

In Mississippi, it is now presumed that mothers and fathers are equally entitled to custody of their children. In addition to the presumption of equality, other presumptions also directly influence custody actions in Mississippi. These include the presumption in favor of a natural parent, the presumption against custody to a violent parent, and the presumption in favor of joint custody upon request by both parents. It is important to remember that the polestar consideration in custody cases is the "best interests and welfare of the child". Chancellors in Mississippi always determine custody based on this "best interests" approach or test.

So how exactly does a court determine what is in the best interests of your child when it comes to custody? This is a question that is fair to ask but often difficult answer. In *Albright v. Albright*, the Mississippi Supreme Court adopted twelve factors to use in weighing what is in the best interests of a child when determining which parent should have custody. These factors are as follows:

- [1] Age, health and sex of child;
- [2] Continuing care of child prior to (and after) separation;
- [3] Parenting skills of each parent;
- [4] Capacity to provide child care and employment responsibilities of parents;
- [5] Physical and mental health and age of parents;
- [6] Alcohol and drug use;
- [7] Emotional ties of the parent and child;
- [8] Moral fitness;
- [9] Home, school and community record of child;
- [10] Preference of a child twelve or older;
- [11] Stability of the home environment and employment of each parent; and,
- [12] Other relevant factors that should be considered in best interests of child.

When determining custody, my experience is that a court will first apply the presumptions discussed above. If the presumptions do not decide the custody issue, then the court will engage in a thorough *Albright* analysis to determine which parent(s) should be awarded custody and why. If you are seeking custody of your child, it is critical that you retain a family law attorney who will be prepared to elicit facts from you and any witnesses to zealously advocate your custody case under *Albright*.

Contact our Office

As an experienced family law attorney in Mississippi, I will be on your side to navigate the

complex issues of child custody and support, zealously protect your interests, and offer direct, meaningful legal advice designed to achieve your desired results. I have litigated these custody and support cases throughout Mississippi and have the capability and resolve to guide you through your family crisis should you need assistance. Should you need professional, aggressive representation in child custody, support, modification, contempt or other family law matters, please contact my firm, Cornelius Law Firm.