

Best Interest of the Child Criteria

Maine Probate Code, Title 18-A, section 5-101, subsection 1-A:

- Wishes of the parties as to custody
- Reasonable preference of the child, if the court considers the child to be of sufficient age to express preference
- Child's primary caregiver
- Bonding and attachment between child and each party
- Interaction and interrelationship of child with parties, siblings and others who may significantly affect the child's best interest
- Child's adjustment to home, school and community
- Length of time child has lived in a stable, satisfactory environment and desirability of maintaining continuity
- Permanence, as a family unit, of the existing or proposed home
- Mental and physical health of all persons involved
- Child's cultural background
- Capacity and disposition of parties to give the child love, affection and guidance and to continue educating and raising the child in the child's culture and religion or creed, if any
- Effect on the child of the actions of an abuser if related to domestic violence that has occurred between the parents or other parties
- All other factors having a reasonable bearing on the physical and psychological well-being of the child.

Ideas from other states:

- Criminal, domestic abuse or substance abuse-related history in the family
- Past or present compliance with parental rights and responsibilities
- Capacity to provide for the child's food, clothing, medical and remedial care and other needs
- Development of the child's identity
- Child's sense of attachment, love, security and familiarity
- Potential emotional, developmental and educational harm to the child if moved from the current placement
- Moral fitness of the parties