

El superior interés del menor  
(desde el punto de vista del menor)

The best interests of the child  
(from the point of view of the child)

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*“There is no standard definition of “best interests of the child,” the term generally refers to the deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child”.*

U.S. Department of Health & Human Services

The following are among the most frequently guiding principles:

- The importance of family integrity and preference for avoiding removal of the child from his/her home
- The health, safety, and protection of the child
- The assurance that a child will be given care, treatment, and guidance that will assist the child in developing into a self-sufficient adult

In divorces, to achieve this forensic psychology raises cover two goals with our expert decisions:

- Maintaining children's attachments to their primary caregivers (usually parents) and the rest of their extended families.
- The removal of children who can feel the conflict directly (being manipulated or used as a weapon) or indirectly (being used as currency)

In my classes my students are  
psychologists and lawyers.

Whenever I ask: What is a conflict?

They always respond to me: A  
confrontation by the same interest or  
competing interests

This!



But this is a mistake.

A conflict  
it is not a fight,  
not a crash between two positions

A conflict between two warring parties  
is a possibility to gain



This is the most common profit in  
divorce



But there are others:

Heal my psychological injury due to  
abandonment, betrayal, frustration  
(Narcissistic wound)

Refusing as the father/mother of our  
children

Remove you from my life, etc.

What if we remove the profit?



Motivation disappears-Conflict disappears

What a child wants when their parents divorce?

Continue to have two parents (four grandparents, uncles, cousins, etc.)

No insult hear how each

Not be used for any such items, weapons,  
excuses

Continue to enjoy your life, your things, your  
room, your world

Joint custody is the primary measure to cover the two variables that forensic psychology has proven essential to protect children in divorce:

1 – Allows children to enjoy attachments (usually their parents)

2 – No allows they are an excuse to fight (no longer one of the possible profit)

Myths have been used as arguments  
against joint custody:

Young children should be with their  
mothers in the early years of life

Changes of residence requiring joint  
custody affect children

The first myth was dismantled by  
psychology for decades.

The second myth has been shattered  
by recent research:

**Living in two homes-a Swedish national survey of  
wellbeing in 12 and 15 year olds with joint physical  
custody**

Malin Bergström, Bitte Modin, Emma Fransson, Luis Rajmil, Marie Berlin, Per A  
Gustafsson and Anders Hjern

<http://www.biomedcentral.com/1471-2458/13/868>

This study, with a sample of 164.580 Swedish students 12 and 15 years, praised various welfare indicators, allowing to compare children living in intact families, divorced with sole custody and joint physical custody.

Eleven dimensions of health-related quality of life questionnaires collected in KIDSCREEN (EU standard tests) was used in the measurement.

<http://www.biomedcentral.com/1471-2458/13/868>



Both the 12- and the 15-year-old children with joint physical custody scored better on nearly all scales than children in sole custody. Within the same group of children with joint physical custody, 15 years scored higher on welfare than 12 years, however, these children scored higher than their age with sole custody.

These differences were not found differences by gender of children.

<http://www.biomedcentral.com/1471-2458/13/868>

The results confirm that children with separated parents reported lower levels of children with intact families welfare. The comfort level found varies depending on system chosen custody after the divorce of his parents, in such a way that children with joint physical custody being scored more positively than those who lived as long with one parent.

<http://www.biomedcentral.com/1471-2458/13/868>

Research in recent decades are in the direction of recommending joint custody as the best option to preserve the health of children after divorce.

However, I think everything is much simpler. Suffice to ask a child how everything would be organized after the breakup of his parents' marriage.

I'm sure that answer still enjoy both and not be an excuse for their parents fight.

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