

Title	Children and parent – are we able to accept them as counterparts?		
First Author/Convenor Name	Eva Ryrstedt & Titti Mattsson	e-Mail address of First Author/Convenor Name	Eva.Ryrstedt@jur.lu.se
Institution of First Author/Convenor Name	University of Lund, Sweden		
Abstract	<p>The aim of this paper is to describe, investigate and develop explanatory models regarding the causes and consequences of the current different legal systems regarding children as parts in court proceedings and the connected right to speak in on one hand civil cases concerning custody, residence and contact or access, and on the other hand public cases concerning the welfare of children an young persons.</p> <p>In Swedish law there are clear differences concerning the legal position of the child in the above mentioned cases. While the child in cases regarding the welfare of children and young persons is part of the proceedings, with process eligibility at the age of 15, the family law includes no such rights for the child. In family law disputes the child first and foremost takes the role as an interested party, with appropriate possibilities to speak up. One explanation for these different constructions is probably that an open conflict between the child and its custodian(s) is accepted in cases concerning the welfare of the child. Such a conflict is not accepted in cases regarding family law.</p> <p>The fact that the way the different types of conflicts are handled is primarily based on ideology can't be disregarded, where in disputes on custody, in spite of the parents being counterparts, the legislator has not been able to overcome the belief that parents always prioritize the best interest of the child. A consequence of this will thus be the question whether what is best for the child really can be achieved when constructing the legal proceedings in family law cases with the starting point that there is no conflict that needs to be exposed between the parents and the child.</p>		