

A CHILD CANNOT CHOOSE WHERE TO LIVE

In 1990, the Ohio legislature abolished a 12-year-old child's ability to decide which parent should be his or her custodian. This was called "election." The child's preference is **but one factor** for a court to consider in an initial custody determination or when changing custody.

If custody has never been determined, the parents are on equal footing. The court must decide what is in the child's best interests by reviewing certain factors. Some of these factors are:

- the desires of the parents;
- the desire of the child;
- whether a parent is moving out-of-state; or
- which parent will allow and facilitate parenting time.

The court balances all of the factors to determine what is in the child's best interests.

The law specifically prohibits any person from obtaining or attempting to obtain a child's preference either in affidavit form or in a statement form. It is best **NOT** to ask your child where she or he wants to live. If there is a hearing, the court may interview a child to determine his or her wishes.

This information prepared by and distributed by Southeastern Ohio Legal Services

This information is not intended to be a substitute for legal analysis.

Please consult with an attorney.

To contact your local legal services office, call 1-866-LAW-OHIO