



# 16 Custody Factors

- When granted a hearing on a custody petition, the question for the court in deciding the custody order is “What is in the child’s best interest?”
- It is presumed that it is in children’s best interest to be with their parent(s), rather than with anyone else – until it is shown otherwise.
- The court will consider the 16 “best interest” factors. 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 the hearing.
- If you are a **grandparent** filing for custody of your grandchild, the court will consider the 16 custody factors **AND** the following:
  1. Whether giving you custody is in your grandchild’s best interest, **AND**
  2. How much contact you had with your grandchild before you filed for custody, **AND**
  3. Whether giving you custody would interfere with the relationship between your grandchild and the child’s parent(s).

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

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