

ADVOKAT KURAGE

Handbook on custody disputes

Knowledge and guidance for parents – from co-operation talks to judgment

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About the handbook

This handbook collects our articles on custody disputes. It describes how a process usually proceeds and what the social welfare board and the court look at, with the best interests of the child in focus.

Important: The advice in this handbook is general and does not replace legal advice from an expert, such as a lawyer who has reviewed your particular case. Every case is unique and the outcome can never be guaranteed. The articles are also available at vardnadstvist.com/articles.

5 mistakes that often harm parents in child custody disputes

After many years of handling child custody cases, we see the same mistakes time and again. It is rarely a question of a parent not loving their child – the problem is often how the conflict is handled.

The most common mistakes

In a child custody dispute, your behaviour as a parent matters greatly, particularly when the conflict becomes prolonged. Here are some of the mistakes we see most often:

- You send long, angry text messages out of frustration
- You let your child hear things about the other parent
- You use contact with your child as leverage
- You take the conflict onto social media
- You fail to keep important records

Why your behaviour matters in court

The court assesses not only what has been said, but also how you and the other parent behave during the proceedings. Many parents underestimate how quickly the legal position can change.

What you write or do today may become central to an investigation or hearing several months later. An angry text message, a social media post or a contact visit that does not take place may all be assessed in light of the child's best interests.

What can you do instead?

Keep communication with the other parent factual and concise, keep your child out of the conflict and retain relevant records. If necessary, a legal representative can help you manage the proceedings in a way that does not harm your position.

Where should you focus as a parent in a child custody dispute?

The biggest mistake many parents make in a child custody dispute is believing that the proceedings are about proving how bad the other parent is.

An understandable mistake

When you are hurt, frightened or feel that your contact with your child is under threat, it is natural to want to explain everything the other parent has done wrong. You want to describe the lies, the betrayals, the manipulation, every occasion when the other parent failed to take responsibility, everything your child has been subjected to and everything you have had to bear yourself.

But in a child custody dispute, simply showing that the other parent has shortcomings is rarely enough.

The question the court actually asks

In practice, the court asks a different question: which parent is best able to provide the child with security, stability and continuity in the long term?

This is where many parents lose focus. They enter the proceedings with anger, frustration and a strong need to be proved right. But the court often pays more attention to how you act during the conflict than to how strongly you feel about it.

- How do you communicate?
- How do you handle pressure?
- How do you speak about the other parent?
- Can you put your child's needs before your own frustration?
- Do you try to support your child's relationship with the other parent, where it is safe and possible to do so?
- Do you keep factual records, or do you react impulsively?

Strategy is crucial

In many child custody disputes, emotions run high on both sides. There are allegations, long-standing conflicts and deep hurt. But the court needs to do more than understand the conflict – it needs to understand which solution is best for the child going forward.

As a parent, you rarely gain trust by shouting the loudest. You are often in a considerably stronger position if you keep factual records, remain calm and show that you are promoting your child's best interests.

Strength is not aggression

This does not mean that you should be passive, accept false claims or allow serious risks to be concealed. Quite the opposite – but everything must be presented in the right way.

In child custody proceedings, strength is not about being aggressive. Strength means being consistent, factual and strategic, even when the situation is emotionally difficult. This is often the difference between being seen as perpetuating the conflict and being seen as a source of security for your child. And in court, that difference is crucial.

Part 1: You focus more on the dispute than on your child

Perhaps the most common mistake in child custody proceedings is becoming so focused on the conflict with the other parent that your child fades into the background – often without you realising it.

When conflict takes over

It usually begins with frustration, disappointment or a sense that you have been treated unfairly. But the longer the conflict continues, the more likely it is that your communication, thoughts and energy will revolve around fighting the other parent rather than actually providing security for your child.

This is something that both family law services – the local authority service dealing with family law matters – and the court pick up on very quickly.

How family law services view this

In many cases, a parent attends meetings and talks almost exclusively about the other party's shortcomings. Every question about the child leads back to criticism, accusations or past conflicts. You may want to show how difficult the other person has made the situation, but this can sometimes have the opposite effect. Instead, the investigating officer begins to wonder whether the conflict has become more important than your child's need for calm and stability.

When your child is drawn into the conflict

What often damages your credibility as a parent is drawing your child into the conflict, whether consciously or unconsciously. This can involve small things whose significance many people underestimate:

- Comments at home about the other parent
- Sighing when the other parent is mentioned
- Asking your child what was said at the other parent's home
- Your child feeling responsible for 'choosing sides'

Children are loyal to both parents

Children are extremely loyal to their parents and often pick up on conflict far more than adults realise. When your child begins to carry the burden of your frustration or anxiety, it affects their psychological wellbeing, and courts take this very seriously.

The court is not looking for the perfect parent

There is no such thing as the perfect parent. The court considers which parent can best protect the child from the conflict. If you can remain calm despite provocation, communicate maturely and continue to focus on your child's needs, you will almost always appear to be in a stronger legal position

than a parent who reacts impulsively or allows the conflict to take over everyday life.

Many parents believe that intense anger or forceful accusations demonstrate commitment and love for their child. In reality, these can sometimes be perceived as the opposite. When you become so preoccupied with winning against the other party that your child ends up in the middle of the conflict, both family law services and the court begin to question your ability to cooperate, your stability and your focus on your child.

Your communication affects the assessment

It is also common to underestimate how your communication affects the assessment. Text messages written in the heat of the moment, aggressive emails or repeated accusations can, over time, create an impression that you are driven more by conflict than by care for your child.

In child custody proceedings, the person who shouts the loudest often does not appear to have the strongest position. It is usually the parent who manages to remain consistent, calm and focused on their child, even under considerable pressure.

The overall impression over time is decisive

In practice, many child custody cases are decided not by a single incident but by the overall impression formed over time. The court seeks to understand who can provide the greatest security for the child in the long term. That security depends very much on your ability to put your child's needs before your own conflict with the other parent.

Part 2: Aggressive communication

Aggressive communication is one of the most underestimated problems in child custody proceedings – yet it is also one of the things that can most seriously damage your position as a parent, both with local authority family law services and in court.

When emotions take over your communication

Many parents do not realise how much their way of communicating matters until hundreds of text messages, emails or recordings of arguments are already part of the custody investigation.

Strong emotions are natural at the start of a separation. They often involve feelings of betrayal, fear, frustration and anxiety about losing time with your child. Problems arise when those emotions begin to dictate how you communicate. Something you write in the heat of the moment late one evening may later become central to the assessment of your ability to cooperate and your stability as a parent.

It is common to see a parent who initially has a strong position gradually undermine it through aggressive messages, a threatening tone or constant accusations. Many believe they are 'defending themselves', but legal proceedings are not just about what has happened – they are also about how you handle the conflict.

Why your ability to cooperate carries considerable weight

Local authority family law services – the Swedish municipal teams dealing with matters such as child custody – and the court place considerable weight on parents' ability to communicate about their child. When communication is marked by anger, a need for control or recurring conflict, questions quickly arise about whether the child is at risk of being caught in a destructive situation. This is particularly serious when the communication causes the child anxiety, instability or divided loyalties.

The court looks at patterns over time

Aggressive communication is rarely assessed in isolation. A single angry text message will not normally determine the outcome of a case, but when communication over months or years shows repeated aggression, threats, disparaging remarks or impulsive reactions, it begins to affect the overall picture of you as a parent.

In practice, credibility and self-control play a significant part in child custody proceedings. If you can communicate in a measured, factual way despite the conflict, you will often appear more stable and reassuring. If you react angrily to setbacks, you risk being seen as confrontational or difficult to cooperate with – even if you fundamentally love your child and feel provoked by the situation.

How those conducting custody investigations interpret messages

Parents often underestimate how professionals interpret their communication. A message that feels 'understandable at the time' to you as the sender may be seen by someone conducting a custody investigation as controlling, threatening or emotionally unstable. Often, it is not the offensive words that carry the most weight, but the tone, intensity and inability to de-escalate the conflict.

Communicating through or in front of your child

The situation becomes particularly serious when you communicate through your child or in front of them. Hearing negative comments about the other parent, sensing aggression or being used as a messenger often places a child under considerable psychological strain. Courts take situations in which a child risks being drawn into the adults' conflict very seriously.

Write as though your message will be read out in court

A useful piece of advice is to write every message in a child custody dispute as though it will one day be read aloud in court – because this happens more often than many people think. What feels like a private argument at the time may later become part of a custody investigation and affect the assessment of who is best able to provide security and stability for the child.

Ultimately, it is not about who feels the most frustration. It is about who, despite the conflict, can act with the greatest maturity, self-control and focus on the child. That is often what determines the outcome of child custody proceedings.

Part 3: Lack of documentation

A lack of documentation is one of the most common mistakes in child custody cases – particularly when you are facing a difficult situation but do not understand how strongly concrete evidence influences family law services (the local authority service dealing with family law matters) and the court.

The truth alone is rarely enough

You may think that the truth should be enough in itself. The problem is that child custody cases are rarely decided on feelings or experiences alone. The court must be able to assess what can be substantiated, what appears credible and what circumstances actually affect the child.

You may have faced very serious problems – such as obstruction of contact with your child, manipulation, threats or psychological pressure – yet still struggle to make your case legally if you lack documentation. It is rarely enough to say that something has happened repeatedly if you cannot demonstrate it through messages, records, reports to the authorities, witness evidence or other evidence.

Two accounts – which is more likely?

Disputes in child custody cases often involve two entirely different accounts. Both parents describe the situation from their own perspective, and the court must try to establish which account is actually more likely. Clear, structured and consistent documentation is often seen as more credible than general assertions without supporting evidence.

Documentation is not ammunition

Keeping records is not about 'gathering ammunition' against the other parent. A common misunderstanding is to start documenting every minor irritation or to try to create conflict to obtain material. This usually backfires. The professionals involved can often quickly tell the difference between a parent who keeps records to protect their child and one who does so to fuel conflict.

Documentation that shows patterns over time

The documentation that usually carries the most weight is material showing patterns over time, for example:

- Cancelled contact
- Aggressive communication
- Difficulties with collections and drop-offs
- Your child's wellbeing
- Difficulties in co-operating

Start keeping records early

The court often focuses less on individual incidents and more on the overall picture. Consistency and clarity therefore become crucial. Many parents wait too long before keeping records. When the conflict escalates, you may find yourself trying to recall dates, events and details after the fact, which is considerably harder. Simple, factual records kept from the outset can be very important later on.

Your own behaviour is visible too

How you write, react and communicate often becomes just as important as what you are trying to show about the other parent. Every text message, email or note should be able to withstand scrutiny by a judge, an investigator and the other parent's lawyer. Keeping your communication calm, factual and focused on your child often strengthens your credibility considerably.

Many child custody cases ultimately turn on trust. Clear, balanced and coherent documentation makes it easier to establish credibility. Where there is no documentation at all, uncertainty often arises instead – and uncertainty is rarely an advantage in legal proceedings.

Part 4: Trying to influence your child

Courts and local authority family law services take attempts to influence a child very seriously in custody proceedings, because this draws the child into a conflict that they can neither understand nor take responsibility for.

Influence is often more subtle than you think

It is not always a matter of direct instructions or overt attempts to make your child distance themselves from their other parent. It often starts with small comments, looks, questions or emotional signals that gradually place your child in the middle of the conflict.

If you feel hurt or desperate, you may sometimes begin, without realising it, to seek reassurance from your child, for example by:

- Asking what happens at their other parent's home
- Expressing suspicion about their other parent
- Showing irritation when your child returns after contact – time spent with their other parent
- Allowing your child to hear negative comments about their other parent

Your child wants both parents

As an adult, you may feel this is natural in the moment, but it often creates a strong inner conflict for your child. In the vast majority of cases, children want a relationship with both parents and often feel guilty when they believe they have to take sides.

How family law services identify influence

Professionals carrying out assessments deal with family conflicts every day and often become skilled at recognising when a child uses adult language or seems to carry a parent's feelings rather than their own. When a child expresses themselves in a way that seems rehearsed or unusually adult for their age, this often raises questions about influence and conflicts of loyalty.

Not just what your child says — but why

Many parents believe that their child's wishes automatically determine the issue of custody or contact. In reality, the court always assesses whether the child's views appear to be independent and genuine, or whether there is a risk that the child has been influenced by the conflict between their parents.

Long-term consequences for your child

Children caught in the middle of their parents' conflict often develop anxiety, stress, guilt or difficulties with divided loyalties. Some children begin to adapt their feelings depending on which parent they are with, to avoid conflict or disappointment. Over time, this can create considerable uncertainty and affect their sense of security and identity.

Nor does the influence have to be deliberate to have legal consequences. Even subtle signals can, over time, affect your child's relationship with their other parent.

The parent who protects the child from the conflict

The court often places considerable weight on which parent is best able to protect the child from the conflict. If, despite your frustration, you can encourage your child's relationship with their other parent, you will often be seen as more stable, reassuring and focused on your child's needs.

What carries the greatest legal weight is rarely who is the angriest, most hurt or most vocal – but who can best give the child stability, security and the freedom to be a child despite the conflict between the adults.

Can a parent obstruct contact? What are the consequences?

Yes, a parent can obstruct contact – and this is something that the courts and local authority family law services take very seriously. Contact concerns your child's right to a safe and positive relationship with both parents.

Obstruction of contact rarely starts openly

In family law, contact means more than simply arranging meetings between a child and a parent. If you consciously or unconsciously begin to undermine that relationship, the consequences can be very significant, both for your child and in custody proceedings.

Obstruction usually develops gradually. It may start with small things that seem insignificant to others – last-minute cancellations, changes of plan, poor communication or comments that make your child hesitant about contact. Over time, these behaviours can form a pattern in which your child gradually becomes distanced from the other parent.

The court examines why the relationship is deteriorating

The court considers not only whether contact has actually been cancelled, but also why the relationship between your child and the other parent is deteriorating. If you actively influence your child's feelings, create anxiety about contact or undermine the relationship, this may be viewed as a serious concern for your child's welfare.

Different forms of contact obstruction

In practice, obstructing contact can take many forms, for example:

- Refusing to hand over your child or repeatedly finding reasons to cancel contact
- Making negative comments about the other parent in your child's presence
- Casting suspicion on the other parent
- Your child gradually coming to feel that it is 'wrong' to want to see the other parent

A parent who obstructs contact rarely sees themselves as being in the wrong

Children are very sensitive to conflicts of loyalty and often pick up on a parent's feelings even when nothing is said directly. At the same time, if you obstruct contact, you may feel that you are protecting your child, reacting out of frustration or trying to manage a situation marked by conflict. The problem is that your child's need for contact with both parents can easily be overshadowed by the conflict between the adults.

Children who gradually lose contact with a parent are at risk of developing anxiety, difficulties with their sense of identity, guilt and intense conflicts of loyalty. In the longer term, this can affect their sense of security and their relationships, even in adulthood.

What legal consequences can there be?

In custody proceedings, the issue often extends beyond contact itself. The court examines which parent actually supports the child's need for a positive relationship with both parents. Swedish family law is based on the principle that children generally benefit most from close and positive contact with both parents, provided there are no risks to the child. Custody here means legal responsibility for the child.

If you repeatedly make contact difficult, you may gradually lose the court's confidence. In some cases, this may lead to changes in custody, residence – where your child lives – or contact arrangements. The court considers not only what you say about your child's best interests, but also how you actually behave.

Not every dispute about contact amounts to obstruction

There are situations in which contact needs to be restricted or adapted because of genuine concerns about, for example, violence, substance misuse or your child's safety. Each situation must be assessed carefully in light of your child's actual needs. The court always makes an overall assessment, balancing your child's safety and security against their need for contact with both parents.

Patterns over time are decisive

The court considers how you and the other parent communicate, how you manage disagreements, and whether either of you consistently shields your child from the adult conflict or draws them into it. If you can encourage your child's relationship with the other parent despite serious conflict, you are often seen as more stable, cooperative and focused on your child's needs.

Ultimately, questions of contact are not about the conflict between you and the other parent, but about your child's right to security, stability and positive relationships.

A child custody dispute rarely begins in court

A child custody dispute almost always begins much earlier – in a relationship where communication gradually breaks down and disagreements about the child become so serious that the parents can no longer co-operate.

Small issues that grow over time

At first, the disagreements are often about smaller issues. Who will collect the child? What should the contact arrangements be? Which school should the child attend? But when trust between parents breaks down, even small issues can quickly become emotionally charged and contentious.

We often find that many parents wait too long before seeking legal advice. They try to resolve matters themselves while the conflict escalates, communication deteriorates and the child is affected by the tension. This is often where the custody dispute really begins.

The court always starts with the child's best interests

The court is not concerned with deciding who has been hurt most by the separation or who has 'won' the conflict between the adults. Its focus is on the child's security, stability and long-term wellbeing. This also makes the parents' behaviour during the conflict very important.

The family law service and co-operation talks

When arrangements for your child are no longer working, the next step is usually to contact your local authority's family law service, where you will normally be offered co-operation talks. These are discussions intended to help you reach agreement on custody, residence and contact without having to go to court.

Sometimes this works, and parents can move forward without legal proceedings. But in many disputes, particularly where trust has been seriously damaged, it is not enough. It is at this point that custody proceedings become a real possibility.

Three separate issues: custody, residence and contact

A custody dispute does not automatically mean seeking sole custody. In practice, the proceedings often concern three issues:

- Custody – who has legal responsibility for the child and makes important decisions about matters such as schooling, healthcare and dealings with public authorities
- Residence – where the child will usually live
- Contact – the child's right to contact with the parent they do not live with

Applying to the district court

When you can no longer resolve these issues by agreement, either parent can file an application for a summons with the district court. This formally begins the legal proceedings. In your application, you must clearly explain what orders you want the court to make and why that arrangement is best for your

child.

It is not enough to describe the other parent's shortcomings or express frustration. Many parents enter custody proceedings focused on 'proving' that the other parent has done something wrong. However, the court considers the overall picture: how the child's daily life works, how the parents communicate, whether there is stability, and whether the child is protected from the conflict or drawn into it.

The preliminary hearing and interim orders

Once the case has been filed with the district court, the parents are usually called to an initial hearing. The court often explores whether an agreement can still be reached without a final hearing. In some cases, it makes temporary orders, known as interim orders, covering matters such as residence or contact while the proceedings are ongoing.

The custody assessment

If the conflict is deep-seated or the court needs more information, it will often order a custody assessment. The family law service then examines matters including the child's circumstances, the parents' ability to care for the child and co-operate with one another, and any risk factors.

In practice, the assessment is rarely about who is the 'better' parent. Instead, it concerns which parent is best able to provide security and stability for the child over time.

How you act during the proceedings matters

Aggressive communication, attempts to influence your child, behaviour focused on the conflict or an inability to co-operate can carry significant legal weight. The court considers not only what has happened in the past, but also how the parents conduct themselves during the dispute itself.

The decisive question is therefore rarely who is angriest or most convinced that they are right. Rather, it is who is best able to protect the child from the conflict and provide a secure, stable arrangement that can be sustained in the long term. In practice, this is often what determines the outcome of custody cases.

What is the first step if you are facing a child custody dispute?

If you are facing a child custody dispute, the first practical step is often to contact the family law service in the municipality where your child is registered as resident or where your family has its main connections.

Contact the municipal family law service – but not in the heat of the moment

The municipal family law service deals with questions of custody, residence and contact before any court proceedings begin. These concern legal responsibility for your child, where your child lives and their contact with a parent.

Our advice as a law firm is not to contact the family law service in the heat of the moment. Do not call in a panic and simply describe everything the other parent is doing wrong. Your first conversation should be calm, factual and clear: explain that there is a conflict concerning your child and that you would like help with questions of custody, residence or contact. Even at this stage, it is important to come across as focused on your child, not on the conflict.

Co-operation talks

The family law service can provide information about co-operation talks, in which you and the other parent receive support to try to find a solution without going to court. The talks may cover where your child should live, contact arrangements, how handovers should work and how you should communicate with each other about your child.

If you and the other parent reach agreement, the family law service can help draw up an agreement which, once approved by the family law service, becomes legally binding in the same way as a judgment.

The requirement to attend an information meeting

Since 1 March 2022, in many situations you must attend an information meeting with the municipality before a court can hear a dispute about custody, residence or contact. The purpose is to give you and the other parent information about the process and an opportunity to resolve the conflict without going straight to the district court.

The first meeting is not a trial

Your meeting with the family law service is not a place to 'win' against the other parent. It is an opportunity to show that you want to find a solution that keeps your child safe and secure. If you approach the meeting calmly, communicate clearly and focus on your child's needs, you will often make a much better impression than if you simply attack the other parent.

How to prepare

Prepare a clear and specific account of your child's situation:

- What is not working?
- How is your child affected?
- What specific problems are there with collection, drop-off, living arrangements, schooling, communication or contact?
- What actual events can you describe, rather than making general statements such as 'the other parent is impossible'?

The first step also has strategic importance

How you express yourself at the outset can affect how you are perceived later. Talk about your child's security, stability and needs. Avoid exaggeration, a threatening tone and emotional attacks. Even if the situation is difficult, you must show that you can act maturely and responsibly.

If the talks do not lead to a solution

If the co-operation talks do not lead to a solution, you can take the matter to the district court by filing an application for a summons, which starts court proceedings, unless the issues are already being dealt with, for example in ongoing divorce proceedings.

Contact with the family law service often marks the beginning of the whole process. This is where the conflict first starts to be documented, where it becomes apparent whether you and the other parent can co-operate, and where the first professional assessment is often made of whether the issues can be resolved by agreement. You should therefore take your dealings with the family law service very seriously: if you demonstrate an organised, calm and child-focused approach from the outset, you will often be in a stronger position throughout the process.

Application for a summons – when co-operation talks lead nowhere

When co-operation talks with the municipal family law service do not lead to a solution, the situation enters a new phase. Often, only one option remains: asking the district court to decide questions of custody, where your child should live or contact arrangements.

An emotionally demanding step

I usually explain to clients that this is one of the most emotionally demanding steps in the whole process. Many feel anxious, stressed and uncertain. At the same time, it is important to understand that the court is not there to 'punish' either parent. The court's task is to find the solution that is in the child's best interests in the long term.

Application for a summons

The process begins with an application for a summons being filed with the district court. In it, you explain what you want the court to order and why – for example, sole custody, meaning sole legal responsibility for your child, an order that your child should live with you on a settled basis, or clearer contact arrangements.

What matters is not just the order you seek, but how you describe the situation and how clearly you can explain why your proposed solution is best for your child. Many people believe that the process is about showing how bad the other parent is. However, the court focuses primarily on the child's circumstances and the parents' ability to put the child's needs ahead of their conflict. How you come across is therefore often more important than how much criticism you direct at the other party.

The application is then sent to the other parent, who has an opportunity to respond. This gives the court its first picture of the family, the child and the level of conflict.

Preparatory hearing

The district court will then usually call a preparatory hearing – often the first time both parents meet in court. This is not normally the final hearing itself. Its purpose is to help the judge understand the situation and explore whether a solution can be found without a final hearing.

This hearing often matters more than many people realise. The judge also observes how the parents behave:

- How do they communicate?
- Can they control their emotions?
- Do they focus on the child or on their conflict with each other?

Interim orders

In connection with the preparatory hearing, the court may make temporary orders, known as interim orders, setting out the arrangements to apply while the proceedings are ongoing – for example, where your child should live for the time being or what contact arrangements should be in place. Although these orders are temporary, they often have a significant impact because they govern your child's everyday life over a long period.

The custody investigation

If the conflict is extensive, the court will often order a custody investigation, which is often the most decisive part of the process. The investigators speak to both parents, the child and sometimes staff at the child's school or nursery, child and adolescent mental health services (BUP), or other people involved in the child's life.

The investigators often pay more attention to how the parents themselves cope under pressure than to what they say about each other: can they co-operate, protect the child from the conflict and provide security despite the situation? Once the investigation is complete, the municipal family law service submits a report with a recommendation. The court is not obliged to follow it, but it usually carries considerable weight.

Final hearing and judgment

If the parents still cannot agree, the case proceeds to a final hearing – the trial itself. Both parties, witnesses and sometimes other people involved in the child's life give evidence. The court then makes its decision.

An overall assessment

Custody cases are rarely decided on the basis of a single incident. The court almost always makes an overall assessment of who can provide the greatest security, who is best able to co-operate over matters concerning the child, and whether there is a risk of harm to the child.

A custody dispute is therefore not just about the law. It is also about self-control and your ability to put your child's needs first, even when the situation is very difficult.

The preliminary hearing in court

The preliminary hearing is often one of the most significant stages in a custody dispute. This is where the court meets the parties for the first time and begins to form a view of the dispute, the child's circumstances and any issues that need urgent attention.

Not a final hearing – but take it very seriously

I usually explain to clients that the preliminary hearing is not a final hearing, but that it should still be taken very seriously. This is often where the judge forms their first impression of the parents. How you express yourself, how you respond to the other party's statements and how clearly you keep the focus on your child can influence the court's view of your parenting ability, willingness to cooperate and credibility.

By the time the parties come to court, there are already two accounts of the dispute: the application that started the proceedings and the response to it. The judge tries to understand what the dispute is really about – custody, meaning legal responsibility for the child, residence, contact, risks to the child, or mainly poor communication and mistrust.

The orders you are seeking – what you want and why

The court will often go through the orders each party is seeking, such as sole custody, alternating residence with each parent, living primarily with one parent or a particular contact schedule. The court listens not only to what you want, but also to why you want it. If you can explain your request in terms of your child's needs, you are often in a stronger position than if you describe your own frustration.

Efforts to reach agreement

A central aim is to explore whether the parties can reach agreement. The judge will often try to help you find common ground, for example on contact, collection and drop-off arrangements, holidays, school or communication. Sometimes an agreement is reached at this stage. In more contentious cases, this is not possible, and the question then becomes whether the court needs to make an interim order.

What is an application for an interim order?

An application for an interim order is a request for a temporary order that applies while the custody dispute is ongoing. As custody proceedings can take a long time, your child will often need workable arrangements before the final judgment. The court can make temporary orders about who your child should live with, what contact should take place or whether one parent should temporarily have sole custody.

An interim order is not the final judgment, but it can have considerable significance. If your child lives under a particular arrangement for a long time, this may influence how the court later views stability and continuity.

How to frame your application for an interim order

It is not enough to say that your child should live with you 'for the time being'. You must be able to explain why that particular arrangement offers your child the greatest security, practicality and stability here and now.

If you have concerns about your child's safety and security, you should describe them clearly and factually. These may involve:

- Serious difficulties in cooperating
- Obstruction of contact
- Psychological effects on the child
- Violence, threats, substance misuse or other risk factors

Credibility is crucial

Be careful not to exaggerate. Courts are familiar with intense disputes and often notice when an account is overstated without adequate support.

When making an interim order, the court carries out a more limited assessment than when giving its final judgment – the investigation is not yet complete, and not all the evidence may have been presented. The judge decides on the basis of what is presented at that point. Your conduct therefore matters a great deal: if you remain calm, clear and focused on your child, you will often be seen as more credible than if you interrupt, react aggressively or spend your time attacking the other parent.

Interim orders on contact and custody

If your child is not being allowed to see one parent, or if contact arrangements are unclear and contentious, the court can set a specific schedule covering particular days, weekends, school holidays and collection and drop-off times. Where there are concerns, the court may instead order a more cautious arrangement, such as gradually increasing contact or arranging contact with support.

The court is often cautious about changing custody on an interim basis without strong reasons. Joint custody is a common starting point, but if important decisions cannot be made or there are risks, temporary sole custody may be considered. Your child's best interests are the deciding factor, not your need for control or vindication.

Not a way to 'win the first round'

A common mistake is to view applications for interim orders as a way to make a point against the other parent. They should be used when your child needs workable, clear and safe arrangements during the proceedings. The court often recognises the difference between an application focused on the child and one focused on the conflict.

What happens afterwards?

After the preliminary hearing, the court may approve an agreement or make an interim order – sometimes immediately, sometimes in writing shortly afterwards. The proceedings then continue, for example with the court requesting information from the family law service, ordering a custody investigation or listing a further preliminary hearing.

My advice before the preliminary hearing

Come prepared, stay calm and, when you have the opportunity, talk about your child. Not about your anger, your disappointment or your need to defeat the other parent. Talk about your child's daily life, security and needs, and why your proposed arrangement is best for them. That is how you build credibility in a custody dispute.

Orders sought in a child custody dispute

Once proceedings have reached the district court, the next major question is which orders you should ask the court to make. In practice, these requests set the scope of what the court will consider.

What does it mean to seek an order?

You may enter a child custody dispute feeling that “I want justice” or “I want to protect my child”. In court, these wishes must be translated into specific requests for legal orders.

Put simply, seeking an order means asking the court to make a particular decision – not merely describing the problem, but clearly stating the solution you want the court to order. The court primarily considers three areas: custody, meaning legal responsibility for your child; residence, meaning where your child lives; and contact.

Seeking sole custody

Joint custody is the starting point under Swedish law. However, if cooperation has seriously broken down, or there are risk factors affecting your child, you can seek sole custody. This is not about “winning” your child or excluding the other parent, but about whether joint custody works in practice and whether the conflict adversely affects your child.

You may feel that all communication has broken down, for example through:

- Recurring disputes about schooling or healthcare
- Difficulty contacting the other parent
- Controlling behaviour
- Obstruction of contact
- Situations in which your child is caught in the middle of the conflict

Seeking residence orders

Even where custody is joint, your child needs settled living arrangements. You can ask the court to order that your child should live mainly with you and have contact with the other parent. Sometimes both parents seek shared residence, with the child living alternately with each parent.

Shared residence is not automatically considered best simply because you both want to be involved. The court considers your child's age, the distance between your homes, communication between you as parents, and whether the arrangements offer stability and predictability. Where the level of conflict is very high, your child may need one main home.

Seeking contact orders

In law, contact is regarded as your child's right – not yours as a parent. If contact is not working, you can seek an order setting out clear arrangements, with fixed days, times and handovers. If there are concerns about your child's safety and security, it may be appropriate to seek more limited

arrangements, such as contact with a designated support person present or a gradual increase in contact.

Seeking more orders and greater restrictions does not strengthen your position

Your request must appear reasonable, carefully considered and focused on your child. Asking the court to exclude the other parent entirely without strong reasons risks being seen as confrontational. The court considers not only what you are asking for, but also why, and how well it meets your child's needs.

Seeking interim orders

Requests are also often made for interim orders: temporary decisions about matters such as residence or contact while proceedings are ongoing. These can be significant because they affect your child's daily life for a considerable time before judgment is given.

A well-considered request reflects a focus on your child

The court seeks to understand the dynamics behind your requests: are you trying to create stability for your child, or are your requests driven by control, anger or conflict? A well-considered request is therefore not only legally sound – it also reflects maturity, a focus on your child and long-term stability.

Application for sole custody

An application for sole custody is one of the most far-reaching applications you can make in a custody dispute. It should never be seen as a way to 'win' against the other parent – it must be based on your child's need for security, stability and appropriate care.

Joint custody is the starting point

Swedish family law is based on the principle that, in most cases, children benefit most when both parents are involved in important decisions. The court therefore normally requires more than ordinary disagreements or poor communication before awarding sole custody – legal responsibility for the child held by one parent alone. Many separated parents go through periods when they find it difficult to cooperate without joint custody having to end.

When cooperation has broken down

Sole custody often becomes an option when cooperation over the child has effectively broken down altogether, with recurring, serious conflicts over everyday life, schooling, healthcare or other important decisions. In some cases, months pass without the parents being able to make a single joint decision, leaving the child at risk of living with constant instability and stress.

Risk factors

Sole custody may also become an option where there are various risk factors. The court then carries out a risk assessment to determine whether joint custody is compatible with the child's best interests. These factors may include:

- Violence or threats
- Substance misuse
- Mental ill health
- Serious difficulties cooperating
- The child being adversely affected by the other parent's behaviour

Credibility and specific circumstances

The court does not automatically award sole custody because one parent makes serious allegations. General claims that the other parent is 'difficult', 'manipulative' or 'impossible to cooperate with' are rarely enough. You need to be able to demonstrate specific circumstances and a clear pattern over time – and how the conflicts actually affect your child.

The court looks at everyday life: can you and the other parent communicate, make joint decisions and protect your child from the conflict – or is your child being used as part of that conflict?

What sole custody actually means

Sole custody does not mean that the other parent automatically loses contact with the child. Many children continue to have substantial contact with their other parent. The issue is who should have

primary legal responsibility and be able to make important decisions when cooperation is not working. Courts are generally cautious about bringing joint custody to an end. You will often need to show that joint custody is actually harming your child or creating such an unstable situation that your child's needs cannot be met.

Your own conduct during the proceedings

The court also observes how you and the other parent conduct yourselves during the dispute itself. If you come across as aggressive, confrontational or controlling, you may weaken your position, even if you have good reasons to feel frustrated. By contrast, taking a calm, organised and child-focused approach strengthens your credibility.

An application for sole custody must therefore be carefully considered from both a legal and a strategic perspective. What carries the most weight is not who describes the other parent most negatively, but who can best provide security, stability and lasting calm for the child.

Contact – the child's right to a relationship with both parents

Contact is one of the most sensitive areas of family law. As a parent, you may focus on your own rights and feelings, but the starting point in Swedish family law is that contact is primarily your child's right – not yours.

The child's needs come first

The court always starts with what your child needs for their well-being and secure development over the long term. In the vast majority of cases, children need close, functioning relationships with both parents, even after separation. Courts and municipal family law services therefore normally try to find arrangements that maintain the child's contact with both parents, provided this is consistent with the child's best interests.

Why contact disputes arise

Many contact disputes arise when parents can no longer work together. You may feel that contact is being restricted or obstructed, while the other parent may be concerned about your child's safety and security. Often, the conflict is really about the relationship between the adults and the difficulty of separating it from the child's needs.

For one parent, limited contact can feel like losing their child; for the other, anxiety or mistrust can create a sense that the child needs protection. The child then finds themselves caught between two adults who are both convinced that they are doing the right thing.

No standard solution

Contact arrangements must be tailored to your child's age, maturity, relationship with each parent and particular circumstances. In some families, extensive contact works well, for example several days a week and every other weekend, or alternating residence, where the child lives with each parent in turn. However, this often requires you and the other parent to communicate reasonably well and protect your child from conflict.

Clear schedules in high-conflict situations

Where conflict is high, contact arrangements are often set out in greater detail to reduce the risk of further disputes, for example:

- Exact collection and drop-off times
- How school holidays and festive occasions are divided
- How you and the other parent should communicate about your child

Obstruction of contact

Obstruction of contact occurs when a parent, consciously or unconsciously, undermines the child's relationship with the other parent – through direct barriers or more subtle influence that makes the

child feel anxious, guilty or resistant to contact. Courts take this seriously because it can expose the child to intense conflicts of loyalty. One of the most important questions in many cases is which parent is best able to support the child's relationship with the other parent.

When contact needs to be restricted

Sometimes contact needs to be restricted or adapted because of risks, such as violence, threats, substance misuse or mental ill health. The court may then order supervised contact or contact with the assistance of a support person, or direct that contact be built up gradually if it has been limited for a long time.

The court almost always seeks a balance: clear reasons are usually required to stop contact altogether, but your child's safety and security must never be put at risk.

Stability and self-control carry considerable weight

The court does not look at who 'wants it most' or expresses the strongest emotions, but at stability and self-control: how you and the other parent communicate, how you handle conflict, and whether you protect your child from adult problems or draw them in through comments, influence or pressure to take sides. A parent who comes across as calm, willing to cooperate and focused on the child is often seen as more credible.

Contact arrangements may need to change over time

Children change, needs change and relationships develop. Contact arrangements that work for a young child are not always right for an older child, and you may need to adjust them. At its heart, contact is about your child's right to security, stability and functioning relationships.

Applying for your child to live primarily with a particular parent

An application for primary residence is one of the most important applications in a custody dispute. It is not simply about where your child spends most nights, but about where they have their main everyday base and a stable point in their life.

Custody and residence are two different things

You and the other parent may have joint custody, while your child still lives primarily with one of you. Custody concerns legal responsibility and important decisions. Residence concerns your child's day-to-day life.

The parent with whom your child lives often takes greater responsibility for the structure of daily life. This does not affect responsibility under the custody arrangements, but everyday life is mainly organised from that home. The question of residence can therefore be very important even where custody remains joint.

Where will everyday life work best for your child?

The court looks above all at your child's need for stability, continuity and security. This includes school, nursery, routines, social networks, leisure activities, sleep and the emotional environment at home.

An application of this kind often arises when both parents want their child to live with them, or when an arrangement is already working but one parent wants to change it. The court then assesses whether a change really would be best, or whether your child's need for continuity supports keeping the existing arrangement.

Love is not a legal ground

It is not enough to want your child to live with you because you love them or believe the other parent has done something wrong. The court wants to see why that particular living arrangement is best for your child. You need to be able to describe daily life in concrete terms:

- What are the routines?
- Who takes responsibility for school, nursery, homework, medical appointments and leisure activities?
- Who makes sure your child arrives on time, is well and has structure in their life?
- How is your child affected by the conflict – and is there a risk of stress or insecurity if their living arrangements become unstable?

Attachment and continuity

If your child has long had their main everyday base with one parent, attended school from that home and had their routines there, this can carry considerable weight. Children need predictability. That does not mean the other parent is less important, but living arrangements should often not be

changed without strong reasons.

Primary residence is not a way of excluding the other parent either. Your child can have extensive contact with the other parent, and clear arrangements often reduce conflict.

Primary residence or shared residence?

Shared residence, where your child alternates between your homes, can work very well when you and the other parent live near each other, can cooperate, have similar routines and your child can manage having two homes. Where there is a high level of conflict, considerable distance between homes or poor communication, it can instead become a burden, and living primarily with one parent may provide greater calm.

Children can do well in both parents' homes. The real question is which arrangement best meets your child's needs over time.

Your child's age and wishes

Younger children often have a greater need for clear routines and continuity. Older children are better able to express their wishes and manage more flexible arrangements. Your child's wishes are nevertheless assessed carefully – the court considers their age, maturity and whether their views appear to be independent or influenced by the conflict.

Common mistakes in residence disputes

A common mistake is to focus on fairness between adults – arguing that your child should live with each of you for an equal amount of time because you are both parents. The court's starting point is not exact equality, but your child's best interests.

Another mistake is to attack the other parent without showing how their conduct affects your child. A strong application concerning residence rests on a clear analysis of your child's everyday life and needs, and why the proposed arrangement provides the greatest security. It should be driven by your child's need for calm and stability – not by pride.

The role of family law services in custody disputes

If you become involved in a custody dispute, you may not realise how central the municipal family law service is throughout the process. It is often the first professional service to examine your family's circumstances and your child's daily life.

More than “a few meetings at the council”

The family law service helps parents with questions of custody, residence and contact – parental responsibility, where a child lives and their contact with the other parent. Its role is not to take sides or decide who is the better parent, but to find solutions consistent with the child's best interests.

You may think you need to convince the family law service how bad the other parent is. However, its main focus is on your child's wellbeing, how you both manage matters concerning your child, and how much security and stability your child has in everyday life.

Cooperation talks before court proceedings

The first step is usually cooperation talks, where you and the other parent receive help to find solutions without going to court: where your child will live, how contact will work and how you will communicate in future. Sometimes this succeeds. In more entrenched disputes, it is often not enough, and the family law service then becomes an important part of the court proceedings that follow.

The preliminary report ahead of the preparatory hearing

When the dispute reaches the district court, the court often requests a preliminary report, sometimes called an expedited information report, ahead of the preparatory hearing. This is the family law service's initial, provisional assessment, as the judge may need to make interim decisions about residence or contact before a more extensive investigation can be completed.

The preliminary report is not a full custody investigation. The family law service has limited time and seeks to establish an initial picture of your child's circumstances, the level of conflict and any clear risk factors. Sometimes it holds brief discussions with the parents; in other cases, the report is based mainly on checks of official records and existing documentation. For example, the family law service may check:

- Whether the family has previously been involved with social services
- Whether there have been previous investigations
- Whether there are concerns about the child
- Other documentation the court needs to know about before making interim decisions

First impressions matter

The court often places considerable weight on these early assessments. It is therefore important that you remain calm, organised and focused on your child from the outset. If you behave aggressively or mainly attack the other parent, you risk creating a negative first impression.

This does not mean you should avoid describing problems or concerns: serious matters are important to raise. However, how you raise them matters. The family law service can often quickly distinguish between genuine, fact-based concerns about your child and conflict purely between adults.

The custody, residence and contact investigation

If the case continues after the preparatory hearing, the family law service is often given a wider remit through a custody, residence and contact investigation (known in Swedish as a VBU), which examines your family's circumstances in considerably greater depth. However, the preliminary report is often the first material the court uses to make interim decisions.

Take your dealings with the family law service very seriously

Many custody cases begin to take shape at an early stage, when the court forms its first impression of which parent appears most stable, willing to cooperate and focused on the child's security. The material provided by the family law service then influences interim decisions, investigations and, ultimately, the court's assessment. How you conduct yourself in your dealings with the service can affect the entire process well into the future.

The family law service's child custody assessment – how does it work?

A child custody assessment, known in Sweden as a VBU, is the municipal family law service's most comprehensive task in a custody dispute. Its purpose is not to help one parent win, but to give the court the clearest possible picture of what is in the child's best interests.

The instruction from the district court

The assessment begins when the family law service receives instructions from the district court. These set out which issues the court wants investigated: custody (legal responsibility for the child), residence, contact, or all three. The family law service then plans how to conduct the assessment and who needs to be interviewed.

Interviews with parents

As a parent, you will normally be invited to individual interviews to describe your view of your child, the conflict and the other parent's ability to care for the child. The family law service listens not only to what you say, but also to how you express yourself.

The child's everyday life and interviews with the child

The family law service tries to understand the reality of your child's life: where your child lives, their routines, how they are getting on at school or nursery, their wellbeing and their relationship with each parent.

If your child is of sufficient age and maturity, they will be interviewed. Your child should not have to choose between their parents. The assessors try to establish whether your child feels secure, stressed, under pressure or caught between loyalties, and whether they appear to be influenced by either parent.

Information from others and home visits

The family law service often contacts people and services involved in your child's life, such as their school or nursery, child and adolescent mental health services (BUP), or social services. What a parent says may be coloured by the conflict, so information from external sources is often important.

Home visits are also usual. The family law service is not looking for a perfect home, but for a secure environment for your child, with structure and a workable daily routine.

Ability to care for the child and cooperate

Throughout the assessment, your ability to care for your child is assessed:

- Can you provide a sense of security?
- Can you put your child's needs before your own conflict?

- Can you cooperate on matters concerning your child?
- Can you protect your child from adults' problems?

Cooperation and risk assessment

Joint custody requires you and the other parent to be able to make important decisions together. Ordinary irritation or difficulties communicating do not always count against joint custody: the conflict must actually affect your child and important decisions.

Where there are reports of violence, threats, substance misuse, mental ill health, manipulation or deliberate obstruction of contact, a risk assessment is carried out to establish whether your child is at risk of harm. Allegations carry greater weight if supported by documentation, previous reports to the authorities, clinical records, messages or other concrete circumstances.

Analysis and report

Once the information has been gathered, the family law service considers your child's needs, each parent's abilities, relationships, risk, stability and ability to cooperate, and makes a professional assessment. It then prepares a report for the district court with a recommendation, for example on joint or sole custody, living primarily with one parent or alternately with both, or specific contact arrangements.

The court is not formally bound by the recommendation, but in practice a child custody assessment often carries considerable weight.

Putting yourself in the strongest position

You do not win a child custody assessment by speaking as negatively as possible about the other parent. The parent in the strongest position is often the one who comes across as stable, credible, focused on the child and capable of protecting the child from the conflict.

The family law service has completed its assessment – what happens next?

Once the local authority's family law service has completed its assessment, it sends the report to the district court. This is often a crucial moment, as the court now receives the service's full assessment of your child's circumstances and each parent's ability to care for them.

The assessment carries considerable weight

The court does not have to follow the family law service's recommendation, but its custody assessment often carries considerable weight because the service has worked with your family over an extended period and analysed the situation in depth. Many cases begin to take a clear direction at this stage.

Reading and reviewing the assessment report

You, the other parent and your legal representatives can read all the material: assessments of your child's sense of security, your ability to cooperate as parents, your child's relationship with each of you, any risk factors, and the recommendation on custody, residence and contact. Here, custody means legal responsibility for your child, residence concerns where your child lives, and contact concerns time spent or communication with the other parent. For many parents, this is an emotionally difficult part of the process.

Your legal representative examines the report in detail. Are there shortcomings, overlooked circumstances, inaccuracies or contradictions? If the family law service has formed an inaccurate picture, it may be important to explain to the court why certain parts should be questioned or qualified.

The final statement of evidence

The next step is the final statement of evidence, in which you and the other parent specify the evidence you intend to rely on at the final hearing, which witnesses are to give evidence and what they are expected to say. This may include:

- Text messages and emails
- Records relating to contact
- Information from your child's school or healthcare providers
- Records from social services
- Other information showing how your child is affected

The right evidence – not the most evidence

The court is rarely impressed by large, disorganised volumes of material documenting conflict. What carries the most weight is clear, relevant and credible evidence that helps the court understand your child's circumstances: how your child is affected, how you and the other parent behave during

conflict, and which of you can provide the greatest sense of security over time.

The final hearing and judgment

Once the final statement of evidence has been filed, preparation of the case is essentially complete. By then, the court has reviewed the application commencing proceedings, heard from you and the other parent at a preliminary hearing, received the family law service's initial report, read the custody assessment report and seen the evidence relied on. The final hearing then takes place, and only afterwards does the court decide on custody, residence and contact.

Your case is built step by step

Custody cases are rarely decided in a single dramatic day in court. Every meeting, document, conversation and step taken during the proceedings can affect how the court views your child's circumstances. Ultimately, the question is almost always the same: which arrangement offers your child the greatest stability, sense of security and long-term safety?

The child's best interests – how does the court approach them?

The entire custody process centres on one legal concept: the child's best interests. Many people use this expression without understanding how the court actually approaches it in practice.

It is not about who loves the child most

The child's best interests are not about which parent loves the child most, has spent the most time with the child or has the strongest feelings. The court seeks to understand which arrangement will give the child the greatest security, stability and lasting sense of calm – not just now, but in the future. The judge continually shifts the focus from the conflict between the adults to the child's actual needs.

Security and stability

Can the child have a stable daily life with routines that work? Can the child live without constantly being drawn into their parents' conflicts? Children need calm and predictability, which is why stability often carries considerable weight.

The ability to co-operate

Joint custody – shared legal responsibility for the child – depends on parents being able to make important decisions together. The court does not require a perfect relationship: many parents find it difficult to co-operate at times. What matters is whether the conflict affects the child and whether you, as parents, can put your child's needs before your own conflict.

The court also pays attention to which parent supports the child's relationship with the other parent. A parent who shields the child from the conflict is often seen as more focused on the child than one who is driven by a need for control.

Risk

Is there a risk of harm to the child, for example through violence, threats, substance misuse or mental ill health? Risk is not limited to physical violence: psychological strain and prolonged conflicts of loyalty can also be significant.

The child's wishes

The child's wishes form part of the assessment, increasingly so as the child gets older, but they are never the only factor. The court assesses the child's maturity and whether their views appear to be independently formed or influenced by others. When a child expresses strong feelings against a parent, the court and the municipal family law service try to understand why: the child's own experiences, influence from others or a conflict of loyalty.

How parents behave during proceedings

Throughout the proceedings, the court observes how you, as parents, handle conflict: can you control your emotions, communicate objectively and protect your child, or do you draw your child into the conflict? Aggressive text messages, threatening communications, manipulation or attempts to influence the child can therefore carry considerable weight.

The central issue in custody proceedings

The child's best interests are rarely about who is 'perfect'. In many cases, both parents love their child. The question that often underlies everything else is: which parent is best able to put the child's needs before their own conflict?

What can you submit as evidence in a child custody dispute?

In a child custody dispute, you do not 'prove' guilt as you would in a criminal case. The court assesses all the circumstances to determine what is in your child's best interests. The range of material that counts as evidence is broader than many people think – but not all evidence carries the same weight.

Written communication between parents

Text messages, emails and messages sent through apps often become central to the case because they show how you and the other parent actually communicate. The court considers whether there is a willingness to co-operate, or whether the communication is characterised by conflict, accusations or obstacles to contact with your child. Often, this communication reveals more about parenting capacity than what either party says in court.

Witnesses

Witness evidence can be relevant, but the court treats evidence from witnesses with close ties to either party with caution. Evidence from independent people, such as school staff or professionals providing treatment, may carry greater weight.

Records of everyday life

Records showing how contact with your child has worked over time, patterns of missed collections or drop-offs, and how responsibilities have been shared in practice are used to assess stability and the ability to care for your child – rather than focusing on isolated incidents.

Recordings, images and medical evidence

Recordings, images and other technical evidence are always assessed with caution, as the court considers the context surrounding the material. Medical evidence, for example from BUP (Sweden's child and adolescent psychiatric services) or other healthcare providers, can be particularly important where it concerns your child's wellbeing and needs.

Your child's own account

Your child's wishes may be taken into account, but they are never the sole deciding factor. The court assesses whether your child's views are free from influence and whether your child is mature enough to understand the situation.

The overall picture is decisive

What matters is rarely a single piece of evidence, but the overall picture: patterns over time, how well you and the other parent co-operate, how stable your child's everyday life is, and which arrangement will give your child security in the long term.

Psychological aspects of a child custody dispute

We have written about the legal aspects of child custody disputes, but there is very little discussion of their psychological aspects. Here, I share my experience with you.

Conflict affects a child's sense of security

When parents become involved in prolonged conflict, the child is almost always affected psychologically, even when the parents believe that the child “does not notice anything”. Children are extremely sensitive to moods, tensions and shifting loyalties within the family. In many child custody disputes, it is not the separation itself that harms the child most, but the continuing conflict afterwards.

From a psychological perspective, children need stability, predictability and emotional security. When two parents are in constant conflict, the child often experiences chronic stress. This may manifest itself as worry, difficulty sleeping, problems concentrating at school or changes in behaviour at home.

Some children become disruptive and angry, while others become quiet and withdrawn, trying to “disappear” so as not to cause further problems. Many children also develop excessive vigilance, constantly trying to read their parents' moods to avoid the next conflict. Psychologically, this means that the child begins to live in a constant state of alert.

Children take responsibility for adults' conflict

Courts and family law services often see children taking on responsibilities that properly belong to adults. Children try to mediate between their parents, comfort an upset mother or father, or say what they think a parent wants to hear in order to reduce conflict.

This is a heavy psychological burden for a child to bear. In the long term, it can affect their self-esteem, their sense of security in relationships and the development of their own identity.

When a child distances themselves from a parent

One much-debated area in child custody disputes is what is commonly called “parental alienation”. This concerns situations where a child gradually distances themselves from one parent and there is a suspicion that the other parent has consciously or unconsciously influenced the child's views.

The research is complex and sometimes controversial, but there is broad agreement that children can be strongly influenced by negative messages about the other parent. Psychologically, children often identify with the parent on whom they feel most emotionally dependent. If a child feels that love or security depends on distancing themselves from the other parent, they may begin to adapt their feelings accordingly.

At the same time, it is important to understand that not every situation in which a child does not want to see a parent involves manipulation. In some cases, the child's resistance stems from genuine experiences. This therefore remains one of the most difficult areas, both psychologically and legally. Courts often seek to understand why the child reacts as they do, and whether the child's views are independently held or influenced by the conflict around them.

Children need to be shielded from the details of the conflict

How you speak to your child during a custody dispute is also crucial. Many parents make the mistake of speaking to their child as though the child were an adult party to the conflict. They share details of legal proceedings, finances or allegations against the other parent.

Psychologically, this places an enormous burden on the child, who is not emotionally equipped to process that kind of information. Children do not need to know the details of adults' conflict. They need to feel that they are allowed to be children.

Conflicts of loyalty create internal stress

Children fare best when they do not have to take sides between their parents. When a child feels that loving one parent threatens their relationship with the other, this creates what is known as a conflict of loyalty. It causes the child very intense internal stress.

Many children then try to adapt by telling each parent different things to avoid conflict. From the outside, it may sometimes appear that the child is "lying", but psychologically this is often a survival strategy. The child is trying to protect their relationship with both parents at the same time.

When a child takes on adult roles

In practice, some children also begin to take on adult roles within the family. They try to calm a parent, keep things in order at home or take responsibility for younger siblings.

This is sometimes called parentification: the child is emotionally forced to become more grown-up than they are ready to be. On the surface, the child may seem mature and strong, but beneath the surface there is often stress, guilt and emotional exhaustion.

Signs that a child is struggling

There are also clear signs that a child is beginning to struggle during a custody dispute. In some cases, the child begins to express intense guilt and feels responsible for the conflict between their parents. It is particularly serious when children begin to believe that they must "resolve" the situation themselves so that the family can function.

- Stomach aches before contact with a parent or going to school.
- Sleep problems, anxiety or sudden mood swings.
- Loss of concentration at school.
- Social isolation.
- Intense guilt and a sense of responsibility for the conflict.

The child's best interests in the legal assessment

From a legal perspective, the psychological circumstances are highly significant because a child custody dispute is governed by the principle of the child's best interests. The court therefore considers not only practical issues, such as living arrangements and schedules, but also the child's emotional security, attachment and mental health.

A parent who actively worsens the conflict or places the child in conflicts of loyalty may therefore be considered less suitable as a carer, even where there is no physical danger to the child.

The right to love both parents

The most important consideration, from both a psychological and a legal perspective, is that the child retains the right to love both parents without guilt, fear or pressure. This is often where the greatest harm arises in child custody disputes: when the child feels that loving one parent means betraying the other.

The child's role in a custody dispute

Your child's role in a custody dispute is greater than you might think, but not in the way often described on social media or among parents in conflict. A common misconception is that children can "decide for themselves" once they reach a certain age. That is not how the law actually works.

The child's best interests are the starting point

Swedish family law is based on the principle of the child's best interests under the Swedish Children and Parents Code. This means that the court must always start with what is best for your child, rather than what feels fairest to you as parents. Your child's wishes are an important factor in that assessment, but never the sole determining factor.

Age and maturity affect the child's influence

There is therefore no fixed age in Swedish law at which your child suddenly gains the right to decide matters of custody, residence or contact for themselves. However, the older and more mature your child is, the greater the weight given to their views. In practice, an older child's wishes can carry considerable weight, particularly if the child appears independent and consistent in their views. Even then, however, it is still the court that makes the decision.

In practice, younger children's wishes are often assessed more cautiously because young children are more susceptible to emotional influence. Children often want to protect their parents and may say what they think a parent needs to hear. The court therefore tries to understand not only what your child says, but why they say it.

As children grow older, particularly during their teenage years, their own wishes become harder to disregard. In practice, it can be very difficult to compel a fifteen- or sixteen-year-old to comply with particular living or contact arrangements if they strongly object. Courts recognise that older teenagers have a developed sense of identity and a greater need for autonomy. However, this does not mean that the court automatically accepts everything your child says. If there is a suspicion of strong influence from a parent, or if the child's resistance is not considered to be based on their own experiences, a more detailed assessment is made.

The child's conflict of loyalties

An important psychological aspect is that children involved in custody disputes almost always experience a conflict of loyalties, even when they do not understand it themselves. Children generally love both parents and do not want to hurt either of them. As a result, they often adapt what they say to the situation. A child may say one thing to their mother, another to their father and something entirely different to the local authority's family law service. This does not necessarily mean that the child is lying. Often, the child is simply trying to cope with an emotionally stressful situation.

This is also why courts are cautious about placing too much responsibility on your child. Your child should not have to feel personally responsible for "rejecting" a parent. Feeling that their words could change the entire family situation places a very heavy psychological burden on a child.

Conversations and an overall assessment

During custody investigations, the local authority's family law service therefore seeks to arrange conversations in which your child can express themselves freely without feeling under pressure. The approach depends on your child's age and maturity. Young children often express themselves through play, stories or indirect signals, while older children can have more direct conversations about their feelings and wishes.

This involves an overall assessment. The court considers not only what your child says, but also:

- Your child's relationship with both parents.
- Your child's mental wellbeing.
- The stability of your child's everyday life.
- Whether there is a risk of harm to your child.

When the child does not want contact

The situation is particularly complex when it comes to contact, meaning the child's arrangements for seeing or otherwise keeping in touch with a parent. Many people believe that you can "force" your child to see the other parent, but in practice this is difficult, particularly with older children. Swedish law does not envisage children being forcibly collected except in the most extreme circumstances. The court can order contact, but if an older child consistently refuses, it is often difficult to put those arrangements into practice.

The reason for the refusal becomes central here. If your child does not want to see a parent because of fear, previous conflicts or negative experiences, the situation is assessed differently from one in which influence by the other parent is suspected. This is why courts and those conducting custody investigations try to understand the dynamics behind your child's resistance.

The child's right to be heard

Another important aspect is your child's right to be heard under both Swedish law and the UN Convention on the Rights of the Child, which has been incorporated into Swedish law since 2020. Children have the right to express their views on matters affecting them, and those views must be given weight according to their age and maturity. However, children are not responsible for the decision. That is an important distinction.

Your responsibility as parents to protect your child

In some custody disputes, the child also begins to identify strongly with one parent's feelings. Your child may feel a need to protect a sad or hurt parent and may then begin to distance themselves from the other parent to reduce conflict at home. This sometimes happens entirely unconsciously and is one reason why children's statements must always be analysed carefully.

Courts therefore pay close attention to each parent's ability to protect the child from the conflict. If you actively involve your child in the conflict between adults, you may be assessed as less suitable in terms of your ability to care for your child, because this puts your child at risk of psychological strain and a conflict of loyalties.

Your child should be allowed to be a child

The most important point to understand is that your child's voice matters, but your child should never bear responsibility for the outcome. The underlying purpose of the whole system is to allow your child to be a child, even when you as parents are facing one of the most difficult conflicts of your lives.

Calling witnesses in a custody dispute? What should you consider?

When witnesses give evidence in a custody dispute, the aim is not to gather people who feel sorry for one parent or can say that one party is “a good mother” or “a good father”. From our perspective, witness evidence is only valuable if it helps the court understand the child’s situation, the parents’ ability to care for the child or the specific circumstances relevant to custody, residence and contact. The court’s starting point is always the child’s best interests: the child’s security, stability, risks and need for positive relationships.

Teachers and nursery staff as witnesses

A teacher or member of nursery staff can be a highly relevant witness if they have actually observed how the child manages in everyday life. Your questions should then focus on the child’s wellbeing, attendance, concentration, changes in behaviour and whether the child appears to be affected by the conflict between the parents.

It may be relevant to ask whether the child has been upset, anxious, tired or absent, or has expressed concern about collections, drop-offs or contact with a parent. It may also be important to ask which parent usually communicates with the school, attends meetings and follows up on homework or additional support, and whether the school has noticed any difference in the child’s wellbeing after stays with each parent.

These questions are relevant because they do not simply describe the parents: they show how the child is actually affected in everyday life.

Support workers and contact support workers

A designated support worker, a contact support worker who assists during visits between a child and a parent, or another professional who has attended contact sessions can often be particularly important. Your questions can focus on how the child reacts before, during and after contact.

Does the child appear secure? Does the child seek interaction with the parent? Is there warmth, responsiveness and positive interaction? Or is there anxiety, pressure, conflict or situations in which the child becomes tense and withdrawn?

It may also be relevant to ask whether the parent arrives on time, honours agreements, respects the child’s signals and can adapt to the child’s needs. In custody proceedings, what often proves decisive is not what a parent says about their relationship with the child, but how that relationship actually works in specific situations.

Relatives’ own observations

Relatives can also give evidence, but you need to be careful here. The court recognises that relatives are often close to one of the parties and may therefore be seen as less impartial. This does not mean that their evidence has no value, but your questions should be specific and linked to things they have

observed themselves.

A relative should not primarily be called to say that one parent is a bad parent. It is more relevant to ask what they have personally observed about the child's sense of security, everyday life, relationships with the parents, the level of conflict, handovers or the child's reactions. The more specific the witness can be, the greater the value of their evidence.

Witnesses from child and adolescent mental health services, social services and healthcare

Professionals from BUP (Sweden's child and adolescent mental health services), social services or healthcare may also be relevant witnesses if they have specific knowledge of the child or family. Your questions can focus on the child's mental wellbeing, any anxiety, support needs, how the child has described their situation and whether there are signs of stress, divided loyalties or other pressures. The court must ensure that these matters are sufficiently investigated.

What does the court need to understand about the child?

As a lawyer at a law firm, you do not approach witness evidence by asking, "Who can say something good about my client?" Instead, you start with the question: what does the court need to understand about the child? You then select witnesses who can contribute relevant, independent and specific information.

A strong witness is not necessarily the person who speaks most emotionally, but the person who can describe their actual observations clearly and credibly.

Relevant questions in custody proceedings

Relevant questions in custody proceedings often centre on the child's stability, sense of security, relationships and the impact of the conflict. You will want to establish:

- How the child manages in everyday life and whether there have been changes over time.
- Whether the child shows signs of anxiety or stress.
- How handovers work.
- How the parents communicate about the child.
- Whether either parent appears to support or hinder the child's relationship with the other parent.
- Whether the child appears to be carrying the burden of the adults' conflict.
- Whether the child expresses guilt or fear.
- Whether the child uses language suggesting that they have been influenced.

General opinions rarely help the court

By contrast, general opinions, rumours or emotionally driven statements of support rarely make useful witness evidence. Someone who simply says "she is a wonderful mother" or "he is a bad father" rarely gives the court much help.

The court needs specific information that can be linked to the child's best interests. Because the child's best interests must be the determining factor in all matters of custody, residence and contact, questions put to witnesses are most effective when they reveal how the child actually feels and manages in everyday life.

Questioning witnesses should help the court see the child

In practice, questioning witnesses in custody proceedings is therefore highly strategic. It should not be used to intensify the conflict between the adults. It should be used to help the court see the child more clearly. That is the difference between weak and strong evidence in a custody dispute.

The day has arrived – the final hearing

When a child custody dispute has been ongoing for some time and the court has received the application commencing proceedings, the defence, the preliminary report, the custody assessment report and the final statements of evidence to be relied on, the proceedings reach the stage that many parents have both awaited and worried about most – the final hearing.

The court will consider the whole case

As a lawyer, I usually explain that the final hearing is the day when the court finally considers the whole case. This is where all the evidence is presented, witnesses give evidence and both you and the other parent have the opportunity to explain why your proposed arrangements best meet your child's needs.

Many people imagine the final hearing as a dramatic television trial in which someone 'wins' and someone 'loses'. In reality, child custody cases are far more nuanced.

How the hearing begins

When you arrive at the district court, you will usually meet the judge, the lay judges, the other party and your respective legal representatives. In most child custody cases, the court consists of one legally qualified judge and three lay judges. These are the people who will later decide on custody, residence and contact – legal responsibility for your child, where your child will live and arrangements for contact with a parent.

The hearing normally begins with the judge reviewing the case and ensuring that everyone knows which issues are to be decided. The court goes through the orders sought and clarifies what you and the other parent each want the court to decide.

The lawyers' opening statements

The lawyers then usually give their opening statements. This is where they present their respective accounts of the case and go through the available evidence.

As a lawyer, this is an important stage. It is not about speaking the loudest or with the most emotion. It is about helping the court understand your child's situation and why the arrangements you are seeking best serve your child's best interests.

The parents give evidence

After the opening statements, the court begins hearing the evidence. This is when you and the other parent give evidence.

Usually, one parent first describes their relationship with the child, how everyday life works, how the parents have co-operated and why they believe the court should make a particular decision. The other party's lawyer then asks questions. The same process is then repeated with the other parent.

This is often a very important stage. As a lawyer, I usually say that the court does not only listen to what you say. It also observes how you say it. Can you answer calmly and objectively? Does your

account seem coherent? Do you take responsibility for your own shortcomings, or do you place all the blame on the other parent?

The court is very familiar with conflict. Harsh attacks on the other party are often what impresses it least. What often inspires the greatest confidence is a parent who can describe the situation objectively while keeping the focus on the child.

Witnesses' specific observations

Once both parents have given evidence, the witnesses are called. These may include teachers, headteachers, designated support workers, relatives, social workers or other people with relevant knowledge of your child.

It is important to understand that witnesses are not there to say whom they consider a good or bad parent. The court is much more interested in specific observations. A witness who can describe how your child manages in everyday life or what actually happened in a particular situation is often far more valuable than someone who merely expresses personal opinions.

The importance of the custody assessment report

Once the witnesses have given evidence, the custody assessment report is often examined in greater detail. In many child custody cases, this becomes a central part of the final hearing. The family law service within social services has often spent several months carrying out the assessment, so its conclusions carry considerable weight.

If you or the other parent believe that the custody assessment report contains errors or shortcomings, you must explain these clearly and specifically. Simply saying that the assessment is unfair is rarely enough. The court wants to understand exactly what is alleged to be wrong and why.

As a lawyer, you often see that the court is particularly interested in the family law service's reasoning on:

- Your child's safety and sense of security
- The parents' ability to co-operate
- Any risk factors
- Your child's need for stability

Closing submissions summarise the case

Once all the evidence has been considered, the lawyers make their closing submissions. This is often their last opportunity to address the court directly before the judgment is written.

They summarise the whole case, reviewing what the evidence has shown, how the custody assessment report should be understood and why the arrangements they are seeking best meet your child's needs.

It is important to understand that, by this stage, the court often already has a fairly clear picture of the case. The final hearing is therefore not just about presenting new information. It is also about helping the court understand the overall picture.

Waiting for the judgment

When the hearing ends, you and the other party leave the courtroom. Judgment is not normally delivered on the same day. Instead, the judge and lay judges review the material and begin their work on the judgment.

For many parents, the wait after the final hearing is the most psychologically demanding part of the entire process. All the evidence has been presented. All the arguments have been made. The decision now rests with the court.

A few weeks later, the district court delivers its judgment. It then decides on custody, where your child will live and arrangements for contact.

The end of a long process

As a lawyer, however, I usually say that the final hearing is not the day when the custody case is decided. In reality, the case has been built over a long period before then. The court has already read the application commencing proceedings, considered the preliminary report, followed the oral preparatory hearing, examined the custody assessment report and reviewed the evidence.

The final hearing is therefore not the beginning of the assessment – it is the end of a process in which the court has spent a long time trying to answer the same question:

Which arrangements will give your child the greatest security, stability and opportunity to develop well despite the conflict between you and the other parent?

What happens after the final hearing? Is it finally all over? What happens if a parent does not comply with the judgment?

When the final hearing is over, many parents experience a strange sense of emptiness. For months, and sometimes years, your whole life has revolved around the custody dispute. You have met lawyers or legal representatives, been in contact with the local authority's family law service, taken part in assessments and prepared for court. Then the hearing is over.

Waiting for the judgment

But the proceedings are not quite over yet.

When the parties leave the courtroom, the court begins its work on the judgment. The judge and lay judges review all the evidence, the custody assessment, the witness testimony and everything that emerged during the final hearing. The court must then make what may be the most difficult assessment in the entire case: which arrangement best serves the child's best interests.

For many parents, waiting for the judgment is the most psychologically demanding part of the proceedings. You can no longer influence the outcome. Everything has been said. All the evidence has been presented. Now all you can do is wait.

The judgment and the time limit for appealing

A few weeks later, the district court delivers its judgment. In the judgment, the court explains its reasoning and the circumstances that were decisive. It then sets out its decisions on who is to have custody, where the child is to live and what the contact arrangements will be.

When the judgment is delivered, the next important time limit begins to run.

As a lawyer, I usually explain that a district court judgment does not automatically become final on the day it is delivered. Both parties normally have the opportunity to appeal to the Court of Appeal. The appeal must usually reach the district court within three weeks of the date on which the judgment was delivered.

During these three weeks, the judgment has normally not yet become final and binding.

A final and binding judgment or review by the Court of Appeal

If neither party appeals within the time limit, the judgment becomes final and legally binding. This means that there is no longer any ordinary route of appeal through which you can have the judgment reviewed by a higher court.

But if either parent appeals, the case moves to the Court of Appeal. That court first considers whether the case should be admitted for review. If it grants permission to appeal, the proceedings continue there.

When a parent does not comply with the judgment

What many people do not realise is that new problems can arise even after the judgment has become final and binding.

A common example is where one parent is awarded sole custody, or the judgment states that the child is to live with a particular parent, but the other parent refuses to comply.

As a lawyer, you unfortunately see situations like these regularly.

Sometimes the child is not handed over after contact. In other cases, a parent refuses to accept that, under the judgment, the child is to live with the other parent. The dispute then shifts from the courtroom to the question of enforcement.

Applying for enforcement

Many people believe that the police will automatically come and collect the child the day after the judgment. That is not normally how it works.

If a parent does not comply with a final and binding judgment, the other parent can apply to the district court for enforcement. By doing so, you ask the court to ensure that the earlier judgment is actually put into effect.

The court then examines the situation again, but the issue is no longer who should have custody or where the child should live. That has already been decided. The question now is whether the judgment should be enforced.

A voluntary solution, conditional fines and collection of the child

In many cases, the court first tries to secure a voluntary solution. But if a parent continues to refuse to comply with the judgment, the court can order various measures.

- A conditional fine means that the parent who does not comply with the judgment risks having to pay a substantial sum if the handover does not take place.
- In more serious situations, the court can order the child to be collected as an enforcement measure. The authorities may then assist in ensuring that the child is handed over in accordance with the judgment.

The child's best interests in enforcement proceedings

As a lawyer, however, I usually say that courts are very cautious about using coercive measures when children are involved. The child's best interests remain the central issue in enforcement proceedings. If there are circumstances in which an immediate handover could harm the child, the court will take these into account.

This is why enforcement proceedings often become complicated. Legally, a parent may be entitled to what the judgment provides, but the court must also take account of the child's current situation.

Parents sometimes find this frustrating. You may think, 'But I won in court.' Yet there are really no true winners or losers. Even after the judgment, the court continues to apply the same fundamental principle that has guided the entire process from day one: what is best for the child right now?

That is why custody proceedings sometimes continue even after the judgment has been delivered. Not because the court is uncertain about its decision, but because the child's best interests always take priority over the parents' conflict.

Stability and security after the judgment

As a lawyer, I therefore usually say that the judgment often marks the end of the legal dispute, but the beginning of the real challenge: creating stability, calm and security for the child after a long and often highly conflict-ridden process. That is where the child's best interests must finally become a reality, rather than merely a legal concept in a judgment.

What does a child custody dispute “cost”? How can you afford it?

One of the most common questions when you become involved in a child custody dispute is not just how the proceedings work, but how you can actually afford to pursue them.

Why can a child custody dispute be expensive?

As a family lawyer, I often say that many people react when they hear the words “district court” or “lawyer”, because they immediately assume that the costs will be impossible to bear. But the reality is often different from what people expect.

The first thing you need to understand is that a child custody dispute can involve extensive proceedings. These can take a long time, so the costs can be substantial if you pay for everything yourself. The proceedings may include:

- Preliminary hearings
- A child custody investigation
- Contact with the local authority's family law service
- A final hearing
- Sometimes, an appeal to the Court of Appeal

Legal expenses cover under your home insurance

Many clients are relieved to learn that there are two different arrangements that can help with costs: legal expenses insurance and legal aid.

Legal expenses insurance is usually the first option. This cover is commonly included in home insurance. It means that your insurer pays a large proportion of the costs of your legal representative in the dispute. Disputes about child custody, residence and contact are normally covered by the legal expenses section of your home insurance.

As a lawyer, you therefore almost always start by checking whether your client has home insurance that includes legal expenses cover. However, you should be aware that insurers often impose a waiting period before you can use the cover.

Many insurers also require your home insurance to have been in place for a certain period before the dispute arose. It is therefore important to contact your insurer early in the process.

How much will your excess be?

If your legal expenses claim is approved, your insurer will normally cover around 70–80 per cent of your lawyer's fees. You will then usually pay an excess – your own share of the costs – of around 20–30 per cent, depending on the policy terms.

This means that if, for example, a child custody dispute resulted in legal representation costs of SEK 100,000, your insurer could in many cases pay most of the cost, while you pay your share as the excess.

When might legal aid be available?

If you do not have legal expenses cover, or cannot use it, legal aid may be the next option.

Legal aid is not the same as legal expenses insurance. Instead, the state helps to pay part of your lawyer's fees. However, legal aid is subsidiary, meaning that you must first explore whether legal expenses insurance is available.

Financial eligibility and your legal aid contribution

To qualify for legal aid, you must meet financial requirements. As a general rule, your assessed financial resources must not exceed approximately SEK 260,000 per year, after taking account of certain financial circumstances, such as dependants, debts and assets.

Many people think that legal aid means the state pays everything, but that is not how it works. As an adult, you will normally have to pay a share yourself through what is known as a legal aid contribution. This contribution is determined by your financial circumstances and is set at different percentage rates. It can be as low as 2 per cent and as high as around 40 per cent of the costs of your legal representative in the child custody dispute. It all depends on your income.

This means that even with legal aid, you pay part of the cost yourself, while the state pays the rest.

The scope of the dispute affects the cost

Costs also vary depending on how extensive your child custody dispute becomes.

A dispute resolved early by agreement can be significantly less expensive than a case that proceeds through preliminary hearings, disputes over interim arrangements, a child custody investigation, final notification of the evidence to be relied on, a final hearing and possibly an appeal to the Court of Appeal.

Seek advice early to clarify the costs

Many people are surprised to discover that their home insurance or legal aid can cover a large proportion of the costs.

The most important step is therefore to contact a lawyer early. For many parents, this makes the process considerably more manageable than they initially expected. You can then quickly get help to establish:

- Whether you have legal expenses cover
- Whether legal aid may be available
- How much your excess will be
- What costs may actually arise in your particular child custody dispute

Obstructing contact or simply protecting your child?

Obstruction of contact is one of the most contentious and sensitive areas of family law. As a lawyer with experience of custody disputes, I often say that it is also one of the most misunderstood. Many parents believe it simply means one parent refusing to hand over the child on a single occasion. In reality, it is often considerably more complex.

What is obstruction of contact?

At its core, obstruction of contact means one parent, consciously or unconsciously, making it difficult for the child to maintain a relationship with the other parent, or preventing that relationship. This can happen openly and clearly, but it can also happen very subtly over a long period.

Small things can develop into a pattern

As a lawyer, you often see that obstruction of contact does not begin with a major decision. It starts with small things that then develop into a pattern. Over time, the relationship between the child and the other parent begins to weaken.

In some cases, the obstruction is very clear. One parent simply refuses to hand over the child despite an agreement or court order being in place. In other cases, it is considerably harder to detect. The child may gradually begin to express resistance to contact without any clear explanation. The child may start using phrases that sound more like an adult's words and reasoning. As a lawyer, you sometimes see situations where a child is caught in the middle of the adults' conflict and begins to take on one parent's feelings, anxiety or anger.

- Contact is cancelled at the last minute.
- The child becomes 'ill' every time they are due to see the other parent.
- Telephone contact is made difficult.
- Information about school, healthcare and activities is not shared.

Its significance in a custody dispute

What makes obstruction of contact so serious is that courts and municipal family law services increasingly regard the child's need for a functioning relationship with both parents as an important part of the child's best interests. If you actively undermine that relationship, it can have a significant bearing on a custody dispute.

Many parents are surprised to learn that obstruction of contact can, in some cases, affect decisions about custody, meaning legal responsibility for the child. From the court's perspective, however, this concerns something fundamental. If you cannot or will not support your child's relationship with the other parent, this may raise questions about your ability to co-operate and to put your child's needs ahead of your own conflict.

Not every cancelled contact arrangement amounts to obstruction

As a lawyer, however, I am always careful to point out that not every cancelled contact arrangement amounts to obstruction of contact. Children can become ill. Practical problems can arise. Sometimes there are also legitimate grounds for restricting contact, for example where there are serious concerns about the child's safety or wellbeing. This is why the court always tries to identify patterns over time rather than focus on isolated incidents.

Keep calm, factual records

If you feel that the other parent is obstructing your contact with your child, the first piece of advice is almost always to start documenting the situation. Not through anger or lengthy accusatory messages, but by keeping calm, factual records. Dates, times, cancelled contact arrangements, messages and specific incidents often prove considerably more valuable than emotional accounts.

As a lawyer, you often see that a parent who calmly and systematically records what is actually happening is in a considerably stronger position than one who reacts with anger or conflict. The court wants to understand what has actually happened.

Enforcement and conditional fines

If there is an agreement or court order concerning contact and the other parent refuses to comply, you may in some cases need to take the matter back to court. You may need to apply for enforcement, which means asking the court to ensure that the existing order or agreement is actually followed.

In some situations, the court may impose a conditional fine. This means that a parent who fails to comply with the order risks financial consequences. In more serious situations, the court may order other enforcement measures. Even here, however, courts are very cautious because the child's best interests always remain central.

Do not respond with further obstruction

What many parents do not understand is that obstruction of contact is rarely just a legal issue. It often involves psychology and relationships. The longer the obstruction continues, the greater the risk of damage to the relationship between the child and the other parent. It is therefore important to act early and strategically.

As a lawyer, I also often say that the biggest mistake many parents make is to respond to obstruction with further obstruction. As the conflict escalates, both parents begin to work against each other, and the child is caught in the middle. It is almost always the child who loses out as a result.

The focus is on the child's needs

Throughout the proceedings, the court generally asks itself the same question: which parent is trying to create a functioning relationship between the child and the other parent, and which parent is contributing to the continuing conflict?

This is not just about missed contact. It concerns the child's right to a relationship with both parents and which parent is best able to put the child's needs ahead of their own conflict. That is often the court's focus when assessing these issues.

How do you obtain sole custody?

When I work on custody disputes, I usually begin by explaining something that many people misunderstand: the focus is not on the parent's rights, but on the child's best interests. That principle runs through the court's entire assessment. Joint custody – shared legal responsibility for the child – is the general rule in Sweden, and the district court is generally cautious about removing a parent's custody rights. Sole custody is not granted simply because the parents dislike each other or struggle to agree on everyday matters. It normally requires joint custody to be no longer compatible with the child's best interests.

Serious difficulties in cooperating

The most common ground for sole custody is serious and persistent difficulty in cooperating. This does not mean ordinary disagreements following a separation, but situations in which the parents cannot make basic decisions about the child and the conflict adversely affects the child.

If cooperation is so poor that the child is caught in the middle of the conflict, or important decisions about schooling, healthcare or other essential matters cannot be made, the court may conclude that joint custody is not working.

Violence, threats and control

Another very strong ground is violence. If a parent has used violence against the child, the other parent or another family member, this carries considerable weight. Courts take violence seriously because it affects the child's sense of safety, even if the child has not been directly subjected to it.

Threats, controlling behaviour and honour-related factors can also have a significant bearing on the custody assessment. If a child is subjected to violence, this should, of course, be reported to the police.

Substance misuse that puts the child at risk

Alcohol or drug misuse is another circumstance that can lead to sole custody. The court considers not only whether substance misuse exists, but also how it affects the child's safety, care and stability. Documented, ongoing substance misuse that puts the child at risk can be a strong ground for sole custody.

Mental ill health and parenting capacity

Serious mental ill health can also be relevant if it affects a parent's ability to care for the child or make decisions in the child's best interests. However, it is important to understand that a diagnosis alone is rarely decisive. The question is always how the situation affects the child in practice.

Absence and failure to take responsibility

Sole custody may also be considered when a parent is absent for a long time, takes no active interest in the child, cannot be contacted about important decisions or simply takes no practical responsibility

for the child.

If one parent has managed the child's care, contact with the school, healthcare and everyday life alone for several years, this can carry considerable weight in the court's assessment.

Risk of abduction

A risk that the child may be taken to another country or retained abroad is also a circumstance that the court takes very seriously. The risk of abduction is expressly mentioned in the law governing the assessment of the child's best interests.

Neglect of the child

Neglect of the child can be another ground. If the child does not receive adequate care, supervision, schooling, healthcare or security, the court may consider joint custody inappropriate. The same applies where there are documented shortcomings that social services have identified over an extended period.

The child's own wishes

The child's own wishes can also be relevant. The older and more mature the child is, the more weight the court gives to the child's views. An older child who clearly and consistently expresses a wish to live with one parent can influence the assessment, although the child's wishes alone never determine the issue.

An overall assessment and concrete evidence

In practice, sole custody is rarely the result of a single circumstance. The strongest cases are often those in which several factors coincide, such as documented violence combined with serious difficulties in cooperating, or substance misuse combined with an inadequate ability to care for the child. The court always makes an overall assessment of the child's situation.

What often determines a custody dispute is not who is the 'best' parent, but who can best meet the child's needs for security, stability, continuity and development. A parent who can show that the child has a well-functioning daily routine, a positive school experience, consistent care and a clear focus on the child's needs is generally in a stronger position than a parent who focuses on the conflict with the other parent.

Courts attach considerably more weight to a factual approach, documentary evidence and a consistent focus on the child's perspective than to accusations and emotional arguments.

As a lawyer working on custody cases, I usually say that the most important question is always: can you show that joint custody harms the child or does not work for the child? If the answer is yes, and there is concrete evidence to support this, there are often good grounds for obtaining sole custody. If, however, the conflict is primarily about the parents finding it difficult to get along with each other, it is considerably harder to succeed with an application for sole custody.

Your choice of legal representative can be crucial in a child custody dispute

We have seen comments questioning whether the court truly focuses on children's best interests. Part of our role as legal representatives is to ensure that the court and the municipal family law service focus on your child's best interests.

Guidance and support throughout your child custody dispute

A lawyer experienced in child custody disputes guides and supports you throughout your dispute.

As lawyers with extensive experience of child custody disputes, we often meet parents who underestimate the importance of choosing the right legal representative.

A child custody dispute involves more than the law

A child custody dispute is rarely just about the law. It concerns children, relationships, emotions and the future. It is often one of the most stressful processes you can face as a parent.

That is why it is important to have a legal representative who not only knows the law but also understands the strategy behind each decision made during the proceedings.

Your legal representative's responsibilities

A skilled legal representative does more than help draft written submissions and attend court hearings. Your representative should be able to:

- Analyse the strengths and weaknesses of your case.
- Identify which circumstances are actually legally relevant.
- Help you focus on what matters to the court's assessment.

Distinguishing between emotions and legal issues

In child custody disputes, we often see parents devote considerable energy to matters that feel personally important but have limited legal significance.

An experienced legal representative helps you distinguish between emotions and legal issues and build a case based on your child's best interests – the central issue for the court.

Experience in child custody cases matters

It is also important to understand that not all lawyers have the same experience of child custody disputes. Family law is a specialist area in which experience gained in previous cases often matters greatly.

A legal representative who regularly handles child custody cases will usually have a better understanding of how courts reason, which assessment reports carry the most weight and how evidence should be presented to achieve its intended effect.

Choose your legal representative carefully

When choosing your legal representative, you should therefore not base your decision solely on cost or geographical proximity. Look into their experience of child custody cases and make sure you trust the person who will represent your interests and those of your child. I often say that it is extremely important to trust your legal representative.

A child custody dispute can have consequences for many years to come. Your choice of legal representative is therefore one of the most important decisions you can make during the process.

När syskon vill olika om umgänge

I have two children. One wants to spend time with the other parent, but my eldest refuses. How does the court view this?

Each child's best interests are the starting point

When two children have different views about contact – spending time with the other parent – this often creates one of the most complex situations in family law. Many parents assume that the court will make the same decision for both children, but the reality is considerably more nuanced.

In a child custody dispute, the starting point is neither the parents' rights to their children nor the idea that siblings should always be treated identically. The starting point is the best interests of the child. This means that each child must be considered in light of their own needs, their own relationship with their parents and their own wishes.

Why do the children feel differently?

The court tries to understand why the children feel differently. If one child is eager for contact while the other opposes it, the difference in their wishes is rarely the problem in itself. The real question is what lies behind it.

Two siblings may have lived in the same family yet have entirely different experiences of a parent. One child may have had a close, secure relationship, while the other has experienced conflict, disappointment or insecurity. The court and the local authority's family law service therefore try to look beyond the child's stated wishes to understand the underlying reasons.

The child's wishes carry considerable weight

In current legal practice, considerable weight is given to a child's wishes, particularly when the child has reached an age and level of maturity at which they can be considered capable of expressing an independent view. This does not mean that the child decides, but in practice it is very difficult to enforce contact against an older child's strong and consistent wishes.

Courts recognise that forced contact risks causing further damage to the relationship and, in some cases, may also adversely affect the child's psychological wellbeing.

Resistance and possible influence

At the same time, you need to be aware that the court does not automatically accept a child's resistance. If there are indications that the child has been influenced by the other parent, this will be examined carefully.

Many child custody disputes involve allegations that one parent has influenced the child to distance themselves from the other parent. The court must then try to distinguish the child's own wishes from any possible influence. However, it is important to understand that, even where influence has occurred, a child's resistance may become so strong and so real over time that it can no longer be disregarded.

Siblings can have different contact arrangements

A question that often arises is whether siblings can have different contact arrangements. The answer is yes. It regularly happens that contact works well for one child but not for a sibling.

The court naturally sees value in siblings continuing to share experiences and maintain their relationships with both parents, but this consideration must not take precedence over each individual child's best interests. If the court concludes that contact benefits one child but not the other, the result may be two different arrangements.

The children's ages matter

In my experience as a family lawyer, the children's ages are often decisive. If, for example, we are talking about two teenagers, one of whom wants to see their father while the other refuses, the court will normally give considerable weight to both children's own views.

If the children are younger, however, investigating the reasons becomes considerably more important than the wishes they express.

The court considers the whole picture

It is also important for you to understand that a child custody dispute is not decided on the basis of a single factor. The court always makes an overall assessment. No single circumstance is decisive on its own. The court considers:

- The children's relationship with each parent.
- The parents' ability to care for the children.
- Any conflicts.
- The children's need for stability and continuity.
- Any risks of harm to the children.
- The children's own wishes.

What I would want to know

If I were assessing a case like this in a professional capacity, I would want to know:

- The children's exact ages.
- How long one of the children has opposed contact.
- How strong that resistance is.
- What the local authority's family law service has established through its conversations with the children.
- Whether there is any documentation explaining the child's position.

Individual needs may call for different arrangements

The most important point to understand, however, is that the court does not ask what is fair between the parents, or even between the siblings. The court asks what is best for each individual child.

Two children in the same family may therefore have different contact arrangements if that is what best meets their individual needs and interests. This is also a trend we are seeing increasingly clearly in current legal practice, where greater weight is being given to the child's own voice and individual circumstances.

Child maintenance

When parents separate, both must continue to contribute to the child's support. The parent who does not live with the child often pays child maintenance to the other.

What is child maintenance?

Parents are responsible for the child's support according to their respective means. The rules are found in Chapter 7 of the Swedish Children and Parents Code (föräldrabalken).

If the child lives permanently with only one parent, the other parent may need to fulfil their maintenance obligation by paying child maintenance.

How long is child maintenance paid?

The maintenance obligation generally applies until the child turns 18. If the child is still in school, it may continue until the child turns 21 at the latest.

How is the amount decided?

Parents can agree on the amount themselves, preferably in writing. The assessment takes into account, among other things:

- the child's needs
- the parents' financial capacity
- how much time the child lives with each parent

If parents disagree

If the parents cannot agree, the matter can be decided by the district court. The question of maintenance can also be raised in connection with a custody dispute.

If the paying parent does not pay, the parent the child lives with may, under certain conditions, receive maintenance support (underhållsstöd) from the Swedish Social Insurance Agency (Försäkringskassan).

Getting help

Every family's situation is different. Advokat Kurage can help you review what applies in your case and how the question of maintenance can be resolved.