

Dr. Gary J. Kneier, Ph.D.
Clinical Psychologist, Calgary, AB.

www.drgary.ca

Copyright Dr. Gary J. Kneier

Getting a Lawyer for the Child **Problems with This Approach**

In very high conflict cases with lots of litigation and involving refusal of access (denial-of-attachment) on the part of a child, application is sometimes made to get a lawyer for the child or children.

The request is usually made by the favored parent, who is sympathetic to the child's refusal of access, and who sees the refusal as a legitimate and reasonable choice by the child. It is hoped that the child's lawyer can help promote the child's wishes and perspective. The appointed lawyer, in my experience, seems to feel obliged to defend the child and represent the child's wishes, perspective, and perceived interests.

This process tends to amplify both the empowerment of the child and the idea that the denial-of-attachment/splitting/alienation reaction is a matter of the child's choice. As I have discussed earlier, I believe this framing and approach are very dangerous to the child's attachment life. What is needed is a return to structure in the family through at least some parental cooperation, allowing the child's mind and heart to reopen attachment to the refused parent.

Giving the children a lawyer also tends to interfere with treatment. The treatment, i.e., the process of using the Court's authority to mandate remedying the alienation in the best interests of the child, tends to be undercut by the child's lawyer and other advocates who feel compelled to champion the child's wishes and perspective.

If a child did not want to go to school and had all sorts of seemingly reasonable objections and complaints, would we give the child a lawyer to represent the child's apparent interests, or would we insist on our (ultimately the court's) determination of the child's real best interests?

If such a lawyer is truly supposed to be an **amicus curiae** (friend of the court), then that lawyer would need to be there to facilitate the accomplishment of the court's objective, which may well be contrary to the child's perceived interests. I am not sure how a lawyer can help a client (child) to accept and do something (access to refused parent) that the child is adamantly opposed to, other than to explain the court's authority and emphasize the need to comply with court orders.