

CUSTODY/BEST INTEREST FACTORS

In a contested custody proceeding in Michigan, the Court's decision will be based, in part, upon what is in the best interests of the child or children. The Child Custody Act of 1970 MCLA 722.23, Section 3, defines the best interest of the child as follows:

Section 3: "Best interests of the child" means the sum total of the following factors to be considered, evaluated, and determined by the court.

- a. The love, affection, and other emotional ties existing between the parties involved and the child.
- b. The capacity and disposition of the parties involved to give the child love, affection, and guidance and continuation of the education and raising of the child in its religion or creed, if any.
- c. The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- d. The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
- e. The permanence, as a family unit, of the existing or proposed custodial home or homes.
- f. The moral fitness of the parties involved.
- g. The mental and physical health of the parties involved.
- h. The home, school and community record of the child.
- i. The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference.
- j. The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.
- k. Domestic Violence, regardless of whether the violence was directed against or witnessed by the child.
- l. Any other factor considered by the court to be relevant to a particular child custody dispute.