

PHYSICAL CUSTODY LEGAL STANDARDS

23 Pa.C.S.A. § 5328(a)

In determining the best interests of the children, the Court must consider all relevant factors, including the following:

(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 children;

(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 children;

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

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

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another;

(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; and

(16) Any other relevant factor.