

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"> • physical, emotional, mental, religious, and social needs of the child and capability and desire of parent to meet needs • education of child • needs of the child
American Samoa	No	N/A
Arizona	Yes	Ariz. Rev. Stat. Ann. § 25-403: <ul style="list-style-type: none"> • mental and physical health of all individuals involved
Arkansas	No	N/A
California	Yes	Cal. Fam. Code § 3011: <ul style="list-style-type: none"> • health, welfare, and safety of the child
Colorado	Yes	Colo. Rev. Stat. Ann. § 14-10-124: <ul style="list-style-type: none"> • mental and physical health
Connecticut	Yes	Conn. Gen. Stat. Section 46b-56: <ul style="list-style-type: none"> • child's cultural background • mental and physical health of all individuals involved • temperament and developmental needs of child
Delaware	Yes	13 Del. C. § 722: <ul style="list-style-type: none"> • mental and physical health of all individuals involved
District of Columbia	Yes	D.C. Code Section 16-831.08: <ul style="list-style-type: none"> • physical and mental health of all individuals involved • age and number of children
Florida	Yes	Fl. St. 61.13(3): <ul style="list-style-type: none"> • developmental stages/needs of child and parent's ability to meet child's developmental needs
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"> child's home, school, community record and history health or educational special needs of child
Guam	Yes	GU ST T. 19, § 9108: <ul style="list-style-type: none"> physical, mental, moral, and spiritual well-being of child
Hawaii	Yes	HI. Rev. Statutes Section 571-46: <ul style="list-style-type: none"> educational needs of child emotional needs of child physical health needs of child safety needs of child
Idaho	Yes	ID Statutes 32-717: <ul style="list-style-type: none"> character and circumstances of all individuals
Illinois	Yes	750 Ill. Comp. Stat. Ann. 5/602.7: <ul style="list-style-type: none"> child's needs child's adjustment to his or her home, school and community physical and mental health of the child, the parents, and any other person who may be involved
Indiana	Yes	Ind. Code Ann. § 31-14-13-2; 31-14-13-2.5: <ul style="list-style-type: none"> age and sex of child child's adjustment to his or her home, school and community mental and physical health of all individuals involved
Iowa	Yes	Iowa Code Ann. § 598.41: <ul style="list-style-type: none"> 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
Kansas	No	N/A
Kentucky	Yes	Ky. Rev. Stat. Ann. § 403.270 (2):

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> • mental and physical health of all individuals involved
Louisiana	Yes	La. Civ. Code Ann. art. 134: <ul style="list-style-type: none"> • mental and physical health of each party
Maine	Yes	ME ST T. 19-A § 1653: <ul style="list-style-type: none"> • adjustment to the child's present home, school, and community • age of the child • physical and psychological well-being of the child • effect on child if one parent has sole authority • infants (under one year) - whether the child is being breast-fed
Maryland	Yes	<i>Montgomery County v. Sanders</i> , 38 Md. App. 406 (1977): <ul style="list-style-type: none"> • age, health and sex of child • material opportunities affecting the future life of child
Massachusetts	No	N/A
Michigan	Yes	MI ST 722.23, Sec. 3: <ul style="list-style-type: none"> • capacity of parties to raise child in his/her religion or creed • mental and physical health of parties involved • home, school and community record of child
Minnesota	Yes	MN ST § 257C.04: <ul style="list-style-type: none"> • whether detrimental to child to award sole custody • capacity and disposition of parties to continue raising child in the child's culture and religion or creed, if any • child's cultural background • mental and physical health of all individuals involved
Mississippi	Yes	<i>Albright v. Albright</i> , 437 So.2d 1003, 1005 (Miss. 1983): <ul style="list-style-type: none"> • age

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> • health • sex • home, school, and community record of child
Missouri	Yes	Mo. Ann. Stat. § 452.375.2 (West 2017): <ul style="list-style-type: none"> • mental and physical health of all involved
Montana	Yes	Mont. Code Ann. §40-4-212(1): <ul style="list-style-type: none"> • developmental needs of child • mental and physical health of all involved
Nebraska	Yes	Neb. Rev. Stat. Ann. § 43-2923 (West 2017): <ul style="list-style-type: none"> • general health, welfare, and social behavior of child <i>Schrag v. Spear</i> , 858 N.W.2d 865, 877 (Neb. Ct. App. 2015): <ul style="list-style-type: none"> • age, sex, and health of parents and child
Nevada	Yes	Nev. Rev. Stat. Ann. § 125C.0035 (West 2017): <ul style="list-style-type: none"> • physical, developmental, and emotional needs of child
New Hampshire	Yes	N.H. Rev. Stat. Ann. § 461-A:6: <ul style="list-style-type: none"> • the child’s developmental needs, and the ability of the parents to meet them
New Jersey	Yes	N.J.S.A. § 9.2-4: <ul style="list-style-type: none"> • age and number of the children • needs and safety of the child • quality and continuity child’s education
New Mexico	Yes	N.M. Stat. Ann. § 40-4-9 (West 2017): <ul style="list-style-type: none"> • mental and physical health of all individuals involved
New York	Yes	<i>Eschbach v. Eschbach</i> , 56 N.Y. 2d 167, 171 (1982) (citations and internal quotation marks omitted): <ul style="list-style-type: none"> • what will best promote the child’s welfare and happiness
North Carolina	Yes	N.C.G.S.A. § 50-13.2:

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> • safety of the child
North Dakota	Yes	N.D.C.C. § 14-09-06.2: <ul style="list-style-type: none"> • home, school and community records of child • child's developmental needs and the ability of each parent to meet those needs
Northern Mariana Islands	Yes	8 N. Mar. I Code §§ 1931, 1932, 1933: <ul style="list-style-type: none"> • safety and well-being of child
Ohio	Yes	31 Ohio Rev. Code Ann. § 3109.4: <ul style="list-style-type: none"> • health of the parties
Oklahoma	Yes	Okla. Stat. tit. 43, §§ 109, 112, 112.5 <ul style="list-style-type: none"> • safety and well-being of child
Oregon	No	N/A
Pennsylvania	Yes	23 Pa.C.S. § 5328: <ul style="list-style-type: none"> • mental and physical condition of a party or member of a party's household • need for stability and continuity in the child's education, family life and community life
Puerto Rico	Yes	P.R. Leyes An. tit. 32 § 3185 (2017): <ul style="list-style-type: none"> • mental health of everyone involved • the specific needs of each of the minors whose custody is in dispute
Rhode Island	Yes	<i>Pettinato v. Pettinato</i> , 582 A.2d 909, 913-14 (R.I. 1990): <ul style="list-style-type: none"> • the mental and physical health of all individuals involved
South Carolina	Yes	S.C. Code Ann. § 63-15-240(B): <ul style="list-style-type: none"> • 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)

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> child's cultural and spiritual background temperament and developmental needs of the child
South Dakota	No	N/A
Tennessee	Yes	Tenn. Code Ann. § 36-6-106(a): <ul style="list-style-type: none"> emotional needs and developmental level of the child
Texas	Yes	V.T.C.A., Family Code § 263.307: <ul style="list-style-type: none"> child's age and physical and mental vulnerabilities frequency and nature of out-of-home placements 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 is fearful of living in or returning to the child's home
U.S. Virgin Islands	Yes	16 V.I.C. § 109 (2017): <ul style="list-style-type: none"> age and sex of child needs and welfare of child safety and wellbeing of child
Utah	Yes	Utah Code 30-3-10(2) 2017: <ul style="list-style-type: none"> physical, psychological, and emotional needs and development of a child
Vermont	Yes	Vt. Stat. Ann. tit. 15 § 665(b)(1)-(9) (2017): <ul style="list-style-type: none"> quality of the child's adjustment to the child's present housing, school, and community and the potential effect of any change
Virginia	Yes	Va. Code Ann. 20.124-3 (2017): <ul style="list-style-type: none"> age and physical and mental condition of the child, giving due consideration to the child's changing developmental needs

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> 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 Section 26.09.002 (2017): <ul style="list-style-type: none"> maintains a child's emotional growth, health and stability, and physical care
West Virginia	No	N/A
Wisconsin	Yes	Wis. Stat. Section 767.41(5)(am) (2017): <ul style="list-style-type: none"> adjustment of 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 whether the mental or physical health of a party, minor child or other person living in a proposed custodial household regularly affects the child
Wyoming	No	N/A