinion regarding:
- The child's conscious wishes
- The child's underlying desires
- The child's needs
- Particular care when making recommendations that are against the child's wishes.



"mum's sometimes selfish, but by mistake". Dinah, age 14

"I reckon he's the best dad I've had in the whole entire universe". Peter, age 10

"I don't want to hurt mum" Sarah, age 9

adult respect

- · Ask, and convey the verbatim wishes
- Sit with, observe, and document the child's experience of being asked for their wishes, of having wishes, of expressing wishes
- What can these expressed wishes, and their context, tell me about the child's broader experience, the child's relationships, the child's needs and the child's desires?
- · Engagement vs. enactment

adult wisdom

- · Two-eared and two-eyed
- Reciprocal engagement with the interrelated domains of the child's stated wishes and the child's described experience
- Enquiry and challenge regarding adult observations and broader opinion or fact
- · Engagement vs. enactment
- Expression of opinion, defined as such, and related to but separate from observation

The child's wishes

- Fragile
- · Dangerous, strategic, protective
- · Suppressed, or amplified
- · Pragmatic, or idealised
- Ambivalent, or deeply held
- Very important for the face validity of the court process, now and on review by the parent, and by the vulnerable adult grown child, looking back

The child's stance, in expressing wishes

- · other-focussed or self-focussed?
- · Entitled? Self-discounting?
- · Parentified?
- Ethical? (e.g. "fair", carer role)
- Pragmatic? (e.g. "then they'll fight less", "then dad will be less angry")
- · Utilitarian? Based on what values?
- · Own wants or own needs?

How do I position myself vis a vis the child?

- · Beside, slight step behind
- · Together, facing the challenge, of "my job"
- · Must tell, but how?
- · Assertively neutral, reflective
- Forced choice, then open/ enquiring, then pausing, then guessing or proposing
- · Uncertain, enquiring, not-knowing, child as expert
- · Balancing cognition and affect
- · Wise, soft, gentle, lean in
- · Protective where need be

The child's wishes in developmental context

- Chronological/ developmental/ societal age
- $\cdot \ \mathsf{Developmental} \ \mathsf{disparities}$
- Attachment styles
- Developmental trajectories
- · Looking forwards to future reflection
- The nature of any parentified or utilitarian contributors



James (10years)
"I hate it when they say
dad's making me say it"

Lara (13 ½ years)
"It's NOT mum making
me or manipulating me or
whatever... it's what I
think"

Problematic adolescent individuation

- pragmatic
- cynical
- · idealized narcissism
- · antisocial narcissism



"At dad's, I can be myself"

"me and mum work together well"

The child's wishes in relational context

- With the current majority parent/ household, then alone, then with other parent/ household, then alone again
- Sometimes with other adults or household subsets also
- Sometimes again, to bring a view across contexts, or to challenge or test a view
- The nature of and narrative about differentiation, belonging, power, influence, and responsibility, within each household

The child's wishes in temporal context

- Now
- · in the past
- in the future
- Revisited over time (with containment)

The child's wishes and the child's experience

- "Can you give me an example of..."/ "tell me about a time when..."/ "tell me a bit more about..."
- · Links/ disconnections
- Synergies/incongruities
- What is the nature of the experiences upon which these wishes have grown?
- $\boldsymbol{\cdot}$ Visiting and revisiting the wishes



"Does mum have to know?"

"Is there a way that we could tell dad?"

Wishes about having wishes (1)

- · Supported, constrained, or on their own?
- Will the child be seen alone? Who do they want present, or who wants to be present?
- "my family" picture: "like it was, like it is, or like you wish it might be?"
- Disposition about coming on day? Some "looking forward, opportunity to have my say...", some "leave me out of it..."

Wishes about having wishes (2)

- Explanation: what's it's been like for you, and your wishes
- · Offer: which start with?
- Body disposition
- · Degree of burden or vigilance
- · Capacity to have a view
- · Capacity to play with a view
- · Desire to elaborate, or to "dump and run"

Wishes about having wishes (3)

- You don't have to decide about... [relevant adults] will decide about **, or if they can't, the judge will.
- [relevant adults] and judge are interested in what you think, how you feel about **, but you don't have to decide.
- Some "No, my life, I want to decide", some "I'm glad I don't have to decide... might get it wrong, might upset [relevant adults]"

The child's wishes, if...

- · Fair, selfish, definitions of selfish
- · Like it was, is, might be...
- If things got better, worse, the same...
- Contingencies in the prospective carers
- Contingencies in broader place, persons, things, resources, opportunities, containments...

What do you fear, if ...?

- · Like it was, is, might be...
- If things got better, worse, the same...
- Contingencies in place, persons, things, resources, opportunities



Questions?