

Chart 2: Custody Criteria*

STATE	Statutory Factors**	Child's Wishes	Joint Custody Authorized	Presumption in Favor of Joint Custody	Cooperative Parent	Domestic Violence***	Attorney or GAL****
Alabama		x ³	x		x	x	
Alaska	x	x	x		x	x	x
Arizona	x	x	x		x	x	x
Arkansas		x	x			x	
California		x ⁴	x	x ⁷	x	x	x
Colorado	x	x	x ¹		x	x	x
Connecticut	x	x	x	x ⁷	x	x	x
Delaware	x	x	x			x	x
District of Columbia	x	x		x	x	x	x
Florida	x	x		x ¹	x	x	x
Georgia	x	x ⁴	x			x	x
Hawaii		x ⁴	x			x	x
Idaho	x	x		x	x	x	
Illinois	x	x	x		x	x	x
Indiana	x	x	x		x	x	x
Iowa	x	x	x		x	x	x
Kansas	x	x	x		x	x	
Kentucky	x	x	x			x	
Louisiana	x	x	x	x	x	x	
Maine	x	x	x ¹		x	x	x
Maryland		x ³	x		x ³	x	x
Massachusetts			x		x	x	x
Michigan		x	x		x	x	x
Minnesota	x	x		x	x	x	x
Mississippi		x ³	x	x ⁷		x	x
Missouri	x	x	x		x	x	x
Montana	x	x	x ¹			x	x
Nebraska ⁸		x	x ¹			x	x
Nevada	x	x ⁴	x		x	x	
New Hampshire ⁸	x	x		x ^{1,7}	x	x	x
New Jersey	x	x	x		x	x	x
New Mexico	x	x ²		x	x	x	x
New York		x			x	x	x
North Carolina		x ³	x			x	
North Dakota	x	x	x		x ³	x	x
Ohio	x	x	x ¹			x	x
Oklahoma		x ⁴	x		x	x	x
Oregon	x	x ³	x	x ⁷	x	x	
Pennsylvania		x ⁴	x		x	x	x
Puerto Rico						x	x
Rhode Island		x ³	x ³			x	
South Carolina		x ⁴	x ³			x	
South Dakota		x	x				
Tennessee	x	x	x ³		x	x	x
Texas		x	x ⁵		x	x	x
Utah	x	x	x		x		x
Vermont	x	x	x ¹		x	x ⁶	x
Virginia	x	x	x		x	x	
Washington	x	x	x ¹			x	x
West Virginia	x	x	x ¹			x	x
Wisconsin	x	x	x	x	x	x	x
Wyoming	x	x ³	x		x	x	

* Chart prepared by Liz Brandt, with the assistance of Elizabeth Ferrin, University of Idaho, class of 2009.

** Although there is a statutory list of factors, the court may in its discretion consider other factors under the particular circumstances of the case.

*** The jurisdiction has enacted a statute permitting the consideration of domestic violence in conjunction with child custody. The statutes vary from making domestic violence a factor in custody determinations, to imposing presumptions against custody in batterers or imposing special procedural considerations in cases involving domestic violence.

**** This column indicates whether a state has statutory authority for appointment of a guardian ad litem or attorney for a child specif-

ically in child custody cases.

1. Does not use the term "child custody" but instead uses the terminology such as "parental responsibilities and rights" or similar terminology.
2. The wishes of children under fourteen are a factor to be considered; the court must consider the wishes of a child fourteen years of age or older.
3. By case law.
4. Court *must* consider the wishes of a child of sufficient maturity to express themselves.
5. Uses the terminology "managing conservator" of the child to describe a custodial parent.
6. The presence of domestic violence may be a defense for a parent who refuses to comply with a visitation order.
7. Presumption in favor of joint custody if the parents agree to it.
8. Comprehensive legislative revision recently effective.