

From: [Nancy Meade](#)
To: [Jody Simpson](#)
Cc: [Sen. David Wilson](#)
Subject: SB 181 follow-up
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In today's hearing, Senator Tobin asked what the court considers when it is making a "best interests of the child" finding. Below are the factors listed in AS 25.24.150(c).

In determining the best interests of the child the court shall consider

- (1) the physical, emotional, mental, religious, and social needs of the child;
- (2) the capability and desire of each parent to meet these needs;
- (3) the child's preference if the child is of sufficient age and capacity to form a preference;
- (4) the love and affection existing between the child and each parent;
- (5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (6) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child, except that the court may not consider this willingness and ability if one parent shows that the other parent has sexually assaulted or engaged in domestic violence against the parent or a child, and that a continuing relationship with the other parent will endanger the health or safety of either the parent or the child;
- (7) any evidence of domestic violence, child abuse, or child neglect in the proposed custodial household or a history of violence between the parents;
- (8) evidence that substance abuse by either parent or other members of the household directly affects the emotional or physical well-being of the child;
- (9) other factors that the court considers pertinent.

Courts apply these factors in child custody cases and if required by statute, would apply them to CINA cases as well. Let me know if you have further questions.

Nancy Meade
General Counsel, Alaska Court System
(907) 463-4736 (Juneau: Jan – May)
(907) 264-8264 (Anchorage: May – Dec)