

Sixteen Factors Taken Into Account To Assess The “Best Interests Of The Child” Legal Standard

Starting January 24, 2011, the court must now “give weighted consideration” to the following 16 “best interest” factors:

- Which party is more likely to encourage and permit frequent and continuing contact between the child and another party
- The present and past abuse committed by a party or member of a party’s house-hold, whether there is a continued risk of harm to the child and which party can better provide adequate physical safeguards and supervision
- The parental duties performed by each party on behalf of the child
- The need for stability and continuity in the child’s education, family life and community life
- The availability of extended family
- The child’s sibling relationships
- The well-reasoned preference of the child
- The attempts of a parent to turn the child against the other parent
- Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child’s emotional needs
- Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child
- The proximity of the residences of the parties
- Each party’s availability to care for the child or ability to make appropriate child-care arrangements
- The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another.
- The history of drug or alcohol abuse of a party or member of a party’s household
- The mental and physical condition of a party or member of a party’s household
- Any other relevant factor