

- 119 (B) the child's gender;
- 120 (C) the child's development;
- 121 (D) the nature and seriousness of the disqualifying offense;
- 122 (E) the preferences of a child 12 years of age or older;
- 123 (F) any available assessments, including custody evaluations, parenting assessments,
 124 psychological or mental health assessments, and bonding assessments; and
- 125 (G) any other relevant information;
- 126 (vi) the person can provide evidence of the following:
- 127 (A) the relationship with the child is of long duration;
- 128 (B) that an emotional bond exists with the child; and
- 129 (C) that custody by the person who has committed the disqualifying offense ensures the
 130 best interests of the child are met;
- 131 (vii) (A) there is no other responsible relative known to the court who has or likely
 132 could develop an emotional bond with the child and does not have a disqualifying offense; or
- 133 (B) if there is a responsible relative known to the court that does not have a
 134 disqualifying offense, Subsection (11)(d) applies; and
- 135 (viii) that the continuation of the relationship between the person with the disqualifying
 136 offense and the child could not be sufficiently maintained through any type of visitation if
 137 custody were given to the relative with no disqualifying offense described in Subsection
 138 (11)(d).
- 139 (c) The person with the disqualifying offense bears the burden of proof regarding why
 140 placement with that person is in the best interest of the child over another responsible relative
 141 or equally situated person who does not have a disqualifying offense.
- 142 (d) If, as provided in Subsection (11)(b)(vii)(B), there is a responsible relative known
 143 to the court who does not have a disqualifying ~~H~~→ [offence] offense ←~~H~~ :
- 144 (i) preference for custody is given to a relative who does not have a disqualifying
 145 offense; and
- 146 (ii) before the court may place custody with the person who has the disqualifying
 147 offense over another responsible, willing, and able relative:
- 148 (A) an impartial custody evaluation shall be completed; and
- 149 (B) a guardian ad litem shall be assigned.