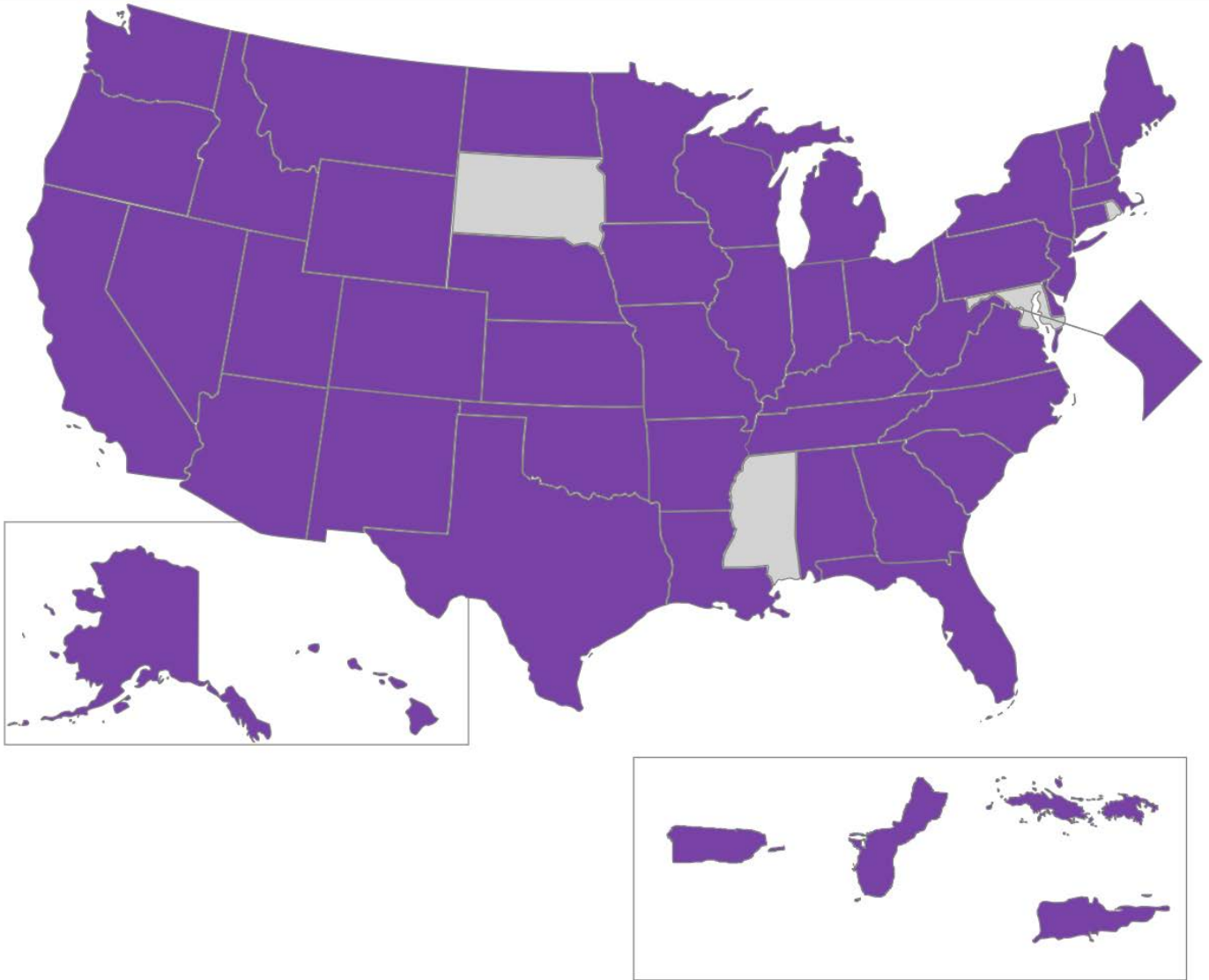


Best Interests of the Child – Factors in State Law¹

By Morgan Lewis and Bockius LLP² - December 29, 2017

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Purple states have a relevant statute.



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Jurisdiction	Governed by Statute	Regulatory Requirement
Alabama	Yes	<p>Alabama provides the following factors to determine the best interests of the child in joint custody cases:</p> <ul style="list-style-type: none"> • agreement or lack of agreement of parents on joint custody • capacity of each parent to cooperate in child care and make decisions jointly • capacity of parents to encourage sharing of love, affection, and contact between the child and the other parent • history of or potential for child/spousal abuse or kidnapping • location/proximity of parents • presumption that joint custody is in child's best interest (absent specific findings) <p>Ala. Code § 30-3-152</p>
Alaska	Yes	<p>Alaska provides the following factors to determine the best interests of the child in custody cases:</p> <ul style="list-style-type: none"> • physical, emotional, mental, religious, and social needs of the child and the capability and desire of each parent to meet these needs • child's preference if the child is of sufficient age and capacity to form a preference • love and affection existing between the child and each parent • length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity • willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child (except in cases of sexual assault or domestic violence, and where a continuing relationship with the other parent will endanger the health or safety of either the parent or the child) • any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • substance abuse affecting the emotional or physical well-being of the child • other factors that the court considers pertinent <p>Alaska Stat. § 25.24.150</p> <p>In considering whether to award shared custody, the court will consider the following factors:</p> <ul style="list-style-type: none"> • advantages of keeping child’s current home • capacity of parent to encourage close and continuing relationship between child and other parent (exception related to sexual assault and domestic violence) • any other factors the court considers pertinent • criminal history of parent (sexual abuse, domestic violence, child neglect) • education of child • findings of a neutral mediator • needs of the child • proximity of home to school, other parent • preference of the child (if child has reached sufficient age or has capacity - not defined) • stability of proposed home environment • substance abuse affecting the child • time spent with each parent <p>Alaska Stat. § 25.20.090</p>
American Samoa	Yes	<p>American Samoa provides the following factors to determine the best interests of the child (where the court has found domestic or family violence):</p> <ul style="list-style-type: none"> • history of causing physical harm, injury, assault, or causing reasonable fear of physical harm, injury or assault to another person

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • other factors considered in custody/visitation cases (which don't appear to be clearly specified by statute) • safety and well-being of child and parent (if parent is domestic violence victim) as primary • rebuttable presumption that it is detrimental to the child and not in the best interest to be in the home of a perpetrator of family/domestic violence <p>A.S.C.A. 47.0302; 47.0301</p>
Arizona	Yes	<p>Arizona provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • all factors that are relevant to the child's physical and emotional well-being • child's adjustment to home, school, community • capacity of each parent to allow frequent, meaningful and continuing contact between the child and the other parent (absent good faith attempt of parent to protect child from domestic violence) • conviction of an act of false reporting of child abuse or neglect to one parent • existence of domestic violence or child abuse • interactions and interrelationships between any person who may significantly affect child's best interest, including relationship between parent and child (present, past, potential) • mental and physical health of all individuals involved • whether one parent intentionally misled court to cause an unnecessary delay, to increase costs, or to persuade court to give him/her preference • preference of the child (assuming sufficient age and capacity) • nature and extent of coercion or duress by one parent to come to agreement regarding parenting time or legal decision-making • whether one parent has complied with code regarding Domestic Relations Education on Children's Issues.

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> substantive abuse by a parent <p>Ariz. Rev. Stat. Ann. § 25-403; 25-403.04</p>
Arkansas	Yes	<p>Arkansas provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> placing the child with relative caregiver (in foster care or adoption cases) effect of domestic violence on child in domestic violence cases preference of the child (if child has reached sufficient age and capacity) presumption for joint custody rebuttable presumption against best interest of child to place with domestic abuser if pattern of domestic violence shown by preponderance of evidence rebuttable presumption a custodian’s decision denying or limiting visitation is in the best interest in determining visitation rights of grandparents sex offender status (rebuttable presumption that placing child in care or custody of sex offender, having unsupervised visitation with sex offender, or placing child in home with sex offender is not in his/her best interest) significant impact of a parent’s past or possible future deployment (if the parent is in military service) <p>Arkansas provides the following factors to determine the best interests of the child in terminating parental rights:</p> <ul style="list-style-type: none"> likelihood that child will be adopted if the termination petition is granted potential harm on the health and safety of the child child or sibling has been neglected child’s desire to live outside the home of the parent willful failure by a parent to provide significant material support

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		<ul style="list-style-type: none"> • material support of financial contributions or food, shelter, clothing or other necessities • child’s welfare can best be served by terminating the parental rights of presumptive legal father who is not biological father • child abandonment • parent’s consent to termination of parental rights or adoption • child’s health, safety, or welfare • parent’s incapacity or indifference to remedy issues. • criminal sentence of a parent <p>Arkansas provides the following factors to determine the best interests of the child in terminating the relationship of parent and the child:</p> <ul style="list-style-type: none"> • abandonment • neglect or abuse <p>Arkansas provides the following factors to determine reinstatement of parental rights:</p> <ul style="list-style-type: none"> • likelihood of the child achieving permanency through adoption or another permanent placement • child’s age, maturity, and preference • parent's fitness and whether the parent has remedied the conditions that existed at the time of the termination of his or her parental rights • effect that the reinstatement of parental rights would have on the health, safety, and well-being of the child <p>Ark. Code. Ann. § 9-13-101; 9-28-105; 9-27-341; 9-9-220; 9-27-370</p>
California	Yes	<p>California provides the following factors to determine the best interests of the child in custody cases:</p> <ul style="list-style-type: none"> • any factors the court finds relevant • health, welfare, and safety of the child • history of abuse by parent or person seeking custody against child, person with whom has any caretaking affinity, regardless

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		<p>of duration, other parent, cohabitant, or individual with dating relationship</p> <ul style="list-style-type: none"> • nature and amount of contact (unless there is domestic violence) • substance abuse <p>Cal. Fam. Code § 3011</p> <p>When determining whether child should be placed in custody of a relative other than parents, courts consider the following factors:</p> <ul style="list-style-type: none"> • special physical, psychological, educational, medical, or emotional needs • wishes of parent or relative • wishes of child, if appropriate • placement of siblings and half siblings in same home • character of relative and history of prior criminal act, child abuse or neglect • relationship with relative • capacity of relative to provide for physical and emotional needs of child <p>Cal. Wlf. & Inst. § 361.3</p>
Colorado	Yes	<p>Colorado provides the following factors to determine the best interests of the child in determining parenting time:</p> <ul style="list-style-type: none"> • all relevant factors determined by court • ability to place needs of child first • child’s adjustment to home, school, and community • capacity of each parent to encourage love, affection, and contact between the child and the other party (unless court determines actions are related to domestic abuse by other parent) • mental and physical health of all individuals involved • past practice demonstrating system of values, time commitment, and mutual support

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • proximity of parents as this relate to the practical considerations of parenting time • preferences of the child (if mature enough to express reasoned and independent preferences) • preferences of the child’s parents • relationship of the child with parents, siblings, and any other person who may significantly affect best interests • child abuse or neglect, domestic violence, sexual assault (shown by a preponderance of the evidence) <p>Colorado provides the following factors to determine the best interests of the child in allocating decision-making responsibilities;</p> <ul style="list-style-type: none"> • all factors set forth above • capacity of the parties to cooperate and to make decisions jointly • potential for more frequent or continuing contact between the child and parents • ability of parents as mutual decision makers to benefit relationships with the child <p>Colo. Rev. Stat. Ann. § 14-10-124</p>
Connecticut	Yes	<p>Connecticut provides the following factors to determine the best interests of the child in custody cases:</p> <ul style="list-style-type: none"> • ability of each parent to facilitate and encourage parent-child relationship with the other parent • coercive behavior of the parents in effort to involve child in parents’ dispute • ability of parent to be actively involved in child's life • past and current interaction and relationship of child with other family members • stability of child’s existing or proposed residences • length of time that child has lived in stable environment, provided that the court may look favorably upon a parent who

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		<p>voluntarily leaves child’s family home to alleviate stress in household</p> <ul style="list-style-type: none"> • parents’ capacity to understand and meet needs of child • participation in a parenting education program established pursuant to state law • child’s adjustment to home, school and community environments • temperament and developmental needs of child • child’s cultural background • wishes of child’s parents as to custody • informed preferences of the child and any other relevant information obtained from child • mental and physical health of all individuals involved • effects on child of abuse, if domestic violence has occurred • whether child or sibling has been abused or neglected as defined under state law <p>Conn. Gen. Stat. Section 46b-56</p> <p>Note: Also see 46b-54 (counsel or a guardian ad litem for the minor child shall consider these factors when recommending the entry of order re custody)</p> <p>Connecticut provides the following factors to determine the best interests of the child in adoption cases:</p> <ul style="list-style-type: none"> • who manifests a deep concern for the child’s growth and development • whether a child has as many persons loving and caring for the child as possible • whether a child is part of a loving, supportive and stable family • type of family (nuclear, extended, split, blended, single parent, adoptive or foster family)

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>Conn. Gen. Stat. Section 45a-727a</p> <p>Connecticut provides the following factors to determine the best interests of the child in determining postadoption communication or contact with a sibling when terminating parental rights:</p> <ul style="list-style-type: none"> • age of the child and sibling • extent of the existing relationship between the child and sibling • physical, economical and psychological needs and stability • child’s and sibling’s opinion • opinion of the adoptive parent • opinions of experts • long-term plans • any relevant logistical concerns <p>Conn. Gen. Stat. Section 45a-715</p> <p>Connecticut provides the following factors to determine the best interests of the child in determining whether to open or set aside a judgement terminating parental rights:</p> <ul style="list-style-type: none"> • age of the child • nature of the relationship of the child with caretaker • length of time in the custody • nature of the relationship of the child with birth parent • relationship between the child and siblings or other children in the caretaker’s household • psychological and medical needs of the child <p>Conn. Gen. Stat. Section 45a-719</p>
Delaware	Yes	<p>Delaware provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • adjustment to home, school and community

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • criminal history of any party or any other resident of the household • evidence of domestic violence (as provided under state law) • interrelationship of child with parents, grandparents, siblings, and other household residents or other people who may significantly affect child’s best interests • mental and physical health of all individuals involved • past and present compliance by both parents with their rights and responsibilities to their child • wishes of child's parent or parents • wishes of child <p>13 Del. C. § 722</p> <p>Note: This provision is directly for the child custody and residential arrangements cases but also cited in the case of Guardianship of a Child (13 Del. C. § 2302), Third Party Visitation (13 Del. C. § 2402), Decry of Custody (13 Del. C. § 2502).</p>
District of Columbia	Yes	<p>The District of Columbia provides the following factors to determine the best interests of the child in custody cases:</p> <ul style="list-style-type: none"> • wishes of the child, where practicable • wishes of the parents • interaction and interrelationship of the child with his or her parent or parents, his or her siblings, and any other person who may affect the child’s best interest • adjustment to home, school, and community • mental and physical health of all individuals involved • evidence of an intra-family offense as defined under state law • capacity of the parents to communicate and reach shared decisions affecting the child’s welfare • willingness of the parents to share custody • prior involvement of each parent in the child’s life

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • potential disruption of the child’s social and school life • distance between the parental homes • demands of parents’ jobs • age and number of children • sincerity of each parent’s request • parent’s ability to financially support a joint custody arrangement • impact on assistance for needy families <p>D. C. Code Section 16-914</p> <p>The District of Columbia provides the following factors to determine the best interests of the child in custody with a third party cases:</p> <ul style="list-style-type: none"> • child’s need for continuity of care and caretakers and for timely integration into a stable and permanent home, considering the differences in the development • physical, mental, and emotional health of all individuals and physical, mental and emotional needs of the child • quality of interaction and interrelationship of the child with others • child’s opinion <p>D. C. Code Section 16-831.08</p>
Florida	Yes	<p>Florida provides the following factors to determine the best interests of the child in establishing or modifying parental responsibility and creating, developing, approving, or modifying a parental plan:</p> <ul style="list-style-type: none"> • capacity and disposition of each parent to facilitate a close and continuing parent-child relationship • demonstrated capacity of parent to communicate with the other parent • demonstrated capacity of parent to provide consistent routine for child, such as discipline, and daily schedules for homework, meals, and bedtime

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • demonstrated capacity and disposition of each parent to participate and be involved in the child’s school and extracurricular activities • developmental stages/needs of child and parent's ability to meet child’s developmental needs • disposition of parent to protect child from ongoing litigation (not discussing litigation in front of child, not sharing documents with the child, etc.) • division of parental duties, including the extent to which parenting responsibilities were/will be undertaken by third parties • evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect • evidence that either parent provided false information to court regarding any action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect • geographic viability of parenting plan • length of time child has lived in stable environment and desirability of maintaining continuity • mental and physical health of the parents • moral fitness of the parents • other factors that are relevant, including the time-sharing schedule • parental delegation of responsibilities to third parties • parent's capacity to act upon needs of child as opposed to needs of parent • knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child • capacity to maintain an environment free of substance abuse • records of the child: home, school and community

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • preference of child (if of sufficient intelligence, understanding and experience) <p>Fl. St. 61.13(3)</p> <p>Florida provides the following factors to determine the manifest best interests of the child in termination of parental rights:</p> <ul style="list-style-type: none"> • suitable permanent custody agreement with a relative of the child • ability and disposition of parents to provide the child with food, clothing etc. • capacity of parents to care the child • mental and physical health needs of the child • love, affection and other emotional ties • likelihood of an older child remaining in long-term foster care • the child’s ability to form relationship with a parental substitute • length of time that the child has lived in a stable environment • depth of the relationship between the child and the present custodian • reasonable preferences of the child • recommendation for the child provided by the child’s guardian ad litem <p>Fl. St. 39.810</p> <p>Florida provides the following factors to determine the best interests of the child in grandparent visitation cases:</p> <ul style="list-style-type: none"> • love, affection and other emotional ties • length and quality of the previous relationship • whether the grandparent established ongoing personal contact with the child • reasons cited by the respondent parent in ending contact or visitation

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • mental or emotional harm to the child • threat to the child of mental injury • mental, physical and emotional health of the child/grandparent • recommendation for the child provided by the child’s guardian ad litem • result of the psychological evaluation of the child • preference of the child • written testamentary statement by the deceased parent • Other factors that the court considers necessary to making its determination (Catch-all) <p>Fl. St. 752.011</p> <p>Florida provides the following factors to determine the best interests of the child in transferring the custody of the minor child to the prospective adoptive parent selected by the parent or adoption entity:</p> <ul style="list-style-type: none"> • permanency offered • established bonded relationship between the child and the current caregiver • stability of the potential adoptive home • sibling relationships • reasonable preferences of the child • whether a petition for termination of parental rights has been filed • what is the best for the child (Catch-all) • right of the parent to determine an appropriate placement for the child <p>Fl. St. 63.082</p>
Georgia	Yes	Georgia provides the following factors to determine the best interests of the child:

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		<ul style="list-style-type: none"> • capacity and disposition of each parent to provide child with food, clothing, medical care, and day-to-day needs • capacity and disposition of each parent to give the child love, affection, and guidance, and to continue education of child • continuity and stability in the child's life and length of time child has lived in a stable, satisfactory environment • stability of the family unit of each parent and the strength of each parent's support system • evidence of family violence or abuse or criminal history of either parent • evidence of substance abuse by either parent • home environment of parent considering nurturance and safety of child rather than superficial or material factors • love and emotional ties between parent and child • love and emotional ties between child and his or her siblings • mental and physical health of each parent • parent's employment schedule and related flexibility or limitations of a parent to care for the child • parent's involvement, or lack thereof, in child's educational, social, and extracurricular activities • the child's home, school, and community record and history • any health or educational special needs of the child • parent's knowledge and familiarity of child and child's needs • parent's past performance and abilities for future performance of parenting responsibilities • parent's willingness and ability to facilitate close relationship with other parent • recommendation by court appointed custody evaluator or guardian ad litem • child's preferences (weight depends on child's age)

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>O.C.G.A. 19-9-3 (a) (3), (5)</p> <p>Additional factors that a judge may consider when the judge has made a finding of family violence:</p> <ul style="list-style-type: none"> • safety and well-being of child and parent/victim of family violence • perpetrator's history of causing physical harm or causing reasonable fear of same • parent's absence due to violence from other parent is not an abandonment of the child for the purposes of custody determination • family violence can't be refused for consideration merely because there has been no previous finding of family violence <p>O.C.G.A. 19-9-3 (a) (4)</p>
Guam	Yes	<p>Guam provides the following factors for determining the best interest of the child:</p> <ul style="list-style-type: none"> • child's wishes (if of sufficient age and capacity to reason) • physical, mental, moral and spiritual well-being of child • reports of public health department regarding child's welfare • parent with de facto custody in stable wholesome home who is fit and proper person • family violence <p>GU ST T. 19, § 8404</p>
Hawaii	Yes	<p>Hawaii provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • history of sexual or physical abuse by parent • history of neglect or emotional abuse by parent • overall quality of the parent-child relationship • history of caregiving or parenting by each parent prior and subsequent to a marital or other type of separation

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		<ul style="list-style-type: none"> • parent's cooperation in developing and implementing plan to meet the child's needs, interests, and schedule • physical health needs of the child • emotional needs of the child • safety needs of the child • educational needs of the child • the child's need for relationships with siblings • parent's actions showing the child may maintain family connections through family events and activities • parent's actions showing the child's needs are separate from parent's needs • drug or alcohol abuse by parent • mental health of parent • conflict within the family • willful misuse of the protection from abuse process by parent to gain tactical advantage <p>Hawaii Revised Statutes Section 571-46(b)</p> <p>Hawaii also provides the following factors for consideration in making custody determinations:</p> <ul style="list-style-type: none"> • promotion of frequent, continuing, and meaningful contact of each parent with the child • the person (other than parents) who has had de facto custody of the child in a stable and wholesome home and is a fit and proper person • child's wishes (if the child is of sufficient age and capacity to reason) • the results of an investigation and report concerning the care, welfare, and custody of the child (if ordered by the court)

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> testimony of expert or other person with skill, insight, knowledge, or experience to opine as to what is best for the physical, mental, moral, and spiritual well-being of the child whether family violence has been committed by parent <p>Hawaii Revised Statutes Section 571-46(a)</p>
Idaho	Yes	<p>Idaho provides the following factors to determine the best interests of the child in determining custody, with the presumption being in favor of joint custody (unless parent is habitual perpetrator of domestic violence):</p> <ul style="list-style-type: none"> adjustment of child to home, school, and community character and circumstances of all individuals involved disability of parent (parent has right to provide evidence regarding how adaptive equipment or supportive services will enable parenting responsibilities) domestic violence, whether or not in child’s presence interaction and interrelationship of child with parent(s) and siblings promotion of continuity and stability in child’s life wishes of the child wishes of the child's parent or parents whether relocation of child is in best interests of child (consider extent of child’s contact with parent(s), parent’s motives for relocating or opposing relocation, impact that the move would have on child’s relationship with noncustodial parent and extended family, and extent that the move would enhance the economic, emotional, and educational well-being of the custodial parent and the child). <p>Idaho Code 32-717; <i>Bartosz v. Jones</i>, 197 P.3d 310 (Idaho 2008) (relocation factors); <i>Hopper v. Hopper</i>, 167 P.3d 761 (Idaho 2007) (presumption in favor of joint custody)</p> <p>Idaho considers the following factors to determine the best interest of</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>the child in determining whether a parent’s parental rights should be terminated:</p> <ul style="list-style-type: none"> • child's need for stability and certainty • child's relationship with those currently caring for him or her and whether the child has improved under that care • parent's continuing problems with the law • parent's efforts to improve his or her situation • parent's history with substance abuse • parent's incarceration • parent's provision of financial support • stability and permanency of the home • unemployment of the parent <p><i>In re Doe</i>, 358 P.3d 77 (Idaho 2015); <i>Idaho Dep’t of Health & Welfare v. Doe</i>, 379 P.3d 1094 (Idaho 2016)</p>
Illinois	Yes	<p>Illinois provides the following factors to determine the best interests of the child when allocating parenting time:</p> <ul style="list-style-type: none"> • amount of time the parent spent performing caretaking functions within the 24 months prior to the petition (or since birth if less than 24 months old) • adjustment to home, school and the community • child’s needs • child’s relationships with parents and siblings and any other person who may affect child’s best interests • child’s wishes (taking into account child’s maturity and ability to express a reasoned and independent opinion) • distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • history of parent’s physical violence (or threat of physical violence) against the child or anyone else in the child’s household • child abuse or abuse of other member of the child’s household • parent’s conviction as sex offender or parent living with a convicted sex offender, and what if any treatment the offender has successfully participated in • parent’s ability and willingness to foster a relationship between the child and the other parent • parent’s wishes • parent’s willingness and ability to place the needs of the child ahead of his or her own needs • mental and physical health of the all individuals involved • prior agreements or course of conduct related to the caretaking functions • terms of parent’s military family care plan if parent is being deployed by US Armed Forces • whether a restriction on parenting time is appropriate as determined by the court because a parent engaged in conduct that seriously endangered the child • any other factor that the court expressly finds relevant <p>750 Ill. Comp. Stat. Ann. 5/602.7 (2016)</p> <p>Illinois provides the following factors to determine the best interests of the child when allocating decision-making authority:</p> <ul style="list-style-type: none"> • the child's wishes (considering maturity and reasoning ability) • adjustment to home, school and community • parents’ ability to cooperate in making decision , or level of conflict that may impact their ability to share decision-making • parents’ participation in past significant decision-making • prior agreement or course of conduct between the parents

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • wishes of the parents • child's needs • distance between the parents' residences, burdens of transporting child, child's schedule, and parents' ability to cooperate • parent's willingness to promote and encourage a relationship between the child and the other parent • physical violence or threat of physical violence directed against the child • child abuse or abuse of other member of the child's household • whether one of the parents is a sex offender, and if so, the nature of the offense and any successful treatment • any other factor the court finds relevant <p>750 Ill. Comp. Stat. Ann. 5/602.5 (2016)</p>
Indiana	Yes	<p>Indiana provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • age and sex of the child • child's adjustment to home, school, and community • domestic or family violence by either parent • evidence that the child has been cared for by a de facto custodian and, if evidence is sufficient: the wishes of the de facto custodian; the extent to which the child has been cared for, nurtured, and supported by the de facto custodian; the intent of the child's parent in placing the child with the de facto custodian; and the circumstances under which the child was allowed to remain in the custody of the de facto custodian, including whether the child was placed with the de facto custodian to allow the parent to seek employment, work, or attend school • interaction and interrelationship of the child with his/her parents, siblings, and any other person who may significantly affect his/her best interest

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • mental and physical health of all individuals involved • wishes of the child, with more consideration given if the child is 14 years old or older • wishes of the parents <p>Ind. Code Ann. § 31-14-13-2; 31-14-13-2.5</p> <p>Indiana considers the following factors in determining whether grandparent visitation rights are in the best interests of the child:</p> <ul style="list-style-type: none"> • whether the grandparent has had or has attempted to have meaningful contact with the child • child's perception of whether visitation by a grandparent is in the best interests of the child <p>Ind. Code § 31-17-5-2</p>
Iowa	Yes	<p>Iowa provides the following factors to determine the best interests of the child in making a custody determination:</p> <ul style="list-style-type: none"> • geographic proximity of the parents • history of domestic abuse (in which case relocation of other parent is not weighed against that parent in the awarding of custody or visitation) • parent's denial of child's opportunity for maximum continuing contact with the other party, without just cause • whether parent would be a suitable custodian for the child • whether the psychological and emotional needs and development of the child will suffer due to lack of active contact with and attention from both parents • whether the parents can communicate with each other regarding the child's needs • whether both parents have actively cared for the child before and since the separation • whether each parent can support the other parent's relationship with the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • whether the safety of the child, other children, or other parent will be jeopardized by awarding of joint custody or unsupervised or unrestricted visitation • whether a parent has allowed a person control over or unsupervised access to a child after knowing such person is required to register as a sex offender • whether parents agree or oppose joint custody • wishes of the child, considering the child’s age and maturity <p>Iowa Code Ann. § 598.41 (“Custody of children”); § 598.1 (“Definitions”)</p> <p>Iowa considers the following factors to determine the best interests of the child in deciding whether to award grandparent visitation rights:</p> <ul style="list-style-type: none"> • age of child • conviction or guilty plea of grandparent for criminal offense involving any act resulting in child being abused or neglected • geographical location of the grandparent’s residence and the distance between the grandparent’s residence and the child’s residence • health and safety of the child • mental and physical health of all parties • prior interaction and interrelationships of the child with the child’s parents, siblings, and other persons related by consanguinity or affinity, compared to the child’s relationship with the grandparent • time available to child and parent, considering the parent’s employment schedule, the child’s school schedule, the amount of time that will be available for the child to spend with siblings, and the child’s and the parent’s holiday and vacation schedules • wishes and concerns of the child • wishes and concerns of the child’s parents • any other factor in the best interest of the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>Iowa Code Ann. § 600C.1</p> <p>Iowa considers the following factors to determine the best interests of the child in deciding whether to terminate parental rights:</p> <ul style="list-style-type: none"> • abandonment • failure to act as parent • failure to pay child support • history of arrests • history of alcohol/substance abuse • incarceration of parent • sexual abuse of child • whether close relationship between parent and child exists <p><i>In Interest of J.L.W.</i>, 523 N.W.2d 622 (Iowa Ct. App. 1994); <i>In re A.M.</i>, 670 N.W.2d 430 (Iowa Ct. App. 2003); <i>In re G.A.</i>, 826 N.W.2d 125 (Iowa Ct. App. 2012); <i>In Interest of D.E.E., Jr.</i>, 472 N.W.2d 628 (Iowa Ct. App. 1991)</p>
Kansas	Yes	<p>Kansas provides the following factors to determine custody, residency and parenting time:</p> <ul style="list-style-type: none"> • ability of parties to communicate, cooperate, and manage parental duties • adjustment of child to his/her home, school, and community • age of child • desires of a child of sufficient age and maturity • desires of parents • domestic abuse • emotional and physical needs of the child • interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests • location of the child's school

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • location of the parties' residence and places of employment • parent's role and involvement with the child before and after separation • school activity schedule of the child • whether parents have entered into a parenting plan (which is presumed to be in best interests of the child) • whether parent is a registered sex offender or is residing with someone who is a registered sex offender • whether parent has been convicted of child abuse or is residing with someone who has been convicted of child abuse • willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent • work schedule of the parties <p>Kan. Stat. Ann. § 23-3203 ("Factors considered in determination of child custody, residency and parenting time"), Kan. Stat. Ann. § 23-3202</p>
Kentucky	Yes	<p>Kentucky provides the following factors to determine the best interests of the child in making a custody determination:</p> <ul style="list-style-type: none"> • adjustment of child to his/her home, school, and community • circumstances under which the child was placed or allowed to remain in the custody of a de facto custodian, including whether the parent was previously prevented from seeking custody due to domestic violence and whether the child was placed with a de facto custodian to allow the parent now seeking custody to seek employment, work, or attend school • domestic violence evidence • extent to which the child has been cared for, nurtured, and supported by any de facto custodian • intent of parent(s) in placing the child with a de facto custodian

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • interaction and interrelationship of the child with his parent(s), siblings, and any other person who may significantly affect the child's best interests • mental and physical health of all individuals involved • wishes of the child • wishes of the parent(s) and any de facto custodian <p>Ky. Rev. Stat. Ann. § 403.270 (2)</p> <p>Kentucky provides the following factors to determine the best interests of the child in determining whether to terminate a parent's parental rights:</p> <ul style="list-style-type: none"> • abuse or neglect toward any child in the family • efforts and adjustments the parent has made in his circumstances, conduct, or conditions to make it in the child's best interest to return him to his home within a reasonable period, considering the child's age • if the child has been placed with the cabinet, whether the cabinet has made reasonable efforts to reunite the child with the parent • mental illness or intellectual disability of parent as certified by a qualified mental health professional, which renders the parent unable to care for the needs of the child for extended periods • Payment or the failure to pay a reasonable portion of substitute physical care and maintenance if financially able to do so. • physical, emotional, and mental health of the child and the prospects for the improvement of the child's welfare if termination is ordered <p>Ky. Rev. Stat. Ann. § 625.090 (3)</p> <p>Kentucky provides the following factors to determine the best interests of the child in determining whether to award visitation rights to grandparents:</p> <ul style="list-style-type: none"> • amount of time the grandparent and the child spend together

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • effect granting visitation would have on the child's relationship with the parents • motivation of the adults participating in the grandparent visitation proceedings • nature and stability of the relationship between the child and the grandparent • physical and emotional health of all adults involved • potential detriments and benefits of the child from granting visitation • stability of the child's living and schooling arrangements • wishes and preferences of the child <p><i>Nein v. Columbia</i>, 517 S.W.3d 492 (Ky. Ct. App. 2017)</p>
Louisiana	Yes	<p>Louisiana provides the following factors to determine child custody:</p> <ul style="list-style-type: none"> • capacity of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child • capacity of each party to provide the child with food, clothing, medical care, and other material needs • child's preferences, if the court deems the child to be of sufficient age to express a preference • distance between the respective residences of the parties • home, school, and community history of the child • length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment • love, affection, and other emotional ties between each party and the child • mental and physical health of each party • moral fitness of each party

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • permanence, as a family unit, of the existing or proposed custodial home or homes • each person’s role in rearing the child • willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party <p>La. Civ. Code Ann. art. 134</p> <p>Louisiana provides the following factors to determine disputes regarding child relocation:</p> <ul style="list-style-type: none"> • nature of relationship of child with the person proposing relocation and with the non-relocating person, siblings, and others • age, developmental stage, needs of the child, and impact of relocation on child's physical, educational, and emotional development • feasibility of preserving relationship between non-relocating person and child • child's wishes, taking into consideration child's age and maturity • whether person opposing relocation has an established pattern of promoting or thwarting child's relationship with other party • effect on child's general quality of life • reasons for seeking or opposing the relocation • employment and economic circumstances of each person • extent to which the objecting person has fulfilled his financial obligations to the person seeking relocation. • feasibility of a relocation by objecting person • history of substance abuse, harassment, or violence • any other factors affecting the best interest of the child <p>La. Civ. Code Ann. art. 355.14</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>Louisiana provides the following factors to determine disputes regarding grandparent (or other relative) visitation rights:</p> <ul style="list-style-type: none"> • relationship between child and relative • needs of child which can best be provided by relative • wishes of child if of sufficient maturity • willingness of the relative to encourage a close relationship between the child and his parent or parents • mental and physical health of the child and the relative <p>La. Civ. Code Ann. art. 136</p>
Maine	Yes	<p>Maine provides the following factors to determine the best interests of the child in a custody dispute:</p> <ul style="list-style-type: none"> • adjustment to home, school, and community • child's age • capacity of each parent to allow frequent and continuing contact between the child and the other parent • capacity of each parent to cooperate in child care • all other factors bearing on the physical and psychological well-being of the child • co-inhabitants of parent and their criminal backgrounds • criminal history of parent (sex offense or sexually violent offense) • duration and adequacy of the child's current living arrangements • effect on child if one parent has sole authority • existence of domestic abuse and how that may affect the child • any history of child abuse by a parent • infants (under one year) - whether the child is being breast-fed • methods for assisting parental cooperation • motivation and capacity of the parties involved to care for the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • preference of the child (if old enough to express a meaningful preference) • relationship of the child with the child's parents or other caretakers • stability of the proposed living arrangements • one parent's prior misuse of the protection from abuse process to gain a tactical advantage in determining parental rights <p>ME ST T. 19-A § 1653</p> <p>Maine provides the following factors to determine the best interests of the child in deciding whether to terminate parental rights:</p> <ul style="list-style-type: none"> • child's age • child's attachments to relevant persons • periods of attachments and separation • child's ability to integrate into a substitute placement or back into the parent's home • child's physical and emotional needs • wishes of child <p>ME ST T. 22 § 4055</p> <p>Maine provides the following factors to determine whether it is in the best interest of the child to grant visitation rights to a grandparent:</p> <ul style="list-style-type: none"> • child's age • child's relationship with grandparents • child's wishes if old enough to express • child's current living arrangements and desirability of maintaining continuity • stability of any proposed living arrangements • motivation of the parties involved • capacity to give child love, affection and guidance

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • child's adjustment to home, school and community • capacity of parent and grandparent to cooperate in child care • methods of assisting cooperation and resolving disputes and each person's willingness to use those methods • Any other factor bearing on child's best interest • existence of a grandparent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203. <p>ME ST T. 19-A § 1803</p> <p>Maine provides the following factors to determine the best interests of child in adoption decision:</p> <ul style="list-style-type: none"> • love, affection and other emotional ties existing between child and adopting person or persons, biological parent or biological parents or putative father • capacity and disposition of adopting person or persons, biological parent or biological parents or putative father to educate and give child love, affection and guidance and to meet child's needs • capacity and disposition of adopting person or persons, biological parent or biological parents or putative father to provide child with food, clothing and other material needs, education, permanence and medical care or other remedial care <p>ME ST T. 18-A § 9-308</p>
Maryland	Yes	<p>Through case law, Maryland courts consider the following factors to determine the best interests of the child, among others:</p> <ul style="list-style-type: none"> • fitness of the parents • character and reputation of the parties • parents' wishes and any agreement between them • the potential for maintaining family relations • child's wishes (if of suitable age and discretion)

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • material opportunities affecting the future life of the child • age, health, and sex of the child • the residences of the parents and the opportunity for visitation • the length of separation of the parents • whether there was any prior voluntary abandonment or surrender of custody of the child <p><i>Montgomery County v. Sanders</i>, 38 Md. App. 406 (1977)</p> <p>The court's discretion to determine custody is limited if there is evidence of abuse or neglect.</p> <p>MD Family § 9-101</p> <p>Maryland provides the following factors to determine whether terminating a parent's rights is in child's best interests:</p> <ul style="list-style-type: none"> • nature and extent of services offered to the parent before the child's placement • parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests to be returned to parent's home • extent to which the parent has maintained regular contact with child and caregivers • parent's contribution to child's care and support, if the parent is financially able to do so • parental disability • whether additional services would be likely to bring about a lasting parental adjustment • abuse or neglect of the child or a minor • substance abuse • conviction of crime of violence against any child or other parent of child, or aiding or abetting same • involuntarily loss of parental rights to a sibling of child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • child's emotional ties with and feelings toward parents, siblings, and others who may affect the child's best interests • the child's adjustment to home, school, community, and placement • the child's feelings about severance of the parent-child relationship • likely impact of terminating parental rights on child's well-being <p>MD FAMILY § 5-323</p> <p>Through case law, Maryland courts consider the following factors to determine grandchild's best interests for purposes of determining whether to award grandparental visitation rights, among others:</p> <ul style="list-style-type: none"> • nature and stability of child's relationships with parents • nature and substantiality of relationship between child and grandparent, taking into account frequency of contact, regularity of contact and amount of time spent together • potential benefits and detriments to child of granting visitation order • any effect grandparental visitation would have on child's attachment to its nuclear family • physical and emotional health of adults involved; and stability of child's living and schooling arrangements <p><i>Fairbanks v. McCarter</i>, 330 Md. 39. (1993)</p> <p>Maryland provides the following factors to determine determining the permanency plan that is in the best interests of child in an out-of-home placement:</p> <ul style="list-style-type: none"> • child's ability to be safe and healthy in the home of child's parent • child's attachment and emotional ties to the child's natural parents and siblings • child's emotional attachment to the child's current caregiver and the caregiver's family

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • length of time the child has resided with the current caregiver • potential emotional, developmental, and educational harm to the child if moved from child's current placement • potential harm to the child by remaining in State custody for an excessive period of time. <p>MD FAMILY § 5-525</p> <p>Maryland provides the following factors to determine whether it is in the best interests of a prospective adoptee to terminate a parent's rights by nonconsensual adoption:</p> <ul style="list-style-type: none"> • primary consideration to the health and safety of child • the report required under § 5-3B-16, which includes summaries of child's emotional ties with and feelings toward parents, siblings, and others who may affect best interests significantly, and child's adjustment to home school and community <p>MD FAMILY § 5-3B-22, MD FAMILY § 5-3B-16</p>
Massachusetts	Yes	<p>Massachusetts provides the following factors when determining the child's best interests when determining custody if child is born out of wedlock:</p> <ul style="list-style-type: none"> • preference for primary caretaker • whether parents have established a personal and parental relationship and exercised parental responsibility in child's best interests • parent with whom child has resided within prior six months • abuse toward a parent or child (as defined under state law) • family drug or alcohol abuse • whether a parent has deserted the child • whether the parties have a history of being able and willing to cooperate in matters concerning the child • other relevant factors <p>MA ST 208 § 32 and 209C § 10</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
Michigan	Yes	<p>Michigan provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • capacity of parties to give child love, affection, and guidance, education and raising the child and his/her religion or creed • capacity of parties to provide child with food, clothing, and medical care • domestic violence • home, school, and community record of child • emotional ties between parents and child • length of time child has lived in a stable environment • mental and physical health of parties involved • moral fitness of parties involved • permanence, as a family unit, of the existing or proposed home • preference of child if court considers child to be of sufficient age • willingness of each party to facilitate a relationship between non-custodial parent(s) (excluding protecting child from sexual assault or domestic violence) • any other factor considered relevant by the court <p>MI ST 722.23, Sec. 3</p>
Minnesota	Yes	<p>Minnesota provides the following factors for determining the best interests of the child:</p> <ul style="list-style-type: none"> • capacity and disposition of parties to give child love, affection, and guidance • capacity and disposition of parties to continue raising child in the child's culture and religion or creed, if any • child's adjustment to home, school, and community • child's cultural background • child's primary caregiver • effect of domestic abuse on child as defined in state law

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • interaction and interrelationship of child with each party and others • intimacy of relationship between each party and the child • length of time child has lived in stable, satisfactory environment • mental and physical health of all individuals involved (disabilities defined in section 363A.03, subdivision 12 shall not be determinative) • permanence of the existing or proposed custodial home • preference of the child, if the court deems the child to be of sufficient age • wishes of the parties <p>Minnesota provides the following additional factors if joint custody is sought:</p> <ul style="list-style-type: none"> • ability of parties to cooperate in child rearing methods for resolving disputes of major decisions • whether domestic abuse has occurred • whether it would be detrimental to the child if one party were to have sole authority <p>MN ST § 257C.04(a)</p>
Mississippi	Yes	<p>Mississippi provides the following factors to determine the best interests of a child when awarding custody:</p> <ul style="list-style-type: none"> • rebuttable presumption against awarding sole or joint custody to parent with history of domestic violence • rebuttable presumption that joint custody is in child's best interest <p>Miss. Code. Ann. § 93-5-24 (9)(a) (ii) (iii); § 93-5-24 (4)</p> <p>Courts consider the following additional factors:</p> <ul style="list-style-type: none"> • age • health

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • sex • determination of the parent that has had the continuity of care prior to the separation • which potential custodian has the best parenting skills, and which has the willingness and capacity to provide primary child care • employment of parent and responsibilities of that employment • physical and mental health and age of parent • emotional ties of parent and child • moral fitness of parent • home, school and community record of the child • preference of the child (when age sufficient to express a preference) • stability of the home environment and employment of each parent • other factors relevant to the parent-child relationship <p><i>Albright v. Albright, 437 So.2d 1003, 1005 (Miss. 1983)</i></p>
Missouri	Yes	<p>Missouri provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • wishes of the child's parents • proposed parenting plan submitted by both parties • needs of the child for a frequent, continuing and meaningful relationship with both parents • the interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests • ability and willingness of parents to actively perform their functions as mother and father for the needs of the child • which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • adjustment to home, school, and community • mental and physical health of all individuals involved, including any history of abuse • intention to relocate child's principal residence • wishes of the child • other relevant factors <p>Mo. Ann. Stat. § 452.375.2 (West 2017)</p>
Montana	Yes	<p>Montana provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • wishes of the parents • wishes of the child • interaction and relationships with parents, siblings, and any other party affecting best interests • adjustment to home, school, and community • mental and physical health of all involved • history or threat of physical abuse to the other parent or child • conviction of certain crimes, such as homicide, sexual assault, endangering child's welfare • chemical dependency or chemical abuse by a parent • continuity and stability of care • developmental needs of child • failure to pay birth-related costs • failure to provide financial support • frequent contact with both parents • vexatious parenting plan amendment actions • other relevant factors <p>Mont. Code Ann. § 40-4-212(1) (West 2017)</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
Nebraska	Yes	<p>Nebraska provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • general health, welfare and social behavior of child • history of abuse of child or domestic intimate partner • relationship with each parent • wishes of the child if of age of comprehension and wishes based on sound reasoning • other relevant factors <p>Neb. Rev. Stat. Ann. § 43-2923(6) (West 2017)</p> <p>Also, courts may consider other factors such as:</p> <ul style="list-style-type: none"> • age, sex, and health of parents and child • effect of continuing or disrupting existing relationship • environments offered by each parent • attitude and stability of parents' character • moral fitness of parents • parents' sexual conduct • parents' capacity to provide physical care and satisfy educational needs of the child • emotional relationship between child and parents <p><i>Schrag v. Spear</i>, 858 N.W.2d 865, 877 (Neb. Ct. App. 2015)</p> <p>In making child custody modification determination, courts may consider other factors such as:</p> <ul style="list-style-type: none"> • moral fitness of the child's parents, including the parents' sexual conduct • respective environments offered by each parent • emotional relationship between child and parents • age, sex, and health of child and parents

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • effect on the child as the result of continuing or disrupting an existing relationship • attitude and stability of each parent's character • parental capacity to provide physical care and satisfy the educational needs of child <p><i>Kenner v. Battershaw</i>, 879 N.W.2d 409 (Neb. Ct. App. 2016)</p> <p>In determining whether best interests of child are served by continued placement with prospective adoptive parents, courts may consider factors such as:</p> <ul style="list-style-type: none"> • prospective adoptive parents' ability to provide for the child's emotional and intellectual development • quality of the prospective adoptive parents' home environment • length of placement of the child • the financial ability of the prospective adoptive parents to provide for the child <p><i>Brett M. ex rel. Nebraska Children's Home Soc. v. Vesely</i>, 757 N.W.2d 360 (Neb. 2008)</p> <p>Nebraska provides the following factors to determine whether best interests of child are served by granting caretaking authority to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship:</p> <ul style="list-style-type: none"> • emotional, physical, and developmental needs of child • child's opinion or preference • level of involvement and the extent of predeployment parenting responsibility exercised by the nonparent • quality of the relationship between child and nonparent • strength of the minor child's ties to nonparent • extent to which the delegation would interfere or support child's existing school, sports, and extracurricular activities • age, maturity, and living conditions of nonparent

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> likelihood that allowing the delegation would increase or decrease the hostilities between the parties involved <p>NE ST § 43-4618</p>
Nevada	Yes	<p>Nevada provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> ability of child to maintain relationships with any siblings history of abuse or neglect or the child or sibling history of domestic violence history of abduction of child or of any other child level of conflict between parents and ability of parents to cooperate to meet child's needs mental and physical health of parents nomination of a guardian by a parent parent more likely to allow continued relationship with other parent physical, developmental, and emotional needs of child relationship of child with each parent wishes of the child if child is of sufficient age and capacity <p>Nev. Rev. Stat. Ann. § 125C.0035. (West 2017).</p> <p>See also: <i>Druckman v. Ruscitti</i>, Supreme Court of Nevada, June 26, 2014, 327 P.3d 511, 130 Nev. Adv. Op. 50; <i>Rennels v. Rennels</i>, Supreme Court of Nevada, August 4, 2011, 127 Nev. 564, 257 P.3d 396, 127 Nev. Adv. Op. 49.</p> <p>Nevada provides the following factors to determine whether best interests of child are served by granting caretaking authority of a child to a nonparent:</p> <ul style="list-style-type: none"> love, affection and other emotional ties existing between nonparent and child capacity and disposition of the nonparent to give child love, affection and guidance and serve as a role model; provide the

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>child with food, clothing and other material needs; provide health care or alternative health care</p> <ul style="list-style-type: none"> • prior relationship between nonparent and child • moral fitness of nonparent • mental and physical health of nonparent • child's wishes if of sufficient maturity • willingness and ability of nonparent to facilitate and encourage a close and substantial relationship between child and his or her deploying parent, other parent and family members • medical and other health needs of child which are affected by grant of caretaking authority • support provided by nonparent • objection by other parent to grant of caretaking authority to nonparent <p>Nev. Rev. Stat. Ann. § 125C.00667. (West 2017).</p>
New Hampshire	Yes	<p>New Hampshire provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • ability of each parent to provide nurture, love, affection, and guidance, and food, clothing, shelter, medical care and safety • ability, disposition and support of each parent to facilitate contact, communication and a relationship between parents and between child and other parent • adjustment to school and community • child's developmental needs and parents' ability to meet them • history of abuse • incarceration of parent • the relationship of the child with each parent • relationship of child with any other person significantly affecting child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • child’s wishes (if of sufficient maturity and not based on improper influences) • other factors court determines are relevant <p>N.H. Rev. Stat. Ann. § 461-A:6 (West 2017).</p>
New Jersey	Yes	<p>New Jersey provides the following factors to determine the best interests of the child in a custody dispute:</p> <ul style="list-style-type: none"> • age and number of the children • geographical proximity of the parents’ homes • history of domestic violence • interaction and relationship of the child with parents and siblings • needs of the child • parental fitness • parents’ ability to agree, communicate and cooperate in matters relating to the child • parents’ employment responsibilities • parents’ willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse • preference of the child when of sufficient age • quality and continuity of child’s education • safety of the child and the safety of either parent from physical abuse by the other parent • stability of the home environment offered • time spent with the child • preference against person convicted of sexual assault or endangering the welfare of a child, gross immorality or unfitness, neglect to provide the child with proper protection, maintenance and education, vicious, careless or dissolute habits as to endanger the welfare of the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>N.J.S.A. §§ 9:2-4; 9:2-4.1; 9:2-9</p> <p>New Jersey provides the following factors to determine the best interests of the child in an adoption dispute:</p> <ul style="list-style-type: none"> • parent's willingness and assumption of parenting duties • parent's fulfilment of financial obligations for care of child • parent's interest in child • parent's effort to maintain communication with child • parent's maintenance of place of importance in child's life <p>N.J.S.A. §§ 9:3-46</p>
New Mexico	Yes	<p>New Mexico provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • ability of each parent to provide adequate care • adjustments to home, school, and community • child's ability to maintain relationships with both parents and benefits of doing so • geographic distance between parents • history of domestic abuse • mental and physical health of all individuals involved • relationship with parents, siblings, and any other person significantly affecting best interests • parents' willingness to accept parenting responsibilities • parents' ability to allow each other to provide care without intrusion, and to cooperate regarding child's needs • suitability of parenting plan to allow joint custody • wishes of the child • wishes of the parents • presumption of joint custody <p>N.M. Stat. Ann. §§ 40-4-9; 40-4-9.1 (West 2017)</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
New York	Yes	<p>New York provides the following factors to determine the best interests of the child in a custody dispute:</p> <ul style="list-style-type: none"> • effect of domestic violence • conviction of one or more of sexual offenses, including rape in the first or second degree, course of sexual conduct against a child in the first degree, or predatory sexual assault • conviction of murder (unless victim of domestic violence, or murder related to domestic violence) • child’s or guardian’s consent to custody • military service by parent • other facts and circumstances as the court deems relevant <p>N.Y. Domestic Relations Law § 240 (McKinney 2016)</p> <p>Courts have also considered the following relevant factors:</p> <ul style="list-style-type: none"> • “what will best promote [the child’s] welfare and happiness” - <i>Eschbach v. Eschbach</i>, 56 N.Y.2d 167, 171, 451 N.Y.S.2d 658, 436 N.E.2d 1260 (1982) (citations and internal quotation marks omitted) • prior agreement of the parties - <i>Eschbach v. Eschbach</i>, 56 N.Y.2d 167, 171-72, 451 N.Y.S.2d 658, 436 N.E.2d 1260 (1982) parental employment and availability to care for child - <i>Jacobs v. Jacobs</i>, 117 A.D.2d 709, 498 N.Y.S.2d 852 (2nd Dept. 1986); <i>Matter of FF v. FF</i>, 37 A.D.2d 893, 325 N.Y.S.2d 291 (3rd Dept. 1971) • ability to provide for the child's emotional and intellectual development, the quality of the home environment, and the parental guidance to be provided - <i>Matter of Louise E.S. v. W. Stephen S.</i>, 64 N.Y.2d 946, 488 N.Y.S.2d 637, 477 N.E.2d 1091 (1985); <i>Eschbach v. Eschbach</i>, 56 N.Y.2d 167, 172, 451 N.Y.S.2d 658, 436 N.E.2d 1260 (1982) • parent’s mental and physical health - <i>King v. King</i>, 243 A.D. 780, 277 N.Y.S. 653 (2nd Dept. 1935); <i>Janus v. Janus</i>, 239 A.D.2d 712, 657 N.Y.S.2d 256 (3rd Dept. 1997) • child’s individual needs and desires/preference, considering the age and maturity of the child and the potential for influence

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>having been exerted on the child - <i>Eschbach v. Eschbach</i>, 56 N.Y.2d 167, 172-73, 451 N.Y.S.2d 658, 436 N.E.2d 1260 (1982)</p> <ul style="list-style-type: none"> • keeping siblings together - <i>Eschbach v. Eschbach</i>, 56 N.Y.2d 167, 173, 451 N.Y.S.2d 658, 436 N.E.2d 1260 (1982) • each parent's credibility, conduct/performance, stability, lifestyle, morality, financial status, professional achievements, and personal associations. See, e.g., <i>Church v. Church</i>, 238 A.D.2d 677, 656 N.Y.S.2d 416 (3rd Dept. 1997), <i>Wallinger v. Wallinger</i>, 96 A.D.2d 988, 466 N.Y.S.2d 826 (3rd Dept. 1983); <i>McIntosh v. McIntosh</i>, 87 A.D.2d 968, 451 N.Y.S.2d 200 (3rd Dept. 1982); <i>Salk v. Salk</i>, 89 Misc.2d 883, 393 N.Y.S.2d 841 (Sup.Ct. N.Y. County 1975), affirmed, 53 A.D.2d 558, 385 N.Y.S.2d 1015 (1st Dept. 1976)
North Carolina	Yes	<p>North Carolina provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • acts of domestic violence between the parties • safety of the child • safety of either party from domestic violence by the other party • joint custody considered on parents' request • impact on child of a military service parent's past or possible future <p>N.C.G.S.A. § 50-13.2</p> <p>Courts have provided the following factors for determining the child's best interest when deciding whether to terminate parental rights:</p> <ul style="list-style-type: none"> • child's age • likelihood of adoption • ability to establish a permanent plan for the child • bond between child and parent • relationship between child and proposed adoptive parent, guardian, custodian, or other permanent placement • any other consideration

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p><i>In the Matter of J.M., No. COA09-1285 (N.C. App. 2010), citing In re S.C.R. ___ N.C. App. ___, 679 S.E.2d 905, 911-912 (2009).</i></p>
North Dakota	Yes	<p>North Dakota provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • ability of each parent to assure that the child receives adequate food, clothing, shelter, medical care, and a safe environment • child's developmental needs and the ability of each parent to meet those needs • evidence of domestic violence (as defined in state law) or sexual abuse • existing ties between parent and child and ability to provide the child with nurture, -love, affection, and guidance • home, school, and community records of the child and the potential effect of any change • the making of false allegations not made in good faith, by one parent against the other, of harm to a child • mental and physical health of the parents, as that health impacts the child • moral fitness of the parents, as that fitness impacts the child • preference of the mature child • stability of home environment including child's interaction with other individuals in the home • willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child • military service parent's past or possible future deployment • any other factors considered by the court to be relevant to a particular parental rights and responsibilities dispute <p>N.D.C.C. § 14-09-06.2, 14-09-29, 14-09-31</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
Northern Mariana Islands	Yes	<p>Northern Mariana Islands provides the following factors in determining custody of a child:</p> <ul style="list-style-type: none"> • domestic or family violence • safety and well-being of child • history of causing harm or fear to another • absence or relocation of a parent due to an act of violence of the other parent is not a factor in determining custody or visitation for absent parent • other factors superior court deems relevant <p>8 N. Mar. I Code §§ 1931, 1932, 1933</p>
Ohio	Yes	<p>Ohio provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • all relevant factors • child's adjustment to the child's home, school, and community • child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest • geographic location of the parents and whether out-of-state • mental and physical health of all the parties • history of making child support payments • history of child abuse, child neglect, spouse abuse, or other domestic violence (or parental kidnapping) • parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights and history of honoring same • wishes of the parents • wishes of the child • ability of the parents to cooperate and make decisions jointly • ability of parent to encourage the sharing of love, affection, and contact between child and parent

Jurisdiction	Governed by Statute	Regulatory Requirement
		31 Ohio Rev. Code Ann. § 3109.04(C), (F)
Oklahoma	Yes	<p>Oklahoma provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • domestic violence, stalking, or harassment by parent (or by person living with parent) • safety and well-being of the child and of the parent who is the victim of domestic violence or stalking behavior • which parent is more likely to allow the child or children frequent and continuing contact with the noncustodial parent • sex offender registration (or registration of someone living with parent) • criminal conviction of certain specified crimes or recent domestic abuse conviction (or conviction of person living with parent) • alcohol and drug dependency • other relevant facts <p>Okla. Stat. tit. 43, §§ 109, 112, 112.5</p>
Oregon	Yes	<p>Oregon provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • abuse of one parent by the other • desirability of continuing an existing relationship • emotional ties between the child and other family members • interest of the parties in, and attitude toward, the child • preference for the primary caregiver of the child, if the caregiver is deemed fit by the court • willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child (except in cases of sexual assault or abuse) <p>ORS § 107.137</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
Pennsylvania	Yes	<p>Pennsylvania provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • party more likely to encourage and permit frequent and continuing contact between the child and another party • level of conflict between the parties and the willingness and ability of the parties to cooperate with one another, including any attempts by a parent to turn the child against the other parent (except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm) • availability to care for the child or ability to make appropriate child-care arrangements • availability of extended family • history of drug or alcohol abuse of a party or member of a party's household • mental and physical condition of a party or member of a party's household • history of child abuse or involvement with protective services • need for stability and continuity in the child's education, family life and community life • parental duties performed by each party on behalf of the child • party more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child and to maintain a loving, stable, consistent and nurturing relationship with the child • proximity of the residences of the parties • sibling relationships • well-reasoned preference of the child, based on the child's maturity and judgment • any other relevant factors may also be considered <p>23 Pa.C.S. § 5328</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>Pennsylvania provides the following factors for determining whether an agreement for continuing contact is in the best interest of the child:</p> <ul style="list-style-type: none"> • length of time that the child has been under actual care, custody and control of a person other than a birth parent and related circumstances • interaction and interrelationship of the child with birth relatives and other persons who routinely interact with the birth relatives and may significantly affect the child's best interests • any other relevant factor <p>23 Pa. Stat. and Cons. Stat. Ann. § 2735 (West)</p>
Puerto Rico	Yes	<p>Puerto Rico provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • mental health of all involved • level of responsibility or moral integrity shown by each parent • history of domestic abuse • capability of each parent to satisfy emotional, financial, and moral needs of child • background of each parent with respect to their children before the divorce, dissolution, or separation of an unmarried couple • specific needs of each child whose custody is in dispute • relationship of child with parents, siblings, and other family members • capability and will of parents to assume responsibility of raising children jointly • if the location and distance between both parents' homes would affect the education of minor • ability of parents to communicate directly or by using alternative mechanisms • any other valid or pertinent criteria • acts and omissions of a parent that could potentially corrupt the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • addiction to drugs or alcohol • history of child abuse, sexual abuse, or domestic violence • imprisonment • parent's lack of interest in custody of the child • parent's suffering of a physical or intellectual disability that prevents adequate care of child <p>P.R. Leyes An. tit. 32, § 3185; 3187 (2017)</p>
Rhode Island	No	<p>Under Rhode Island case law, the factors the court must consider are the following:</p> <ul style="list-style-type: none"> • the child's adjustment to the child's home, school, and community • the interaction and interrelationship of the child with the child's parent or parents, the child's siblings, and any other person who may significantly affect the child's best interest • the mental and physical health of all individuals involved • the moral fitness of the child's parents • the reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference • the stability of the child's home environment • the willingness and ability of each parent to facilitate a close and continuous parent-child relationship between the child and the other parent • the wishes of the child's parent or parents regarding the child's custody <p><i>Pettinato v. Pettinato</i>, 582 A.2d 909, 913-14 (R.I. 1990)</p> <p>Rhode Island considers the following when determining whether grandparents' visitation rights are in the child's best interests:</p> <ul style="list-style-type: none"> • relationship between the child and the grandparent

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • amount of time the grandparent and child spent together • potential detriments and benefits to the child from granting visitation • potential effect of granting visitation on the parent-child relationship • preferences of the grandchild who is of sufficient intelligence, understanding, and experience • reasons that the parent(s) believe that it is not in their child's best interests to have visitation with the grandparent(s) <p>15 R.I. Gen. Laws Ann. § 15-5-24.3 (West)</p>
South Carolina	Yes	<p>South Carolina provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • ability of each parent to be actively involved in the life of the child • actions of each parent to encourage the continuing parent-child relationship between the child and the other parent, including compliance with court orders • manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute • capacity and the disposition of the parents to understand and meet the needs of the child • adjustment to home, school, and community environments • child's cultural and spiritual background • effort by one parent to disparage the other parent in front of the child • mental and physical health of all individuals involved (except that a disability of a proposed custodial parent or other party, in and of itself, must not be determinative of custody unless the proposed custodial arrangement is not in the best interest of the child) • past and current interaction and relationship of the child with each parent, the child's siblings, and any other person, including

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>a grandparent who may significantly affect the best interest of the child</p> <ul style="list-style-type: none"> • preferences of each child • stability of the child’s existing and proposed residences • temperament and developmental needs of the child • whether the child or a sibling of the child has been abused or neglected • whether one parent has perpetrated domestic violence or child abuse and the effect on the child • whether one parent has relocated more than one hundred miles from the child’s primary residence in the past year (unless the parent relocated for safety reasons) • wishes of the parents as to custody • other factors as the court considers necessary <p>S.C. Code Ann. § 63-15-240(B)</p>
South Dakota	No	<p>According to South Dakota case law, courts may consider the following factors:</p> <ul style="list-style-type: none"> • which parent is better equipped to provide for the child's temporal, mental and moral • who can provide a stable and consistent home environment • who is more committed and involved in parenting the child • if the child is of a sufficient age to form an intelligent preference, the court may consider that preference in deciding custody • where there is no evidence that a parent's marital misconduct has a harmful effect on a child, it should not be taken into account in awarding custody • siblings should not be separated absent compelling circumstances <p><i>Fuerstenberg v. Fuerstenberg</i>, 1999 SD 35, N.W.2d 798, 1999 S.D. Lexis 43 (S.D. 1999)</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
Tennessee	Yes	<p>Tennessee provides the following factors to determine the best interests of the child in a custody dispute:</p> <ul style="list-style-type: none"> • character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child • continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment • degree to which a parent has been the primary caregiver • disposition of each parent to provide the child with food, clothing, medical care, education and other necessary care • each parent's employment schedule • emotional and developmental needs of the child • physical or emotional abuse of the child, other parent or any other person • child's interaction and interrelationships with siblings, other relatives and step-relatives, and mentors, as well as the child's involvement with the child's physical surroundings, school, or other significant activities • love, affection, and emotional ties existing between each parent and the child • moral, physical, mental and emotional fitness of each parent as it relates to their ability to parent the child • performance of parenting responsibilities, including the willingness and ability to facilitate and encourage a close and continuing parent-child relationship with both parents • preference (if 12 years of age or older; the court may hear the preference of a younger child upon request) • refusal to attend a court ordered parent education seminar • strength, nature, and stability of the child's relationship with each parent (including whether one parent has performed the majority of parenting responsibilities relating to the daily needs of the child)

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • any other factors deemed relevant may also be considered <p>Tenn. Code Ann. § 36-6-106(a)</p> <p>Tennessee provides the following factors to determine the best interests of the child in a dispute regarding grandparent visitation:</p> <ul style="list-style-type: none"> • relationship between child and grandparent • existing emotional ties of child to grandparent • wishes of child if of sufficient maturity • effect of hostility between grandparent and parent and the willingness of the grandparent, except in case of abuse, to encourage a close relationship between child and parent • good faith of grandparent in filing the petition • time-sharing arrangement that exists between the parents with respect to the child • fact that grandparents requesting visitation are the parents of a deceased or missing parent • any unreasonable deprivation of the grandparent's opportunity to visit • whether grandparent is seeking to maintain existing relationship with child • whether awarding grandparent visitation would interfere with the parent-child relationship • a court finding that the child's parent or guardian is unfit <p>Tenn. Code Ann. § 36-6-307</p>
Texas	Yes	<p>Texas provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • child's age and physical and mental vulnerabilities • frequency and nature of out-of-home placements • history of abusive or assaultive conduct by the child's family or others who have access to the child's home

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • history of substance abuse by the child’s family or others who have access to the child’s home • magnitude, frequency, and circumstances of the harm to the child • results of psychiatric, psychological, or developmental evaluations of the child, the child’s parents, other family members, or others who have access to the child’s home • whether the child has been the victim of repeated harm after the initial report and intervention by the department • whether the child is fearful of living in or returning to the child’s home • whether an adequate social support system consisting of an extended family and friends is available to the child • whether the child’s family demonstrates adequate parenting skills, including providing the child and other children under the family’s care with (A) minimally adequate health and nutritional care; (B) care, nurturance, and appropriate discipline consistent with the child’s physical and psychological development; (C) guidance and supervision consistent with the child’s safety; (D) a safe physical home environment; (E) protection from repeated exposure to violence even though the violence may not be directed at the child; and (F) an understanding of the child’s needs and capabilities • willingness and ability of the child’s family to effect positive environmental and personal changes within a reasonable period of time • willingness and ability of the child’s family to seek out, accept, and complete counseling services and to cooperate with and facilitate an appropriate agency’s close supervision <p>V.T.C.A., Family Code § 263.307</p> <p>Texas provides the following factors for determining whether joint conservatorship is in a child's best interest:</p> <ul style="list-style-type: none"> • physical, psychological, or emotional needs of child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • ability of parent to prioritize child's welfare and reach shared parental decisions • ability of each parent to encourage positive relationship with other parent • whether both parents participated in child rearing • geographical proximity of parents' residences • child's preference if 12 years or older • any other relevant factor <p>V.T.C.A., Family Code § 153.134</p>
U.S. Virgin Islands	Yes	<p>The U.S. Virgin Islands describes the following factors relevant to determining the best interests of the child in cases of domestic violence:</p> <ul style="list-style-type: none"> • age and sex of the child • needs and welfare of the child • domestic violence • safety and well-being of the child and of the parent who is the victim of domestic violence <p>16 V.I.C. § 109 (2017)</p> <p>While there is no statute mandating the factors to consider in determining the best interests of the child absent family violence, the Virgin Islands Supreme Court formally adopted the following factors in a 2016 opinion:</p> <ul style="list-style-type: none"> • respective home environments, including possible impact of relocation • ability of each parent to nurture the child, including the degree to which each parent has acted as primary caretaker • any evidence of domestic violence, sexual violence, child abuse, or child neglect

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • interaction and interrelationship of the child with the parents, siblings and other persons who may significantly affect his or her best interests • any recommendation by a court-appointed guardian <i>ad litem</i> • other factors the court finds relevant <p><i>James v. Faust</i>, 65 V.I. 349 (V.I. 2016).</p>
Utah	Yes	<p>Utah provides the following factors in determining the best interests of a child in custody/divorce cases:</p> <ul style="list-style-type: none"> • ability of parents to cooperate • capability of each parent of encouraging and accepting a positive relationship between the child and the other parent • child preference • geographical proximity of parents' homes • history of/potential for abuse (including spousal) or kidnapping • maturity of parents and their willingness to protect the child • parents prioritizing child's welfare and reaching shared decisions • physical, psychological, and emotional needs and development of a child <p>Utah Code ANN. §§ 30-3-10 2017; 30-3-10.2 (2017)</p>
Vermont	Yes	<p>Vermont provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • ability and disposition of each parent to assure that the child receives adequate food, clothing, medical care, other material needs, and a safe environment • ability and disposition of the parents to communicate, cooperate with each other, and make joint decisions concerning the children • ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent, including physical contact, except where contact will result in harm to the child or to a parent

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • ability and disposition of each parent to meet the child's present and future developmental needs • evidence of abuse (as defined under state law) and the impact of the abuse on the child and on his or her relationship with the abusing parent • quality of the child's adjustment to the child's present housing, school, and community and the potential effect of any change • quality of the child's relationship with the primary care provider, if appropriate given the child's age and development • relationship of the child with any other person who may significantly affect the child • relationship of the child with each parent and the ability and disposition of each parent to provide the child with love, affection, and guidance <p>Vt. Stat. Ann. tit. 15 § 665(b)(1)-(9) (2017)</p>
Virginia	Yes	<p>Virginia provides the following factors to determine the best interests of the child in a custody dispute:</p> <ul style="list-style-type: none"> • age and physical and mental condition of each parent • age and physical and mental condition of the child • history of family abuse or sexual abuse • needs of the child, including relationships with siblings, peers and extended family members • parent's active support of the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child • reasonable preference of the child (if of reasonable intelligence, understanding, age and experience) • relationship existing between each parent and each child, including positive involvement with the child's life, and ability to accurately assess and meet the emotional, intellectual and physical needs of the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • ability and willingness to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child • role that each parent has played and will play in the future, in the upbringing and care of the child • other relevant factors <p>Va. Code Ann. 20.124-3 (2017)</p> <p>Virginia provides the following factors to determine the best interests of the child in an adoption dispute:</p> <ul style="list-style-type: none"> • parent's efforts to obtain or maintain custody of child • whether parent's are willing and able to assume full custody of child • whether parent's efforts to assert parental rights were thwarted by others • parent's ability to care for the child • age of child • quality of relationship between parent and child and any other minor children • suitability of child's present custodial environment • effect of a change of physical custody on the child <p>Va. Code Ann. 63.2-1205 (2017)</p>
Washington	Yes	<p>Washington provides the following factors in determining the best interests of the child:</p> <ul style="list-style-type: none"> • maintain child's emotional growth, health and stability, and physical care • protect child from physical, mental or emotional harm <p>Wash. Rev. Code § 26.09.002 (2017)</p> <p>With respect to the court's ability to restrict a parenting plan,</p>

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>Washington provides the following factors in regard to the best interests of the child:</p> <ul style="list-style-type: none"> • long-term emotional or physical impairment which interferes with the parent's performance of parenting functions • long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions • parent has withheld from the other parent access to the child for a protracted period without good cause • parent's neglect or substantial nonperformance of parenting functions • absence or substantial impairment of emotional ties between the parent and the child • abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development • such other factors or conduct as the court expressly finds adverse to the best interests of the child <p>Wash. Rev. Code § 26.09.191 (2017)</p> <p>In determining whether to deny a motion to seek an order for genetic testing, Washington courts consider the best interest of the child, including the following factors:</p> <ul style="list-style-type: none"> • age of child • facts surrounding presumed or acknowledged parent's discovery of his or her possible non-parentage • extent to which the passage of time reduces the chances of establishing the parentage of another person and a child support obligation in favor of the child • harm that may result to the child if parentage is successfully disproved • length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged parent was placed on notice that he or she might not be the genetic parent

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • length of time during which the presumed or acknowledged parent has assumed the role of parent of the child • nature of the relationship between the child and any alleged parent • the nature of the relationship between the child and the presumed or acknowledged parent • other factors that may affect the equities arising from the disruption of the parent-child relationship between the child and the presumed or acknowledged parent or the chance of other harm to the child <p>Wash. Rev. Code § 26.26.535(2) (2017)</p> <p>In determining the best interests of the child when awarding visitation rights, Washington courts consider, but are not limited to, the following factors:</p> <ul style="list-style-type: none"> • any criminal convictions or founded history of abuse or neglect of a child by the relative • any other factor relevant to the child's best interest • the child's reasonable preference, if the court considers the child to be of sufficient age to express a preference • the length and quality of the prior relationship between the child and the relative • the love, affection, and strength of the relationship between the child and the relative • whether the visitation will present a risk to the child's health, welfare, or safety <p>Wash. Rev. Code § 13.34.385(3) (2017)</p>
West Virginia	Yes	<p>West Virginia provides the following factors to determine the best interests of the child:</p> <ul style="list-style-type: none"> • caretaking relationships by adults who love the child, know how to provide a child's needs and who place a high priority on doing so

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • continuity of existing parent-child relationships • expeditious, predictable decision-making and avoidance of a prolonged uncertainty respecting arrangements for a child's care and control • meaningful contact between child and parent • parental planning and agreement about the child's custodial arrangements and upbringing • security from exposure to physical or emotional harm • stability of a child <p>W.Va. Code § 48-9-102(a) (2017)</p> <p>In determining whether to grant visitation to a grandparent, West Virginia courts shall consider the following factors:</p> <ul style="list-style-type: none"> • any history of physical, emotional or sexual abuse or neglect being performed, procured, assisted or condoned by the grandparent • any other factor relevant to the best interests of the child • if the parents are divorced or separated, the custody and visitation arrangement which exists between the parents with regard to the child • age of child • effect that such visitation will have on the relationship between the child and the child's parents or the person with whom the child is residing • good faith of the grandparent in filing the motion or petition • preference of the parents with regard to the requested visitation • relationship between each of the child's parents or the person with whom the child is residing and the grandparent • relationship between the child and the grandparent • time available to the child and his or her parents, giving consideration to such matters as each parent's employment schedule, the child's schedule for home, school and community

Jurisdiction	Governed by Statute	Regulatory Requirement
		<p>activities, and the child's and parents' holiday and vacation schedule</p> <ul style="list-style-type: none"> • time which has elapsed since the child last had contact with the grandparent • whether the child has, in the past, resided with the grandparent for a significant period or periods of time, with or without the child's parent or parents • whether the grandparent has, in the past, been a significant caretaker for the child, regardless of whether the child resided inside or outside of the grandparent's residence <p>W.Va. Code § 48-10-502 (2017)</p>
Wisconsin	Yes	<p>Wisconsin provides the following factors in determining the best interests of the child:</p> <ul style="list-style-type: none"> • adjustment of a child to community, home, religion and school • age of a child and the child's developmental and educational needs at different ages • availability of public or private child care services • cooperation and communication between parties • interaction and interrelation of a child with family members or any other person significantly affecting the child's best interest • predictability and stability for the child • such other factors as the court may determine to be relevant • time amount and quality each parent has spent with the child in the past and necessary changes to the parents' custodial roles and reasonable lifestyle changes suggested by a parent so parent can spend time with the child • whether a person who the parent is dating or a person who may reside in the home has a criminal record and whether there is evidence that he or she engaged in abuse or neglect of the child or any other child • whether each party can support the other party's relationship with the child

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • whether either party has or had a significant problem with alcohol or drug abuse • whether the mental or physical health of a party, minor child or other person living in a proposed custodial household regularly affects the child • whether there is evidence either party engaged in abuse of the child • whether there is evidence of spousal battery or domestic abuse • wishes of the child • wishes of the parent or parents <p>Wis. Stat. § 767.41(5)(am) (2017)</p> <p>In evaluating whether to give joint or sole legal custody, Wisconsin courts consider the same best-interest-of-the-child factors as outlined above. However, except in cases where the court has found by a preponderance of the evidence that one parent has engaged in a pattern or serious incident of interspousal battery or domestic abuse, courts presume that joint legal custody is in the best interest of the child.</p> <p>Wis. Stat. § 767.41(2) (2017)</p> <p>In connection with evaluating whether to terminate parental rights, Wisconsin courts consider but are not limited to the following factors in determining best interests of the child:</p> <ul style="list-style-type: none"> • age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home • duration of the separation of the parent from the child • likelihood of the child's adoption after termination • wishes of the child • whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements <p>Wis. Stat. § 48.426(3) (2017)</p> <p>Upon request by a parent, the court may modify the amount of child support payments determined under this section, if after considering certain factors including the best interest of the child, the court finds that the use of the percentage standard is unfair to the child or to either of the parents. In considering the best interests of the child, the court will consider, but is not limited to considering, the following factors:</p> <ul style="list-style-type: none"> impact on the child of expenditures by the family for improvement of any conditions in the home that would facilitate the reunification of the child with the child's family, if appropriate importance of a placement that is the least restrictive of the rights of the child and the parents and the most appropriate for meeting the needs of the child and the family <p>Wis. Stat. § 49.345(c)(10) (2017)</p>
Wyoming	Yes	<p>Wyoming provides the following factors in determining the best interests of the child:</p> <ul style="list-style-type: none"> ability and willingness of each parent to allow the other to provide care without intrusion, respect the other parent's right and responsibilities, including the right to privacy ability and willingness of each parent to provide adequate care for each child, including arranging for each child's care by others as needed evidence of spousal abuse or child abuse geographic distance between the parents' residences how the parents and each child can best maintain and strengthen a relationship with each other

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • how the parents and each child interact and communicate with each other and how such interaction and communication may be improved • physical and mental ability of each parent to care for each child • quality of the relationship each child has with each parent • relative competency and fitness of each parent • any other factors the court deems necessary and relevant <p>Wyo. Stat. Ann. § 20-2-201 (2017)</p> <p>In cases concerning an adjudication of paternity where the court is deemed to have made an adjudication of the child's parentage in a proceeding to dissolve a marriage, Wyoming provides the following factors in determining the best interests of the child:</p> <ul style="list-style-type: none"> • age of child • extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child • facts surrounding the adjudicated father's discovery of his possible nonpaternity • harm that may result to the child if adjudicated paternity is successfully disproved • length of time between the proceeding to adjudicate parentage and the time that the adjudicated father was placed on notice that he might not be the genetic father • length of time during which the adjudicated father has assumed the role of the father of the child • nature of the relationship between the child and any alleged father • nature of the relationship between the child and the adjudicated father

Jurisdiction	Governed by Statute	Regulatory Requirement
		<ul style="list-style-type: none"> • other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the adjudicated father or the chance of other harm to the child <p>Wyo. Stat. Ann. § 14-2-823(g) (2017)</p> <p>In determining whether to deny a motion seeking an order for genetic testing, the court shall consider the best interest of the child, including the following factors:</p> <ul style="list-style-type: none"> • age of the child • extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child • facts surrounding the presumed or acknowledged father's discovery of his possible nonpaternity • harm that may result to the child if presumed or acknowledged paternity is successfully disproved • length of time between the proceeding to adjudicate parentage and the time that the presumed or acknowledged father was placed on notice that he might not be the genetic father • length of time during which the presumed or acknowledged father has assumed the role of father of the child • nature of the relationship between the child and any alleged father • nature of the relationship between the child and the presumed or acknowledged father • other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed or acknowledged father or the chance of other harm to the child <p>Wyo. Stat. Ann. § 14-2-808(b) (2017)</p>