

PHYSICAL CUSTODY LEGAL FACTORS

23 Pa.C.S.A. § 5328(a)

In ordering any form of custody, the court shall determine the best interest of the child(ren) by considering all relevant factors, giving substantial weighted consideration to the factors specified under paragraphs (1), (2), (2.1) and (2.2) which affect the safety of the child(ren), including the following:

(1) Which party is more likely to ensure the safety of the child(ren).

(2) The present and past abuse committed by a party or member of the party's household, which may include past or current protection from abuse or sexual violence protection orders where there has been a finding of abuse.

(2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).

(2.2) Violent or assaultive behavior committed by a party.

(2.3) Which party is more likely to encourage and permit frequent and continuing contact between the child(ren) and another party if contact is consistent with the safety needs of the child(ren).

(3) The parental duties performed by each party on behalf of the child(ren).

(4) The need for stability and continuity in the child(ren)'s education, family life and community life, except if changes are necessary to protect the safety of the child(ren) or a party.

(5) The availability of extended family.

(6) The child(ren)'s sibling relationships.

(7) The well-reasoned preference of the child(ren), based on the child(ren)'s developmental stage, maturity and judgment.

(8) The attempts of a party to turn the child(ren) against the other party, except in cases of abuse where reasonable safety measures are necessary to protect the safety of the child(ren). A party's reasonable concerns for the safety of the child(ren) and the party's reasonable efforts to protect the child(ren) shall not be considered attempts to turn the child(ren) against the other party. The child(ren)'s deficient or negative relationship with a party shall not be presumed to be caused by the other party.

(9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child(ren) adequate for the child(ren)'s emotional needs.

(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child(ren).

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

(12) Each party's availability to care for the child(ren) or ability to make appropriate child-care arrangements.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect the child(ren) or self from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

(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.

(16) Any other relevant factor.