

# **INFORMATION CONSIDERED IN CHILD CUSTODY/VISITATION PROCEEDINGS**

Commonwealth of Virginia VA. CODE §§ 16.1-278.15, 20-124.3

At a hearing to determine the custody or visitation of a child, information on the following factors is considered by the judge, if presented by the parties.

1. The child's age and physical and mental condition, with due consideration to the child's changing developmental needs.  
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2. The age and physical and mental condition of each parent.  
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3. The relationship existing between each parent and the child, with due consideration given to the positive involvement with the child's life and the ability to accurately assess and meet the emotional, intellectual and physical needs of the child.  
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4. The needs of the child, with due consideration given to other important relationships of the child, including but not limited to siblings, peers and extended family members.  
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5. The role which each parent has played and will play in the future, in the upbringing and care of the child.  
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6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child.  
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7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child.  
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8. The reasonable preference of the child, if the child is deemed by this court to be of reasonable intelligence, understanding, age and experience to express such a preference.  
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9. Any history of (a) "family abuse" as that term is defined in § 16.1-228, specifically any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, (b) sexual abuse (c) child abuse, (d) an act of violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury that occurred no earlier than 10 years prior to the date the petition is filed. If the court finds a history of family abuse or sexual abuse, the court may disregard information pertaining to factor 6.  
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10. Other:  
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