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*Factors The Georgia  
Courts Consider When  
Deciding Custody*



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*You love your kids, and you want to do what's right for them. Going through a divorce is hard enough; it's even more difficult when you're worried about your kids.*

How will the divorce affect them? Will you get to see them as much as you want? Do you even have a shot at custody or at least equal time-sharing? The good news is you absolutely have the right to equal time-sharing with your children. Your children need you, and you want to be there for them, be involved in their lives as much as possible. Let's talk about the 17 factors the Georgia courts consider when deciding custody.

First, it's important to know that the courts do not favor either the mother or the father in custody cases, nor do they show favor for any particular type of custody plan. What the courts focus on is what is in the child's best interest. Sometimes this looks like full legal custody, joint legal custody, or full/joint physical custody, even a combination. It all depends on what the court feels is best for the child.



*When determining what is in the child's best interest, judges consider many factors. These factors include, but are not limited to:*

1. The emotional relationship between each parent and the child
2. The emotional relationship between the child and other children within the residence, such as siblings
3. The ability of each parent to provide affection, love, and guidance to the child
4. The ability of each parent to provide the child with basic life needs such as food, clothing, shelter, medical care, and day-to-day necessities
5. The physical and mental health of each parent
6. Each parent's involvement, or lack of, in the child's social, educational, and extracurricular activities
7. How familiar and knowledgeable each parent is with the child and their needs
8. The home environment of each parent; focusing on safety and nurturance rather than material factors.
9. The importance of continuity and the desire to maintain continuity in the child's life
10. Each parent's stability as far as their family unit and support systems that benefit the child
11. The parent's employment schedule and ability to care for the child
12. Any health or special needs of the child as well as the home, school, and community record of the child
13. An examination of each parent's past parenting performance as well as the ability for future performance
14. The willingness of each parent to encourage a healthy relationship between the child and the other parent
15. Recommendations from court-appointed evaluators or guardian ad litem
16. Any evidence of mental, physical, or sexual abuse toward the child along with any instances of family violence and any possible criminal history of either parent
17. Any evidence of substance abuse by either parent



Now, you may be wondering if your child can decide for themselves where they want to live. The courts have specific guidelines for when a child can decide which parent they choose to reside with. First, a child that is 14 years old does have the right to make this decision on their own as long as there are no disqualifying factors with that parent, which we discussed above in the 17 factors. It is up to the judge's discernment if the chosen parent is the best fit for the child.

Children who are at least 11 years old but not yet 14 have some input which the judge will consider, but their wishes are not the deciding factor. Instead, the child's best interest is the controlling factor in this decision, no matter the child's age.

Keep in mind that a judge has the authority to order a psychological custody evaluation of the family when determining child custody. But, again, this is done to ensure the custody decision is in the best interest of the child. Once the judge has entered a custody order, a request to modify the parenting plan is allowed if there has been a change in circumstances, living situation, or a change in material conditions.

Ultimately, the courts desire for a child to have a healthy and loving relationship with both parents as long as both parents demonstrate they can act in the child's best interests. Your marriage may have ended, but your parenting responsibilities last a lifetime.

Listen up; if you're facing a child custody dispute or child custody plan, please get in touch with me today for effective and personalized service. I will fight for your interests and stand up for your rights. So don't wait to be the dad you are meant to be.

*Call me today at 404-330-8833.*



# *About Tessie D. Edwards & Associates, P.C.*

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Upon graduating from Indiana University School of Law, Tessie Edwards began her career in private practice, serving as an Assistant Solicitor General in Clayton County.



In this role, Tessie prosecuted a multitude of misdemeanor cases, including:

- **DUI**
- **Family Violence**
- **Possession of marijuana less than an ounce**
- **Theft and traffic offenses**

During her career as a prosecutor, including serving as an Assistant District Attorney in Fulton County, Tessie handled over 2,000 cases and successfully prosecuted burglaries, violent charges, theft, drugs, gun charges, child molestation, and rape charges. With her fierce passion and unmatched determination, Tessie has successfully tried both misdemeanor and felony trials, arguing close to 1,000 motions to suppress, bond hearings and probation revocations.

Her career and experience as a prosecutor have shaped her into an excellent attorney specializing in Divorce, Modification of Child Support, Custody or Visitation, and Legitimation and Child Support. Her specialties also encompass Drug Offenses, DUI, and Criminal Defense. With Tessie's extensive experience, you have the assurance of an attentive and skillful attorney on your side. Whether you're facing a family law or criminal law issue, Tessie will work passionately to protect your rights.

***Call me today at 404-330-8833.***