

KANSAS AND MISSOURI GUIDELINES FOR DETERMINING CHILD CUSTODY

What the Kansas Statutes say about determining child custody (from 60-1610, 2007).

The court shall determine custody or residency of a child in accordance with the best interests of the child. The court shall consider all relevant factors, including but not limited to:

- the length of time the child has been under the actual care and control of any person other than a parent and the circumstances relating thereto
- the desires of the child's parents
- the desires of the child
- the interaction and interrelationship of the child with parents, siblings, and others who may significantly affect the child's best interests
- the child's adjustment to the child's home, school, and community
- the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent
- evidence of spousal abuse
- whether a parent is subject to offender registration requirements
- whether a parent has been convicted of child abuse
- whether a parent is residing with an individual who is subject to offender registration requirements
- whether a parent is residing with an individual who has been convicted of child abuse

Neither parent shall be considered to have a vested interest in the custody or residency of a child as against the other parent...there shall be no presumption that it is in the best interests of any infant or young child to give custody or residency to the mother. Joint legal custody is preferred by the court. The award of sole legal custody to one parent shall not deprive the other parent of access to information regarding the child unless the court shall so order, stating the reasons for that determination.

What the Missouri Statutes say about determining child custody (from 452.375, 2006).

The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

- the wishes of the child's parents and the proposed parenting plan submitted by both parties
- the needs of the child for a frequent, continuing, and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child
- the interaction and interrelationship of the child with parents, siblings, and others who may significantly affect the child's best interests
- which parent is more likely to allow the child frequent, continuing, and meaningful contact with other parent

- the child's adjustment to the child's home, school, and community
- the mental and physical health of all individuals involved, including any history of abuse of any individuals involved....custody and visitation rights shall be ordered in a manner that best protects the child and other children for whom the parent has custodial or visitation rights (as well as the parent or other household members who are victims of domestic violence) from further harm
- the intention of either parent to relocate the principal residence of the child
- the wishes of the child as to the child's custodian

The fact that a parent sends his/her child to a home school shall not be the sole factor that a court considers in determining custody. It is public policy of Missouri that frequent, continuing, and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interests of the child, except where the court specifically determines otherwise. It is also public policy to encourage parents to participate in decisions affecting the health, education, and welfare of their children and to resolve disputes amicably through alternative dispute resolution. As between the parents, no preference may be given to either parent because of that parent's age, sex, or financial status, nor because of the age or sex of the child.