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U.S. District Court
U.S. Court of Appeals
U.S. Supreme Court

CHILD CUSTODY FACTORS

The paramount consideration in custody determinations is the best interest of the child. In order to ascertain the child's best interests, the Court is required to consider all factors which legitimately impact upon the child's physical, intellectual, moral and spiritual well-being on a case-by-case basis in deciding how to allocate post-divorce parental authority via legal and physical custody.

Custody is broken down into two aspects:

- (1) Legal custody is the right to make major decisions affecting the child. Major decisions can include education, elective medical treatment, and religious decisions. Parents usually share joint legal custody of the child.
- (2) Physical custody refers to the party with whom the child actually resides, either partially or entirely.

The following are the factors that the Court considers:

1. The Accommodating Parent
2. Present or Past Abusive Conduct or Involvement of Child Protective Services
3. Parental Duties Performed
4. Stability of Parent
5. Availability of Extended Family
6. Custody Arrangement of Siblings
7. Well-Reasoned Preference of Child
8. Parental Alienation
9. Which Parent provides a loving, stable, consistent and nurturing relationship
10. Which Parent attends to the Child's daily physical, educational and emotional need
11. Proximity of the Residences of the Parties
12. Either Parents Availability
13. The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another
14. History of Drug or Alcohol Abuse of a Party or Member of Household
15. Mental and Physical Condition of either Parent or Member of Household
16. Any Other Relevant Factor