

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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