

VIRGINIA CHILD CUSTODY FACTORS

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Section 20-124.3 The Virginia Code lists a number of factors that the judge should consider in deciding what is in the child's best interests. They are:

1. The age and physical and mental condition of the child and the child's developmental needs;
2. The age and physical and mental condition of each parent;
3. The relationship between each parent and the child, the parent's positive involvement and ability to assess and meet the child's needs;
4. The child's needs including important relationships such as with brothers and sisters, grandparents, and other relatives;
5. The role which each parent has played and will play in the upbringing and care of the child;
6. Each parent's willingness to support the child's relationship with the other parent, their willingness and ability to maintain a close relationship with the child, and their ability to cooperate in matters affecting the child;
7. The child's preference;
8. Any history of abuse; and
9. Any other factors the judges feels it is necessary to consider.

These are the statutory factors that are mandated by the General Assembly. There are many subjective factors that vary from judge to judge and case to case. For this reason, except in the most clear cut case, it is virtually impossible for any lawyer to predict with any level of certainty the outcome of a custody case.