



# 16 Custody Factors

The court will consider the 16 "best interest" factors in deciding who should get custody of the child(ren). These best interest factors will be applied to the people who are permitted to request custody – parents, someone who is in a parenting role in a child's life (aka *in loco parentis*), grandparents, or someone with a sustained/substantial/sincere interest in the welfare of the child . If you have/know any information related to any of the factors, you'll want to make sure you tell the court about that information at your custody hearing.

1	What parental duties do you do for the child? What do the parents do for the child? Who acts as the child's parent and is in the parenting role?	Caretaking Ability
2	Who is more likely to attend to the day-to-day needs of the child (physical, emotional, developmental, educational and special needs)?	Caretaking Ability
3	Who is more likely to maintain a loving, stable, consistent and nurturing relationship that meets the child's emotional needs?	Caretaking Ability
4	What is each person's availability to care for the child or to provide appropriate child-care?	Caretaking Ability
5	What will support the child's need for stability and continuity in education, family life and community life?	Caretaking Ability
6	Does a party or a member of any party's household have a physical disability, illness or mental illness that would affect the child's care?	Caretaking Ability Risks
7	Is there current abuse or a history of abuse in your or the parents' household? Is there a continued risk of harm to the child? Who can better protect and supervise the child?	Caretaking Ability Risks
8	Do you, the parents, or anyone in either of your households have a history of drug or alcohol abuse?	Caretaking Ability Risks



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## Continued

9	How likely are you to permit and encourage the child having ongoing contact with the parents?	Biological Parent Access
10	How close is your home to the parent's home(s)?	Biological Parent Access
11	Has anyone tried to turn the child against you or either parent (except in cases of domestic violence where reasonable steps are needed to protect the child from harm)?	Family/Party Dynamics
12	Is there conflict between the parties? Are they willing and able to cooperate?	Family/Party Dynamics
13	How available is the child's extended family?	Family Connections
14	What are the child's sibling relationships?	Family Connections
15	Does the child have a reasonable preference (based on the child's maturity and judgment)?	Child's Preference
16	Any other relevant factors?	Any Other Relevant Factors

### Additional Custody Factors for Grandparents Only.

If you are a grandparent filing for custody of your grandchildren, the court will consider the 16 "best interest" custody factors, plus two additional factors:

1. How much contact you had with your grandchildren before you filed for custody, AND
2. Whether giving you custody would interfere with the relationship between your grandchild and the child's parent(s).

For more details, you can read the law by searching for: 23 Pa. C.S. § 5328(c).