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Mature enough to fly on his own?

On family law

By John T. Syrtash

Q: I am divorced. We have one seven-year-old child. My ex-wife decided to move abroad. She insists our son not travel alone on the plane for our two access visits to Canada yearly, which greatly increases the flight costs. Is there anything I can do?

A: If you honestly feel the child is old enough to travel alone on the plane, then your lawyer should write her a letter explaining that court proceedings may be necessary if she fails to relent. If that doesn't work, then as your lawyer, I would go to court and ask a judge to order both parties to pay for a child psychologist or child social worker to assess whether the child is truly mature enough to handle such a trip.

Such a motion would likely be granted, so if your ex refused to agree, she may be obliged to pay for your legal costs.

If you are right about your son's maturity, then after a few interviews or psychological tests the expert will issue a written opinion to the court explaining there is no reason why the child, with proper preparation, cannot travel alone. A judge will usually agree with it.

Q: My ex-boyfriend's name appears on my son's birth certificate even though he is not the father. We are no longer together. What are his rights and how do I get him off the certificate?

A: I assume that the gentleman is not being co-operative. This means that he has bonded with the boy emotionally. If that is the case, it may not matter much that he is not the biological father of the child. So it's not so easy to dismiss a claim for access by a "psychological dad".

On the other hand, if the gentleman was simply doing you a favour at the time and really has no bond with the child, you can take the following steps, assuming he doesn't oppose. Get a court order for DNA through cheek swab tests, another court order to declare he is not the father and then have the birth certificate amended with the Registrar of Ontario.

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