

The 16 Child Custody Factors That Pennsylvania Courts Are Supposed to Consider

*According to Title 23 Section 5328 of the Pennsylvania Code, in ordering any form of custody, **the court shall determine the best interest of the child** by considering all the 16 designated factors:*

(1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.

(2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.

(3) The parental duties performed by each party on behalf of the child.

(4) The need for stability and continuity in the child's education, family life and community life.

(5) The availability of extended family.

(6) The child's sibling relationships.

(7) The well-reasoned preference of the child, based on the child's maturity and judgment.

(8) The attempts of 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.

(9) Which party is more likely to maintain a loving, stable, consistent, and nurturing relationship with the child adequate for the child's emotional needs.

(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational, and special needs of the child.

(11) The proximity of the residences of the parties.

(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

(14) The history of drug or alcohol abuse of a party or member of a party's household.

(15) The mental and physical condition of a party or member of a party's household.

(16) Any other relevant factor.

- Print the factors out, go through and make notes for each of the factors ahead of your court date.
- Note what you have done for each of the factors AND make it clear what you will do moving forward.
- Be fair minded – note what the mother does well in addition to what she does not do well. Provide examples and any evidence you may have to draw the comparisons.
- Whenever possible refer to the 16 factors in any point or retort that you make.