

# Best Interest of the Child Supplemental to the report Child Welfare System

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**We found no dispute about the need to act in the best interest of children.  
However, despite this consensus, we found no universal definition for best interest.**

**Each state determines what guiding principles, factors, and evidence will be used to define best interest of the child.**

## Common guiding principles

- Maintaining family integrity and preference
- Protecting the health and safety of the child
- Making timely permanence decisions
- Assuring that children are provided with the resources needed to become self-sufficient adults

**States are not consistent in their definition and application of the term best interest of the child.**

## Common factors

- Child's preference
- Bond between child and parents
- Parents' ability to provide for the child's basic needs
- Parents' and child's mental and physical health
- Presence of domestic violence
- Potential for permanency
- Relationship between child and parental substitute
- Social, cultural, and educational needs of the child

**Improvements to programs, practices, and policies within child welfare systems may be more impactful than further defining and describing the concept of best interest.**

**The lack of consistency in terms of definition and implementation remain the primary critique surrounding the best interest of the child standard; however, alternatives to the best interest standard are also flawed.**

- Sex-based standard—found to be unconstitutional
- Primary caretaker preference—lacks a common definition
- Least detrimental alternative—ambiguous and with no more determinacy than the best interest standard



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