

CUSTODY CHECKLISTS (CATEGORIZED)

I. Factors Relating to the General Best Interests of Child to be Considered When Determining Custody

A. As Between Parents [23 Pa.C.S. §5328(a)(1)-(16)]

Factors Explicitly Concerning the Welfare of the Child	Factors Concerning the Relationship Between the Parties
<p>(2) Is there, or has there been in the past, abuse committed by a party or a member of the party's household?</p> <ul style="list-style-type: none"> - Is there a continued risk of harm to the child or an abused party? - Which party can better provide adequate physical safeguards and supervision of the child? 	<p>(1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party?</p>
<p>(4) Which party can best provide for stability and continuity in the child's education, family life and community life?</p>	<p>(3) What are the parental duties performed by each party on behalf of the child?</p>
<p>(5) The availability of extended family.</p>	<p>(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.</p>
<p>(6) The child's sibling relationships.</p>	<p>(11) The proximity of the residences of the parties.</p>
<p>(7) The well-reasoned preference of the child, based on the child's maturity and judgment.</p>	<p>(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.</p>
<p>(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?</p>	<p>(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another.</p> <ul style="list-style-type: none"> - 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.
<p>(14) The history of drug or alcohol abuse of a party or member of a party's household.</p>	

(15) The mental and physical condition of a party or member of a party's household.	
(16) Any other relevant factor.	

II. Custody Involving Grandparents and Great-Grandparents [23 Pa.C.S. §5328(c)(1)-(2)].

Circumstances under which the grandparents or great-grandparents are filing a custody action [23 Pa.C.S. §5325(1)-(3)]?	Factors to Be Considered [23 Pa.C.S. §5328(c)(1)-(2)]:
(1) When a parent of the child is deceased, the parent of the deceased parent may file a custody action.	(i) The amount of personal contact between the child and the party prior to the filing of the action. (ii) Whether the award interferes with any parent-child relationship (iii) Whether the award is in the best interest of the child. [23 Pa.C.S. §5328(c)(1)(i)-(iii)]
(2) The parents of the child have been separated for a period of at least six months or have commenced and continued a proceeding to dissolve their marriage.	(i) The amount of personal contact between the child and the party prior to the filing of the action. (ii) Whether the award interferes with any parent-child relationship (iii) Whether the award is in the best interest of the child. [23 Pa.C.S. §5328(c)(1)(i)-(iii)]
(3) The child has, for a period of at least 12 consecutive months, resided with the grandparent or great grandparent, excluding brief temporary absences of the child from the home, and the child has been removed from the home by the parents. The grandparents/great grandparents must file an action under this chapter within six months of removal of the child from their home.	(i) Whether the award interferes with any parent-child relationship (ii) Whether the award is in the best interest of the child. [23 Pa.C.S. §5328(c)(2)(i)-(ii)]

III. Individual Factors to be Considered When Determining Whether to Grant a Proposed Relocation [23 Pa.C.S. §5337(h)(1)-(10)]

Factors Explicitly Concerning the Welfare of the Child	Factors Concerning the Relationship Between the Parties
(1) The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the non-relocating party, siblings and other significant persons in the child's life.	(3) The feasibility of preserving the relationship between the nonrelocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.
(2) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child.	(5) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.
(4) The child's preference, taking into consideration the age and maturity of the child.	(6) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including, but not limited to, financial or emotional benefit or educational opportunity. ¹
(7) Whether the relocation will enhance the general quality of life for the child, including, but not limited to, financial or emotional benefit or educational opportunity.	(8) The reasons and motivation of each party for seeking or opposing the relocation.
(9) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.	
(10) Any other factor affecting the best interest of the child.	

¹ This factor is considered as it applies to both the party seeking the relocation and the child. See 23 Pa.C.S. §5337(h)(7).