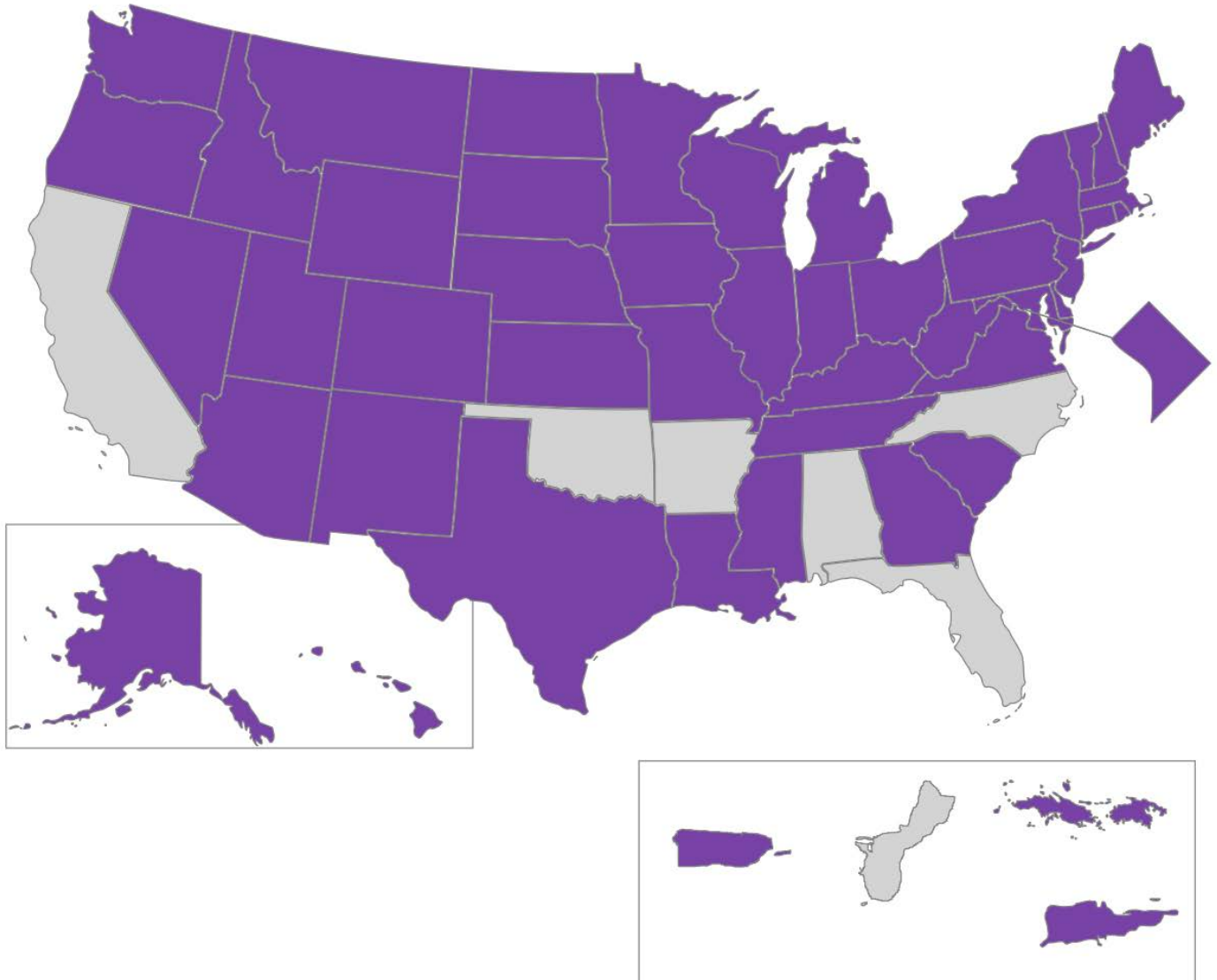


Best Interests of the Child - Child's Family Relationships Factor¹

By Morgan Lewis and Bockius LLP² – December 29, 2017

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Purple states have a relevant factor for determining a child's best interests in a custody dispute. Please note that many states provide additional or different factors for determining a child's best interests in other circumstances (e.g., adoption, visitation, or termination of parental rights). See "Factors in State Laws" for comprehensive information on child's best interests statutes.



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² Developed for the National Immigrant Women's Advocacy Project, American University, Washington College of Law.

Jurisdiction	Governed by Statute	Factors a court will consider:
Alabama	No	N/A
Alaska	Yes	Alaska Stat. § 25.24.150, Alaska Stat. § 25.20.090: <ul style="list-style-type: none"> • love and affection between child and parent • time spent with each parent
American Samoa	No	N/A
Arizona	Yes	Ariz. Rev. Stat. Ann. § 25-403: <ul style="list-style-type: none"> • interactions and interrelationships between any person affecting child's best interest • relationship between parent and child (past, present, potential)
Arkansas	No	N/A
California	No	N/A
Colorado	Yes	Colo. Rev. Stat. Ann. § 14-10-124: <ul style="list-style-type: none"> • relationship of the child with parents, siblings, and any other person who may significantly affect best interests
Connecticut	Yes	Conn. Gen. Stat. Section 46b-56: <ul style="list-style-type: none"> • past and current interaction and relationship of child with other family
Delaware	Yes	13 Del. C. § 722: <ul style="list-style-type: none"> • interrelationship of child with parents, grandparents, siblings, and other house residents
District of Columbia	Yes	D. C. Code Section 16-831.08: <ul style="list-style-type: none"> • interaction and interrelationship of child with parent, siblings, relatives • prior involvement of each parent in the child's life
Florida	No	N/A
Georgia	Yes	O.C.G.A. 19-9-3 (a) (3):

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> • capacity and disposition of each parent to give the child love and affection and guidance and the continued education of child • love and emotional ties between parent and child • love and emotional ties between child and his or her siblings
Guam	No	N/A
Hawaii	Yes	HI. Rev. Statutes Section 571-46: <ul style="list-style-type: none"> • child's need for relationships with siblings • quality of the parent-child relationship
Idaho	Yes	ID Statutes 32-717: <ul style="list-style-type: none"> • interaction and interrelationship of the child with parent or parents, and siblings
Illinois	Yes	750 Ill. Comp. Stat. Ann. 5/602.7 (West 2016): <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) • child's relationship with his or her parents, siblings, and any other person who may affect the child's best interests • parent's ability and willingness to foster a relationship between the child and the other parent • whether a restriction on parenting time is appropriate
Indiana	Yes	Ind. Code Ann. § 31-14-13-2; 31-14-13-2.5: <ul style="list-style-type: none"> • child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest
Iowa	Yes	Iowa Code Ann. § 598.41: <ul style="list-style-type: none"> • whether each parent can support the other parent's relationship with the child
Kansas	Yes	Kan. Stat. Ann. § 23-3203:

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests
Kentucky	Yes	Ky. Rev. Stat. Ann. § 403.270 (2): <ul style="list-style-type: none"> interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests
Louisiana	Yes	La. Civ. Code Ann. art. 134: <ul style="list-style-type: none"> love, affection, and other emotional ties between each party and the child willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party
Maine	Yes	ME ST T. 19-A § 1653: <ul style="list-style-type: none"> relationship of the child with the child's parents or other caretakers
Maryland	Yes	MD Family § 5-323(d): <ul style="list-style-type: none"> potential for maintaining natural family relationship length of separation of the parents
Massachusetts	Yes	MA ST 208 § 32 and 209C § 10: <ul style="list-style-type: none"> whether one or both of the parents has established parental responsibility in the best interest of the child
Michigan	Yes	MI ST 722.23, Sec. 3: <ul style="list-style-type: none"> emotional ties between parents and child willingness of each party to facilitate a relationship between non-custodial parent(s)
Minnesota	Yes	MN ST § 257C.04: <ul style="list-style-type: none"> interaction and interrelationship of child with others intimacy of relationship with child

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> when seeking joint custody, whether it would be detrimental to the child if one party were to have sole authority
Mississippi	Yes	<p><i>Albright v. Albright</i>, 437 So.2d 1003, 1005 (Miss. 1983):</p> <ul style="list-style-type: none"> emotional ties of parent and child
Missouri	Yes	<p>Mo. Ann. Stat. § 452.375.2 (West 2017):</p> <ul style="list-style-type: none"> needs of child for a relationship with both parents relationship of child with parents, siblings, and any other person affecting the child's best interests
Montana	Yes	<p>Mont. Code Ann. § 40-4-212(1) (West 2017):</p> <ul style="list-style-type: none"> frequent contact with both parents relationships with parents, siblings, and any other party affecting best interests
Nebraska	Yes	<p>Neb. Rev. Stat. Ann. § 43-2923:</p> <ul style="list-style-type: none"> relationship with each parent <p><i>Schrag v. Spear</i>, 858 NW2d 865, 877 (Neb. Ct. App. 2015):</p> <ul style="list-style-type: none"> effect of continuing or disrupting existing relationship emotional relationship with each parent
Nevada	Yes	<p>Nev. Rev. Stat. Ann. § 125C.0035 (West 2017):</p> <ul style="list-style-type: none"> ability of child to maintain relationships with siblings relationship of child with each parent
New Hampshire	Yes	<p>N.H. Rev. Stat. Ann. § 461-A:6 (West 2017):</p> <ul style="list-style-type: none"> relationship of child with each parent relationship of child with any other person significantly affecting child
New Jersey	Yes	<p>N.J.S.A. § 9.2-4:</p> <ul style="list-style-type: none"> interaction and relationship of the child with its parents and siblings
New Mexico	Yes	<p>N.M. Stat. Ann. §§ 40-4-9; 40-4-9.1 (West 2017):</p>

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> child's ability to maintain relationship with both parents relationship with parents, siblings, and any other person significantly affecting best interests
New York	Yes	N.Y. Domestic Relations Law § 240 (McKinney 2016): <ul style="list-style-type: none"> keeping siblings together
North Carolina	No	N/A
North Dakota	Yes	N.D.C.C. § 14-09-06.2: <ul style="list-style-type: none"> existing ties between parent and child
Northern Mariana Islands	No	N/A
Ohio	Yes	31 Ohio Rev. Code Ann. § 3109.4(F): <ul style="list-style-type: none"> child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest
Oklahoma	No	N/A
Oregon	Yes	ORS § 107.137: <ul style="list-style-type: none"> desirability of continuing an existing relationship emotional ties between the child and other family members
Pennsylvania	Yes	23 Pa.C.S. § 5328: <ul style="list-style-type: none"> availability of extended family sibling relationships
Puerto Rico	Yes	P.R. Leyes An. tit. 32 § 3185 (2017): <ul style="list-style-type: none"> relationship of each minor with parents, siblings, and other family members
Rhode Island	Yes	Pettinato v. Pettinato, 582 A.2d 909, 913-14 (R.I. 1990): <ul style="list-style-type: none"> 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
South Carolina	Yes	S.C. Code Ann. § 63-15-240(B):

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> past and current interaction and relationship of the child with each parent, the child's siblings, and any other person, including a grandparent
South Dakota	Yes	<p><i>Fuerstenberg v. Fuerstenberg</i>, 1999 SD 35, N.W.2d 798, 1999 S.D. Lexis 43 (S.D. 1999):</p> <ul style="list-style-type: none"> siblings should not be separated absent compelling circumstances
Tennessee	Yes	<p>Tenn. Code Ann. § 36-6-106(a):</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 love, affection, and emotional ties existing between each parent and the child 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 strength, nature, and stability of child's relationship with each parent
Texas	Yes	<p>V.T.C.A., Family Code § 263.307:</p> <ul style="list-style-type: none"> whether an adequate social support system consisting of an extended family and friends is available to the child
U.S. Virgin Islands	Yes	<p><i>Madir v. Daniel</i>, 53V.I.623 (V.I. 2010); <i>James v. Faust</i>, 65 V.I. 349 (V.I. 2016):</p> <ul style="list-style-type: none"> interrelationship of the child to the parents and other individuals who were present in the home
Utah	Yes	<p>Utah Code 30-3-10(2) (2017), Utah Code 62A-4a-201(1)(c) (2017) and Utah Code 78A-6-503(8) (2017):</p> <ul style="list-style-type: none"> extent of bonding between parent and child, meaning the depth, quality and nature of relationship between parent and child
Vermont	Yes	<p>Vt. Stat. Ann. tit. 15 § 665(b)(1)-(9) (2017):</p>

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> • 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
Virginia	Yes	Va. Code Ann. 20.124-3 (2017): <ul style="list-style-type: none"> • relationship existing between each parent and each child, giving due consideration to the positive involvement with the child's life, the ability to accurately assess and meet the emotional, intellectual and physical needs of the child • needs of the child, giving due consideration to other important relationships of the child, including but not limited to siblings, peers and extended family members
Washington	Yes	WASH. REV. CODE § 26.09.002 (2017): <ul style="list-style-type: none"> • absence of substantial impairment and emotional ties between parent and child
West Virginia	Yes	W.V. Code Section 48-9-102 (2017): <ul style="list-style-type: none"> • existing parent-child relationships • meaningful contact between child and parent
Wisconsin	Yes	Wis. Stat. Section 767.41(5)(am) (2017): <ul style="list-style-type: none"> • interaction and interrelation of a child with family members or any other person significantly affecting the child's best interest
Wyoming	Yes	Wyo. Stat. Ann. 20-2-201 (2017): <ul style="list-style-type: none"> • how the parents and each child can best maintain and strengthen a relationship with each other • how the parents and each child interact and communicate with each other and how such interaction and communication may be improved

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none">• quality of the relationship each child has with each parent

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