

BEST INTERESTS OF THE CHILD

Decisions regarding children in a Colorado divorce strive to achieve the following goal:

"It is the best interests of all parties to encourage frequent and continuing contact between each parent and the minor children of the marriage after the parents have separated or dissolved their marriage."
(CRS § 14-10-124(1))

"In order to help accomplish this goal, parents are encouraged to share the rights and responsibilities of child-rearing and to encourage the love, affection, and contact between the children and the parents."
(CRS § 14-10-124(1.5))

The primary focus of the court's decisions regarding parental responsibilities, including both parenting time and decision-making, must be based on what is best for the child. The rights, desires, or convenience of the parents are necessarily overshadowed by the court's primary focus, which is the Best Interests of the Child. This Best Interests of the Child Standard is carefully defined by Colorado Law (CRS § 14-10-124), and the court is obliged to consider all relevant factors in reaching its' decisions, including:

DETERMINATION OF PARENTING TIME *CRS §14-10-124(a) (Best Interests of the Child)*

Relevant factors:

- **WISHES OF CHILD'S PARENTS**
- **WISHES OF THE CHILD**
If sufficiently mature to express a preference
- **INTERACTION OF THE CHILD WITH PARENTS & OTHER SIBLINGS**
- **CHILD'S ADJUSTMENT TO HOME, SCHOOL AND COMMUNITY**
- **MENTAL & PHYSICAL HEALTH OF ALL INVOLVED**
But disability alone shall not be a basis to restrict
- **WHETHER PAST PATTERN OF THE PARTIES WITH THE CHILD REFLECTS A SYSTEM OF VALUES, TIME COMMITMENT & MUTUAL SUPPORT**
- **PARTIES' PHYSICAL PROXIMITY**
- **CHILD ABUSE/NEGLECT**
Whether either party committed child abuse or neglect, supported by credible evidence
- **SPOUSE ABUSE**
Whether either party committed spouse abuse, supported by credible evidence
- **ABILITY OF THE PARENTS TO PLACE THE NEEDS OF THE CHILD ABOVE THEIR OWN**

ALLOCATION OF DECISION-MAKING *CRS §14-10-124(b)(Best Interests of the Child)*

Relevant factors:

- **ABILITY TO COOPERATE**
Credible evidence of ability of the parties to cooperate and make decisions jointly
- **SYSTEM OF VALUES**
Whether past pattern of the parties with the child reflects a system of values, mutual support & time commitment
- **PROMOTE FREQUENT CONTACT**
Whether the allocation of decision-making will promote more frequent contact between the child and each of the parties
- **CHILD ABUSE/NEGLECT**
Whether either party has committed child abuse or neglect, supported by credible evidence
- **SPOUSE ABUSE**
 - *Whether either party has committed spouse abuse, supported by credible evidence*
 - *If the court finds that one of the parties has been a perpetrator of spouse abuse, it shall not be in the best interests of the child to allocate mutual decision-making UNLESS*
 - *The court finds the parties are able to make decisions without physical confrontation, and without danger to the child or the parties.*

If the parents are unable to agree on a parenting time schedule, the court may make provisions for parenting time based on the Best Interests factors listed above, unless the court finds, after a hearing, that parenting time by one of the parties would endanger the child's physical health or significantly impair the child's emotional development. Similarly, if the parents cannot agree on who should make decisions about the children, the court will allocate decision-making for the child based on the Best Interests standard as well.