**BEST INTERESTS FACT SHEET**

**What is the “best Interest of the child” standard?**

The “best interest of the child” is a principle of child protection and rights that has been applied internationally and in all 50 states, the District of Columbia, and U.S. territories. Though often used in the United States to refer to decisions related to the child welfare system, countries around the world have used this standard to ensure policies safeguard the rights and holistic needs of children.[[1]](#footnote-1)

The “best interest of the child” term refers to certain factors that contribute to children’s safety, health, and well-being. These factors include:

1. **The child’s views:** Children’s views should be given due weight according to their age and maturity to avoid paternalism and discrimination.
2. **The child’s safety**: Children should be protected from all forms of violence, injury, and abuse.
3. **The child’s well-being**: Policies should ensure children’s development, including their physical, mental, and emotional health, access to education, and access to play and leisure.
4. **The child’s identity:** While all children have universal needs, there are needs that are specific to groups of children based on their race, ethnicity, gender, sexual orientation, disability, religion, and immigration status, among other things.
5. **Family unity:** Policies should seek to maintain family relationships, including extended family, where there is not an imminent threat of harm to the child.

The best interest standard is a substantive right, a legal principle, and a rule of procedure.[[2]](#footnote-2) First, it requires decision- and policymakers to weigh a policy’s impact on children as a primary consideration among other interests related to that policy. Second, it requires interpretation of legal rules and standards in favor of children. Lastly, it mandates policymakers and adjudicators to evaluate how a policy or practice would impact a particular group of children or children generally, whether positively and negatively. This standard can apply to all forms of policymaking, including laws, policies, strategies, programs, plans, guidelines, and budgets. Through the application of this principle, countries around the world have improved outcomes for children and the rest of their citizens.

**Why is the “best interest” standard important for children?**

Children are too often an afterthought in federal policymaking. The United States consistently underperforms on international indicators of child well-being, including those related to child

health, child poverty, child protection, access to healthy food, and access to justice. Additionally, the United States’ response to the needs of children globally is very fragmented, undermining our ability to holistically advance children’s well-being around the world. Because of their age, dependency, maturity, and their lack of mechanisms to make the case for their own interests and needs, children depend on adults in society and government to act in support of their health and well-being. Without a clear mandate to consider their needs, children will continue to be disregarded in policy decisions that impact their lives and well-being. A “best interest of the child” standard would make children’s interests a major objective of policymaking and create a benchmark through which all policies can be evaluated.

**Conclusion**

The American people agree that all government policies should be governed by a best interest standard. In a 2020 election eve poll by Lake Research Partners, an overwhelming 81-13% of voters—a more than 6-1 margin—supported the establishment of such a standard, with 64% in strong agreement. Americans support this standard regardless of their political persuasion and whether or not they themselves have children.

Whether through the executive action or through legislation, our government must adopt a “best interest of the child” standard for all government policies, advancing child well-being today and for years to come.

1. The “best interest” principle is also one of the fundamental principles of the Convention on the Rights of the Child, which all countries but the United States have ratified. Committee on the Rights of the Child General Comment 14, para. 1. [↑](#footnote-ref-1)
2. Committee on the Rights of the Child General Comment 14, para. 6. [↑](#footnote-ref-2)