

Teenage Son Won't Visit His Father (My Ex). What Should I Do?

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Dear Ask the Attorney:

I have three children —8, 12 and 14. The 14 year old had a huge argument with my ex-husband a few months ago and now refuses to go to his father's house during his visitation times (Wednesday nights and every other weekend). My husband wants me to force our son to go, but refuses to try to fix the situation himself by talking with our son. Does our son have to go visit his father?

CR

Our guest blogger is Jennifer Fortunato, Esq., a member of Einhorn, Barbarito, Frost & Botwinick, PC's matrimonial department and counsel to the firm. She devotes her practice exclusively to family law matters.

Dear CR:

I am assuming by your question that the father has a parenting time/visitation schedule pursuant to a Court Order. Thus, by not sending your son with his father during his parenting time/visitation, you are violating a Court Order. However, when children are teenagers, it is often difficult to force them to see a parent he or she does not want to see and most judges recognize this problem.

As a result, you may want to explain again to your son's father that your son does not want to go with him and why he does not want to go, if you know. You may also want to suggest that your son and he attend counseling to try to resolve your son's issue(s) rather than forcing parenting time/visitation.

Preferably, this suggestion should be in writing to your son's father such as in an email or a certified letter to prove later to a Court, if you have to, that you made this suggestion. If your son and/or his father do not want to engage in counseling, then you should consult with an attorney about filing an application to address this issue so you will not be held in violation of a Court Order. In this application, you can advise the Court of the situation and that you tried to resolve the matter by suggesting counseling and that either your son and/or his father (or both) are not willing to attend. You could also ask the Court for an Order not forcing your son to go with his father for parenting time/visitation so that you are not held in violation of a Court Order if your son refuses to go with his father. You could also suggest to the Court that your son be interviewed. This will show the Court that this issue is between your son and his father and you are not influencing your son in any way not to see his father. This is because Judges do view the parent as the one who is "in charge", not the child. Therefore, a judge may not react favorable to the custodial parent saying she/he cannot force the child to go for parenting time.

Of course, In the meantime you should encourage your son to go with his father and solve their problems.