

When Can a Child Decide?

Family law in the United States differs widely from state to state, and in many states across the country, a child can decide on the parent with whom they wish to reside when they reach a specific age.

In the State of Colorado, however, there is no statute that references a specific age at when a child can determine the parent with whom they wish to live. A parent is fully within their rights to file a motion with the Colorado Court requesting a modification to the current parenting agreement based on the child's wishes, but there is no guarantee the Judge will rule in favor of the child's request. When the court reviews the matter, the child's wishes can be considered by the Court, but to what extent completely depends on the child's maturity, the reasonableness of the request, and to what extent the Court perceives the child's wishes as his own and not a request that has been influenced by the parent.

In cases where a parent seeks to modify the parenting plan, the Colorado Court will always rule in regard to what they consider to be the best interests of the child. What the court perceives as the best interests of the child may or may correspond with the child's perceptions.