

The court has considered all relevant factors contained in RSMo. Section 452.375, RSMo. and other applicable law in determining the custody and visitation arrangements which are in the child/children's best interests as follows:

(1) One or both parents have expressed they wish to be awarded sole physical and/or legal custody [or and to be awarded more than half of CHILD/REN's physical custody time]. The other parent has requested joint legal and physical custody [or both parties may have requested sole legal/physical custody].

(2) Child/ren enjoy a good relationship with both parents and continues to benefit from a frequent, continuing, and meaningful relationship with both parents. Both parents have expressed their willingness to perform their functions as mother and father for children's benefit. A schedule that permits the minor child to have a routine on the same days each week ensures that the minor child will have frequent and meaningful relationships with each parent and it is in the best interests of the minor child in that the parents have fewer arrangements to coordinate from week to week and each parent can assume responsibility for routine activities that occur each week during their parenting time.

(3) Child/ren enjoy a good relationship with both parents, with members of her extended family, with her stepparents/parent's significant others, and with her half siblings or other children.

(4) The parties' communication is frequently contentious, which creates barriers to flexibility and cooperation over minor adjustments to the schedule that could maximize child/ren's time with both parents and minimize disagreements. Both parents have expressed a willingness to cooperate over schedule changes, but efforts to improve cooperation, have generally not been successful. Both parties reported allegations and incidents of unilateral changes to custody exchange times and locations, and the designation by each parent of certain third parties providing transportation or care for child/ren when that parent is unavailable [other similar examples of unilateral decisions or actions]. These disputes have caused confusion and acrimony between the parties, as well as confusion for third parties like child care providers [school staff] . Although there is [or is not] evidence Child A is presently aware of all the conflicts and disputes between their parents, [if not, is there evidence that they have observed and experienced certain events]. There are concerns that if the parents do not cooperate and the conflict continues to escalate, the minor child/ren will eventually be affected by continued conflict [or are currently affected, see below]. [Consider evidence available from research which connects conflict with outcomes for children.] While the parents have not always demonstrated the capacity to co-parent, it is not in the best interests of the child to award sole legal custody because the conflict is between the parents; and, does not necessarily affect their individual ability to make appropriate decisions for the child, [and there is no evidence that child/ren have been affected by the conflict at present.]

[If applicable, there is also evidence that the parties have reduced conflict and problems with their communication by [working in co-parenting counseling, using OFW, etc. as applicable and] performing certain parenting tasks that occur on their parenting time without collaborating or coordinating their efforts with the other parent. For example, there has been little conflict between the parents when each parent has selected an activity for child/ren that occur on their own parenting time. Both parties also acknowledge that it has been helpful to have less personal contact with each other and to use Our Family Wizard as the sole communication tool between them.

(5) Child/ren is/are adjusted well to both homes, to school, and to the community. [how well adjusted were the children prior to escalation of conflict]

(6) No evidence was presented of any mental health problems, either diagnosed or undiagnosed, for either parent. *Would have to address any diagnosis or evaluation that suggests mental health issues or personality disorders.*

(7) Neither parent intends to relocate.

2. Given child/ren 's age, no evidence was presented regarding her custodial preference [or if child is older, how has conflict has affected the child and or what have they said about their wishes that can be explained here]

3. The court finds it is in Child A's best interest that the parties continue to exercise joint legal and joint physical custody.

4. Given the parties' continuing communications issues, the court finds that the use of Our Family Wizard will best promote Child A's welfare, as it will minimize the opportunities for verbal conflict between the parents, especially in Child A's presence.

Other Ideas:

1. The need for reduction in conflict to ensure that the minor child can continue to have a meaningful relationship with both parents without affecting the child's ability to thrive in their school and community. This could include any evidence of the child being placed in loyalty binds or examples of the competitive (win-lose) behavior these parents often engage in. {Although for a young child this is speculative if they are not showing signs of stress}

2. The ability and willingness of the parents to actively perform their function as mother and father is being adversely affected by requiring them to cooperatively parent and making findings regarding the conflict and confusion caused by their poor communication and inability to make decisions together (although you have to be careful you don't support a finding of sole legal custody)

3. The parents have shown that strategies that disengage them from co-parenting have been more successful than efforts to help them cooperatively co-parent. and/or efforts to change the patterns in number 2 have been ineffective (same caution regarding support of sole legal custody).

4. if older children, have they expressed a wish or need for their parents to disengage.

5. The minor child's immediate environments of school, teams, clubs or other community have been negatively impacted in some way by the conflict between the parents which suggests a parallel disengaged parenting approach would be in the child's best interests. Examples might be parents causing scenes when together, putting school or child care professionals in the middle of disputes, etc.

6. Citing other examples of inability to cooperate -including sharing of expenses.