

Child custody. What factors does the court consider?

A Minnesota court will make a determination as whether to modify custody based upon 13 factors. Those factors include:

1. The wishes of the child's parent or parents as to custody;
2. The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
3. The child's primary caretaker;
4. The intimacy of the relationship between each parent and the child;
5. The interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
6. The child's adjustment to home, school, and community;
7. The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
8. The permanence, as a family unit, of the existing or proposed custodial home;
9. The mental and physical health of all individuals involved; except that a disability, as defined in section 363.01, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;
10. The capacity and disposition of the 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;
11. The child's cultural background;
12. The effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents or between a parent and another individual, whether or not the individual alleged to have committed domestic abuse is or ever was a family or household member of the parent; and

13. Except in cases in which a finding of domestic abuse as defined in section 518B.01 has been made, the disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child.