

## **“Best Interests” of the Child in Custody Case**

The focus in any custody case should always be on a solution that is in the child’s **“best interests.”**

The court shall consider **all relevant factors** in determining the best interest of the child. Such factors may include (*Art. 134. Factors in determining child's best interest*):

- (1) The **love, affection, and other emotional ties** between each party and the child.
- (2) The capacity and disposition of each party to give the child **love, affection, and spiritual guidance** and **to continue the education and rearing** of the child.
- (3) The capacity and disposition of each party to provide the child with **food, clothing, medical care, and other material needs**.
- (4) The **length of time the child has lived in a stable, adequate environment**, and the **desirability of maintaining continuity** of that environment.
- (5) The **permanence**, as a family unit, of the existing or proposed **custodial home or homes**.
- (6) The **moral fitness of each party**, insofar as it affects the welfare of the child.
- (7) The **mental and physical health** of each party.
- (8) The **home, school, and community history of the child**.
- (9) The **reasonable preference of the child**, if the court deems the child to be of sufficient age to express a preference.
- (10) The **willingness and ability** of each party **to facilitate and encourage a close and continuing relationship** between the child and the other party.
- (11) The **distance** between the respective residences of the parties.
- (12) The **responsibility for the care and rearing of the child previously exercised** by each party.

Acts 1988, No. 817, §2, eff. July 18, 1988; Acts 1990, No. 361, §1, eff. Jan. 1, 1991; Acts 1993, No. 261, §1, eff. Jan. 1, 1994

**Best interests’ determinations** are generally made by considering a number of factors related to the child’s circumstances and the parent or caregiver’s circumstances and capacity to parent, with the child’s ultimate safety and happiness being the top concern.

*This information is only a guide for self-represented litigants. It is not legal advice and should not be considered as legal advice.*