

Is this child mature enough to be heard regarding his or her own custody?

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Following are critical observations relevant to establishing a minor's relative maturity within each of five areas of growth and development (noting that no such observations are provided regarding physical development).

Interviewers must always be alert to differences of language, culture, mood and circumstance which may confound these observations and yield either false positive or false negative outcomes.

Establishing that a given minor demonstrates most or all criteria in a single area may be necessary but cannot be sufficient to an overall determination of maturity.

Cognitive

- ✓ Able to articulate alternatives
- ✓ Able to anticipate likely consequences
- ✓ Evidence of "jury-like" deliberation
- ✓ Evidence that these factors have shaped past choices

Note: Cognitive maturity has no necessary relationship to intelligence within normal limits

Social

- ✓ Able to perceive situation from others' POV
- ✓ Able to anticipate relationship impacts
- ✓ Able to assert unique opinion to others and tolerate disagreement
- ✓ Able and willing to seek others' support
- ✓ Evidence that these factors have influenced past decisions

Note: Social maturity has no necessary relationship to numbers of friends

Emotional

- ✓ Able to delay gratification and work toward a distant outcome
- ✓ Able to tolerate frustration
- ✓ Able to identify and express emotion state
- ✓ Able to identify how emotional state impacts decision making
- ✓ Evidence that these factors have influenced past decisions

Moral

- ✓ Able to distinguish right from wrong regardless of consequences
- ✓ Evidence of consistent personal values and beliefs

- ✓ Evidence that these factors have shaped past decisions

Note: Moral development has no necessary relationship to religious affiliation, practice or belief

Creative

- ✓ Able to consider alternatives to familiar situations
- ✓ Able to integrate new information and adjust plans accordingly
- ✓ Able to use available resources to their fullest capacity
- ✓ Evidence that these factors have shaped past decisions

Note: Creative maturity has no necessary relationship to arts, crafts and musical skills or interest

Physical: Beware that physical maturity is too easily and too often associated with the maturity necessary to be heard in contested custody matters!

For further discussion, please refer to

Garber, Benjamin D. (2009). *Developmental Psychology For Family Law Professionals*. New York: Springer.