Understanding the Best Interest Standard
Objectives:

- Better understand what the best interest standard means.
- Analyze and assess three (3) different scenarios using the best interest standard.
Defining the Best Interest Standard

• Most court systems utilize the best interest standard when determining the custody or living arrangements of children or the legal limitations of adults alleged/adjudicated as legally incompetent.

• However, there is not single definition of “best interest” that can apply to all situations/cases.
Defining the Best Interest Standard

- The best interest of the child is a standard used by the Court to make decisions impacting a child in matters of CHIPS cases, child custody, guardianship, and visitation, among other issues. It is a subjective, discretionary test, in which all circumstances affecting the child are taken into account.

- For proposed wards, the best interest standard is used to make decisions impacting the ward’s legal right to make decisions involving healthcare and finances, among other things.

- Stated otherwise, to arrive at the “best interest” of a child or proposed ward, a GAL must look holistically at a series of factors that are relevant to the case.
Defining the Best Interest Standard

- Relevant factors that often lead to the best interest of a child/proposed ward are:
  - Safety
  - Current living arrangements/consistency
    - Impact of changing routine
  - Visitation
  - Access to family and culture
  - Age
  - Disabilities/special needs of child or proposed ward
  - Financial circumstances
  - Availability of parents/guardians/caregiver
  - Suitability of parent(s)/proposed guardian/caregiver
  - Any other relevant factor(s)
Scenario 1 Questions:

• What should you do after visiting the home?
• What do you think the best interest of the children are?
• Is there anything else you would like to know before determining your recommendation to the Court?
Scenario 2 Questions:

• You are now writing a report for the *Dispositional Hearing*.  
  • What will you recommend concerning placement?  
  • What else might you recommend?  
  • Is there anything regarding J.B.’s progress notes that should be addressed?  
  • After reading CFS’ proposed dispositional conditions for the parents, you noticed that there are not any conditions involving parent education. What might you recommend the Court to consider?
Scenario 3 Questions:

- Based on what you know, what would you recommend the best interest of Rita Smith is concerning the Petition for Guardianship of the person?/estate?
- How much weight should you give Ms. Smith’s comments?
- What more would you like to know in order to make a more informed decision?