



Preserving the
Bond Between
Parents and Children

2014 Shared Parenting Report Card A New Look At Child Welfare A State-by-State Ranking



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EXECUTIVE SUMMARY

- National Parents Organization's 2014 Shared Parenting Report Card is the first national study to provide a comprehensive ranking of the states on their child custody statutes, assessing them primarily on the degree to which they promote shared parenting after divorce or separation.
- This study was motivated by the tremendous impact our nation's family courts have on children whose parents are divorced or separated, and also by recent consensus statements by leading child development research organizations that confirm children thrive with shared parenting following separation or divorce.
- Unfortunately, according to the U.S. Census Bureau, only 17% of children of separated or divorced parents have shared parenting, which prevents their ability to benefit equally from both parents and has a tremendous impact on their emotional, mental and physical health (see A New Look at Child Welfare: Single Parenting Versus Shared Parenting).
- National Parents Organization evaluated each state's child custody statute to instances of divorce to determine its grade (see Methodology). In 45 states, the statute also includes custody determination for nonmarital children. This is important to note because, according to recent U.S. Health and Human Services data, nearly 40% of children in our nation are born to unmarried parents.
- As a result of our research, National Parents Organization found that a majority of states received poor grades on shared parenting statutes. Alaska and Arizona received the highest grades, but even they received only a B. The worst custody statutes were found in New York and Rhode Island. Our comprehensive review resulted in the following grades:
 - 0 states received an A
 - 8 states received a B
 - 18 states received a C
 - 23 states received a D
 - 2 states received an F
- The national average is a 1.63 GPA (calculated on a 4.0 GPA scale).
- National Parents Organization hopes that child custody arrangements will become part of the mainstream discussion on the welfare of children, that this study will trigger change, and that as a result, more children whose parents are divorced or otherwise separated will enjoy a childhood filled with the love and care of both parents.

The 2014 Shared Parenting Report Card findings are current as of September 2014.

A NEW LOOK AT CHILD WELFARE

Recent Momentous Events in Child Development Research

During the first eight months of 2014, three separate child development organizations published reports showing that shared parenting after parental separation or divorce is a strong “vaccination” against the poor outcomes associated with single parenting. **Their conclusions were based on a review of 30 years of child development research.**

In January, the journal of the American Psychological Association published a paper whose conclusions were endorsed by 110 eminent authorities around the world. Authored by Dr. Richard Warshak at the University of Texas, the paper concluded, “...**shared parenting should be the norm for parenting plans for children of all ages, including very young children.**”

In July, the First International Conference on Shared Parenting invited researchers from more than 20 countries to Bonn, Germany. The Conference’s consensus statement produced by some of the world’s leading researchers included the following, “There is a consensus that shared parenting is a viable post-divorce parenting arrangement that is **optimal to child development and well-being**, including for children of high conflict parents.” [emphasis added] The consensus statement defined shared parenting as an arrangement in which a minimum of one-third of the child’s time would be spent with each parent.

Moreover, in April, the Association of Family and Conciliation Courts (AFCC) published the recommendations of 32 family law experts. The group concluded, “**Children’s best interests are furthered by parenting plans that provide for continuing and shared parenting relationships** that are safe, secure, and developmentally responsive and that also avoid a template calling for a specific division of time imposed on all families” [emphasis added]. While these experts hedged their conclusions with many caveats and qualifications, they nevertheless stated that, “Considered as a body of work, the efficacy of shared parenting has been supported for children of preschool age and older.” They also stated, “Parents who choose these arrangements [shared parenting] have reported that their **children are better adjusted across multiple measures** than their sole-custody or step-family peers.”

Collectively, these three groups with experts from more than 20 developed countries around the world have, for the first time, summarized 30 years of child development research by concluding that shared parenting by fit parents after divorce in most cases leads to better outcomes for children.

These historic developments, coming together for the first time in 2014, require us to consider parenting arrangements for divorced or separated parents when assessing children’s environment specifically as they relate to shared parenting.

New Developments Lead to the First Report of This Kind

National Parents Organization's Shared Parenting Report Card, which is the nation's first comprehensive analysis of custody statutes, is a first step in what needs to be a broader discussion. Our hope is that other institutions will begin to incorporate shared parenting after divorce or separation into their recommendations as a way to improve outcomes for children.

Combined with the convergence of these recent research developments on shared parenting, National Parents Organization believes we should immediately consider child custody statutes to be a critical factor when assessing the welfare of our children. The recent research developments are reinforced by the fact that, according to the U.S. Census Bureau, 35 % of our children are raised in households where the mother and father no longer live together. Further to this point, additional data show that children raised by single parents suffer negative impacts to their emotional, mental and physical health (see Single Parenting Versus Shared Parenting).

There have been many other rankings of the states on their child-friendliness. These reports have looked at important factors such as poverty, education, healthcare, the social safety net and more. But no previous report has included an assessment of the child custody statutes, which we now know are critical determinants of good outcomes for our children. Despite the exhaustive and courageous efforts by single parents, this circumstance is the strongest predictor of negative outcomes in the upbringing of children with single parents, stronger even than socioeconomic status or race for some measures.

Single Parenting Versus Shared Parenting

The Centers for Disease Control, the Department of Justice, the Census Bureau and numerous researchers have reported alarming outcomes for the 35% of children who are raised by single parents. Yet, until now, this factor has been largely ignored in the conversation about child wellbeing. Children raised by single parents account for:

- 63% of teen suicides;
- 70% of juveniles in state-operated institutions;
- 71% of high school drop-outs;
- 75% of children in chemical abuse centers;
- 85% of those in prison;
- 85% of children who exhibit behavioral disorders; and
- 90% of homeless and runaway children.

Whether the problem is emotional disturbances of children, drug use, alcohol use, teen pregnancy, poor performance in school, trouble with the law or running with gangs, being raised by a single parent is a powerful risk factor. **Conversely, children on average do much better on all these measures if they have shared parenting.** Children ardently desire shared parenting in most cases, and are happier with it.

For parents, shared parenting significantly increases child support compliance, diminishes parental conflict and domestic violence, and allows both parents to pursue their careers, social lives and other interests without the burden of singlehandedly raising a child.

METHODOLOGY

Process

National Parents Organization's research team has evaluated the child custody statutes of each state. In 45 states, the statutes address non-marital as well as marital children. In the remaining jurisdictions, we assessed only the statute pertaining to marital children.

As a result of our research, we have determined a shared parenting grade for each state, based on these statutes. This grade is reported for each state, together with the strengths and weaknesses of its child custody statutes.

Key Statutory Provisions

National Parents Organization's research team looked at the complete language of each state's child custody statutes. To arrive at a grade for each state, the research team utilized the following provisions.

- **Permission:** Does the statute clearly *permit* shared parenting?
- **Policy:** Does the statute include a policy *encouraging* shared parenting?
- **Preference:** Does the statute express a *preference* for shared parenting? Does the custody statute recognize and reward a parent's willingness and ability to facilitate and encourage a close and continuing relationship between the other parent and the child, which is known as the Friendly Parent Factor.
- **Presumption:** Does the statute establish a *rebuttable presumption* of shared parenting even when parents do not agree? If so, is there a clear exception for cases of domestic abuse, which in the view of most experts, is important? And are judges required to justify deviations from the rebuttable presumption?

Conversely, does the statute *presume a sole custody model*, which works against gender equality and shared parenting?

Definitions

- **Best Interest of the Child:** This phrase is ubiquitous in family law but, until the recent consensus in child development research, has had no fixed or identifiable meaning. This has previously been evidenced by the fact that different family courts, presented with the same facts, will make greatly different judgments concerning the alleged best interest of the child. Looking ahead, however, we can now say that shared parenting after divorce or separation by fit parents serves the best interest of children in most cases.
- **Frequent and Continuing Contact:** This phrase occurs frequently in family law. It expresses an intention of the court regarding contact between a child and each of its parents. Unfortunately, it has no identifiable meaning. In some cases, contact as little as one day per month between a parent and child, or one week during the summer, has been held to satisfy a requirement for “frequent and continuing contact.”
- **Friendly Parent Factor:** Language in a custody statute that recognizes and rewards a parent’s willingness and ability to facilitate and encourage a close and continuing relationship between the other parent and the child.
- **Parental Equality:** Treatment of the parents as equals in terms of being entitled to equal rights and responsibilities, regardless of gender, as it relates to raising their children.
- **Legal Custody:** A status conferred by the court that allows a parent, either solely or jointly, to make decisions concerning the best interest of the child. Most researchers recognize that legal custody without a very significant portion of physical custody is of little value to the child or the parent.
- **Physical Custody:** A status conferred by the court that allows a parent to participate in the residential parenting of their child, either solely or jointly.
- **Rebuttable Presumption:** This phrase indicates statutory language that prescribes a particular arrangement for children, but which can be overcome by a sufficient showing of evidence justifying a different arrangement.
- **Shared Parenting:** National Parents Organization defines shared parenting as an arrangement in which both parents have equal standing in the raising of their children, so that they may benefit fully from the loving bonds shared with both parents. Shared parenting also means that the parents share the parenting time as close to equally as possible, but neither parent has less than one-third of the parenting time.
- **Temporary Orders:** Temporary orders are those issued by the family courts early in the divorce or separation process, before there has been an opportunity to hear evidence concerning best interest of the child. Temporary orders are very important because they establish a status quo. Divorce actions can easily take six to 30 months to complete. Over this extended period of time, the “temporary orders” often morph into permanent orders.

FUTURE RESEARCH OPPORTUNITIES

National Parents Organization plans to further explore statutes pertaining to non-marital children, considering that 40% of all children born in America today are born to unmarried parents, according to the U.S. Department of Health and Human Services. Moreover, since unmarried parents have less stable relationships than married parents, their children constitute well more than half of the children for whom family courts issue custody orders.

In addition, in every state, judges have the discretion to order shared parenting if they care to. Unfortunately, they do this very infrequently, as shown by the data of the U.S. Census Bureau, which indicates that sole custody to one parent exists in about 83% of cases. Still, in some states, shared parenting is ordered more frequently than in others, which is another occurrence our organization may explore in the future. For instance, a 2014 study of outcomes in Wisconsin finds that shared physical custody in 2008 occurred in 45% of all divorce cases. That said, the study defines shared parenting such that one parent could have as little as 25% of the parenting time.

In most states, unfortunately, custody decisions by the family courts are not properly reported, so that information on the subject is often unreliable and incomplete. Thus, for most states, it may be impossible to determine the actual prevalence of shared parenting orders with precision. The next best analysis was to examine the statutory language, as we have done in this report.

Case law may also be an important determinant of shared parenting, more so in some states than in others. For instance, the New York statute has no language that allows shared parenting, but the court's decision in Braiman v. Braiman serves as legal precedent that has allowed family court judges to order this arrangement in some cases. Still, this is less powerful than statute, since family court judges can depart from case law precedent with impunity if the parties do not have the means or desire to appeal to higher courts, or if the family court can make a persuasive argument for departing from case law; it is more difficult to contravene an explicit statute.

ABOUT THE AUTHORS

The principal author of this study is **Donald Hubin**, PhD. Professor Hubin is a Professor of Philosophy at The Ohio State University, where he is Director of the Center for Ethics and Human Values. **Ned Holstein**, MD, assisted in writing this report. He is Assistant Clinical Professor at the Icahn School of Medicine at Mount Sinai, and holds a Master's degree in Psychology as well. Both Professor Hubin and Dr. Holstein serve on National Parents Organization's Board of Directors.

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Shared Parenting Report Card Team Leader:

Donald C. Hubin, PhD., Ohio, Chair, Executive Committee, National Parents Organization of Ohio

Shared Parenting Report Card Team:

Jerry Aaron, JD, Massachusetts, Member, Executive Committee, National Parents Organization of Massachusetts
Alan Cooke, CFA, Massachusetts, Co-Chair, Executive Committee, National Parents Organization of Massachusetts
Mark Czyk, M.A., M.L.S., Maryland, Executive Committee, National Parents Organization of Maryland;

Rita Fuerst Adams, MBA, Massachusetts, National Executive Director, National Parents Organization
Michelle Glogovac, California, Chair, Executive Committee, National Parents Organization of California
Yeawon Kang, JD, Massachusetts, Legal Researcher, National Parents Organization
Robyn Myler Mann, JD, New York, Member, National Parents Organization of New York
George F. Pagano, Massachusetts, Intern, Suffolk University Law School
Nancy Rigdon, Kansas, Proventus Consulting
R. Steven Sweely, Ohio, Project Manager, National Parents Organization
Burton Taylor, Kansas, Proventus Consulting,
Sean S. Tiernan, Massachusetts, Intern, Suffolk University Law School

About National Parents Organization

Mission

National Parents Organization improves the lives of children and strengthens society by protecting every child's right to the love and care of both parents after separation or divorce. We seek better lives for children through family court reform that establishes equal rights and responsibilities for fathers and mothers.

Vision

National Parents Organization's vision is a society in which:

- Children are happier and more successful because their loving bonds are protected after parental separation or divorce;
- Children have a natural right to be nurtured and guided by both parents;
- Society treats fathers and mothers as equally important to the wellbeing of their children;
- Shared parenting after separation or divorce is the norm;
- The courts arrange finances after separation or divorce so that both mothers and fathers can afford to house and care for their children and themselves; and
- Our society understands and respects the essential role of fathers.

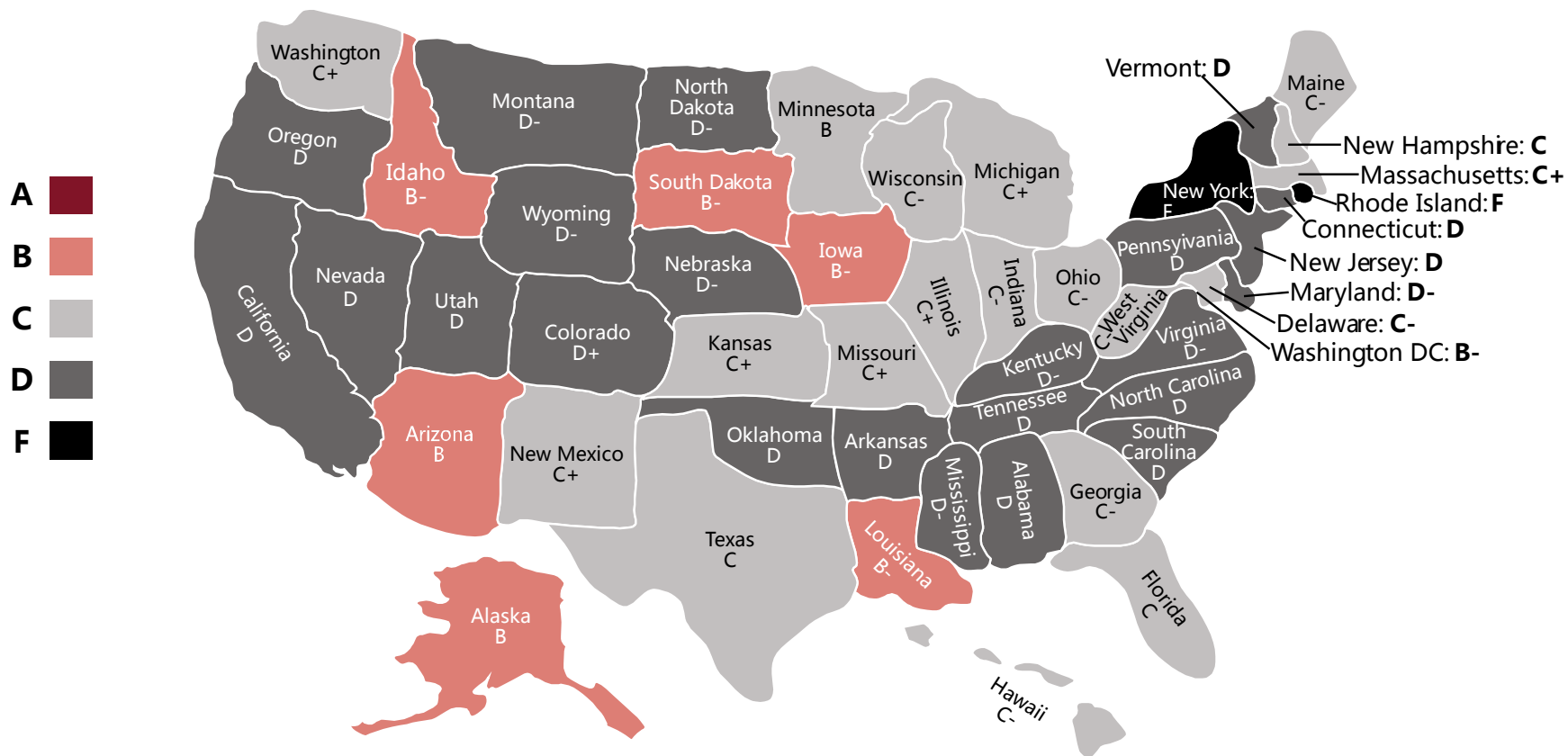
Core Principles

- **Shared Parenting:** Shared parenting protects children's best interests and the loving bonds children share with both parents after separation or divorce;
- **Parental Equality:** Equality between genders has been extended to every corner of American society, with one huge exception: Family Courts and the related agencies, and
- **Respect for Human and Property Rights:** The Supreme Court of the United States has found that "the interest of parents in the care, custody, and control of their children... is perhaps the oldest of the fundamental liberty interests recognized by this Court."

More information about National Parents Organization can be found at NationalParentsOrganization.org

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

MAP: GRADES BY STATES



- 0 states received an A
- 8 states received a B (including Washington, D.C.)
- 18 states received a C
- 23 states received a D
- 2 states received an F

LISTING: STATES BY GRADES

B

Alaska B
Arizona B
District of Columbia B-
Idaho B-
Iowa B-
Louisiana B-
Minnesota B
South Dakota B-

C

Delaware C-
Florida C
Georgia C-
Hawaii C-
Illinois C+
Indiana C-
Kansas C+
Maine C-
Massachusetts C+
Michigan C+
Missouri C+
New Hampshire C
New Mexico C+
Ohio C-
Texas C
Washington C+
West Virginia C-
Wisconsin C-

D

Alabama D
Arkansas D
California D
Colorado D+
Connecticut D
Kentucky D-
Maryland D-
Mississippi D-
Montana D-
Nebraska D-
Nevada D
New Jersey D
North Carolina D
North Dakota D-
Oklahoma D
Oregon D
Pennsylvania D
South Carolina D
Tennessee D
Utah D
Vermont D
Virginia D-
Wyoming D-

F

New York F
Rhode Island F

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

State	Grade	Positives	Negatives
<p>Alabama</p> <p><u>ALA. CODE § 30-3-150</u></p>	D	<ul style="list-style-type: none"> Alabama explicitly permits joint custody in final orders. Alabama statutes include the following policy statement: “It is the policy of this state to assure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interest of their children and to encourage parents to share in the rights and responsibilities of rearing their children after the parents have separated or dissolved their marriage.” <u>ALA. CODE § 30-3-150</u> 	<ul style="list-style-type: none"> Alabama has no explicit provisions for joint custody or shared parenting in temporary orders. Alabama’s policy statement concerning joint custody explicitly denies that joint custody includes equal physical custody. (“Joint custody does not necessarily mean equal physical custody.”) <u>ALA. CODE § 30-3-150</u> Alabama has no statutory preference for or presumption of shared parenting (joint legal custody and substantially equal physical custody) in either temporary or final orders.
<p>Alaska</p> <p><u>ALASKA STAT. § 25.20.060</u></p> <p><u>ALASKA STAT. § 25.20.070</u></p>	B	<ul style="list-style-type: none"> Alaska explicitly permits shared custody “if shared custody is determined to be in the best interest of the child.” <u>ALASKA STAT. § 25.20.070</u> Alaska requires that, in issuing temporary orders, “[u]nless it is shown to be detrimental to the welfare of the child ... or unless the presumption under <u>ALASKA STAT. § 25.24.150(g)</u> is present, the child shall have, to the greatest degree practical, equal access to both parents during the time that the court considers an award of custody.” <u>ALASKA STAT. § 25.20.070</u> Alaska statutes require, except in cases of domestic abuse, consideration of a “friendly parent” factor: “the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.” <u>ALASKA STAT. § 25.24.150(c)(6)</u> 	<ul style="list-style-type: none"> Alaska has no policy statement concerning shared parenting. In Alaska, an award of shared custody in final orders requires only “frequent and continuing contact with each parent to the maximum extent possible.” <u>ALASKA STAT. § 25.20.060</u>It does not require substantially equal time or equal access. Alaska has no statutory preference for or presumption of joint legal custody in either temporary orders or final orders. Alaska has no statutory preference for or presumption of substantially equal parenting time in final orders.

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State	Grade	Positives	Negatives
Arizona <u>ARIZ. REV. STAT. § 25-403</u> <u>ARIZ. REV. STAT. § 25-403.02</u>	B	<ul style="list-style-type: none"> Arizona requires courts to “adopt a parenting plan that provides for both parents to share legal decision-making regarding their child and that maximizes their respective parenting time.” <u>ARIZ. REV. STAT. § 25-403.02</u> Arizona explicitly endorses a “friendly parent” rule. <u>ARIZ. REV. STAT. § 25-403</u> Arizona explicitly requires courts to consider “[w]hether one parent intentionally misled the court to cause an unnecessary delay, to increase the cost of litigation or to persuade the court to give a legal decision-making or a parenting time preference to that parent.” <u>ARIZ. REV. STAT. § 25-403</u> 	<ul style="list-style-type: none"> Arizona has no explicit provisions for shared parenting during temporary orders and, thus, no statutory preference for or presumption of shared parenting during temporary orders. Arizona’s statutes do not explicitly require courts to provide reasons for failing to adopt parenting plans that involve shared legal decision-making and maximization of both parents’ parenting time.
Arkansas <u>ARK. CODE ANN. § 9-13-101</u>	D	<ul style="list-style-type: none"> Arkansas permits courts to “consider awarding joint custody of a child to the parents” when it is in the best interest of the child. <u>ARK. CODE ANN. § 9-13-101</u> Arkansas mandates “frequent and continuing” contact with the noncustodial parent “[w]hen in the best interest of the child.” <u>ARK. CODE ANN. § 9-13-101</u> Arkansas statutes allow (though they do not require) courts to consider a “friendly parent” factor in determining the best interest of a child. 	<ul style="list-style-type: none"> Arkansas statutes do not specifically provide for shared parenting (joint legal custody and substantially equal parenting time) during temporary orders. Arkansas does not have a statutory preference for, or presumption of, shared parenting in either temporary or final orders. Arkansas does not mandate that, in making custody determinations, courts consider which parent is more likely to allow the child “frequent and continuing contact” with the other parent.

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State	Grade	Positives	Negatives
<p>California</p> <p><u>CAL. FAM. CODE § 3040</u></p> <p><u>CAL. FAM. CODE § 3080</u></p>	D	<ul style="list-style-type: none"> California statutes require courts to consider “friendly parent” factors in awarding sole custody. <u>CAL. FAM. CODE § 3040</u> 	<ul style="list-style-type: none"> California has no statutory preference for, or presumption of, shared parenting. The presumption(<u>CAL. FAM. CODE § 3080</u>) in favor of joint custody applies only when both parents agree to joint custody. This is not a shared parenting presumption; it is simply deference to fit parents’ joint decisions. California explicitly denies any preference or presumption concerning physical or legal custody: “[t]his section establishes neither a preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the child. <u>CAL. FAM. CODE § 3040</u> California statutes do not explicitly provide for shared parenting during temporary orders.

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

State	Grade	Positives	Negatives
<p>Colorado</p> <p><u>COLO. REV. STAT. § 14-10-124</u></p>	D+	<ul style="list-style-type: none"> Colorado has a legislative declaration which states “in most circumstances, it is in the best interest of all parties to encourage frequent and continuing contact between each parent and the minor children of the marriage after the parents have separated or dissolved their marriage. In order to effectuate this goal when appropriate, the general assembly urges parents to share the rights and responsibilities of child-rearing and to encourage the love, affection, and contact between the children and the parents.” <u>COLO. REV. STAT. § 14-10-124</u> Colorado requires courts to consider a “friendly parent” factor when allocating parental rights and responsibilities. Courts are to consider “[t]he ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party.” <u>COLO. REV. STAT. § 14-10-124</u> 	<ul style="list-style-type: none"> Colorado has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Colorado statutes do not explicitly provide for shared parenting during temporary orders.
<p>Connecticut</p> <p><u>CONN. GEN. STAT. § 46B-56</u></p>	D	<ul style="list-style-type: none"> Connecticut specifically permits (but does not require) courts to consider a “friendly parent” factor in determining a parenting order. Courts are to consider “the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders.” <u>CONN. GEN. STAT. § 46B-56</u> 	<ul style="list-style-type: none"> Connecticut has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Connecticut statutes do not explicitly provide for shared parenting during temporary orders.

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

State	Grade	Positives	Negatives
Delaware <u>DEL. CODE ANN. TIT. 13 § 722</u>	C-	<ul style="list-style-type: none"> Delaware statutes require consideration of the “friendly parent” factor. Delaware is a model for other states in this respect. The state requires courts to hold a hearing before denying or restricting parents’ “frequent and meaningful contact with the child” and to include in their judgment the facts and conclusions that justify such a decision. <u>DEL. CODE ANN. TIT. 13 § 722</u> 	<ul style="list-style-type: none"> Delaware has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Delaware statutes do not explicitly provide for shared parenting during temporary orders.
District of Columbia <u>D.C. CODE § 16-914</u>	B-	<ul style="list-style-type: none"> The District of Columbia has a statutorily mandated “rebuttable assumption that joint custody is in the best interest of the child or children” except when there are factors such as abuse and neglect. <u>D.C. CODE § 16-914</u> The statute clearly distinguishes legal from physical custody and the language establishing the presumption of joint custody does not restrict it to legal custody. The District of Columbia has a strong “deference to parental agreement” statute requiring that: “[t]he Court shall enter an order for any custody arrangement that is agreed to by both parents unless clear and convincing evidence indicates that the arrangement is not in the best interest of the minor child. <u>D.C. CODE § 16-914</u> 	<ul style="list-style-type: none"> The District of Columbia does not prohibit a court from considering “race, color, national origin, political affiliation, sex, sexual orientation, or gender identity or expression of a party” as a factor in custody; it forbids only treating one of these factors as “a conclusive consideration.” <u>D.C. CODE § 16-914</u> District of Columbia statutes do not explicitly provide for shared parenting during temporary orders.
Florida <u>FLA. STAT. § 61.13</u>	C	<ul style="list-style-type: none"> Florida has a strong statutory presumption of shared parental responsibility: “The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child.” <u>FLA. STAT. § 61.13</u> 	<ul style="list-style-type: none"> Florida’s presumption of shared parental responsibility does not explicitly create a presumption concerning physical custody. Florida statutes do not explicitly provide for shared parenting during temporary orders.

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

State	Grade	Positives	Negatives
Georgia <u>GA. CODE AANN. § 19-9-6</u> <u>GA. CODE ANN. § 19-9-3</u>	C-	<ul style="list-style-type: none"> Georgia statutes explicitly define “joint physical custody” as “substantially equal time and contact with both parents.” <u>GA. CODE AANN. § 19-9-6</u> Georgia expressly encourages that minor children have “continuing contact with parents and grandparents who have shown the ability to act in the best interest of the child” and “parents to share in the rights and responsibilities of raising their children after such parents have separated or dissolved their marriage.” <u>GA. CODE ANN. § 19-9-3</u> 	<ul style="list-style-type: none"> Georgia has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Georgia statutes do not require courts to consider “friendly parent” factors in awarding custody.
Hawaii <u>HAW. REV. STAT. § 571-46</u>	C-	<ul style="list-style-type: none"> Hawaii considers “[e]ach parent’s actions demonstrating that they allow the child to maintain family connections through family events and activities,” each parent’s ability to “separate the child’s needs from the parent’s needs,” and “[a] parent’s prior willful misuse of the protection from abuse process ... to gain tactical advantage in any proceeding involving the custody determination of a minor,” as factors in determining what custodial arrangement is in a child’s best interest. <u>HAW. REV. STAT. § 571-46</u> 	<ul style="list-style-type: none"> Hawaii has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Hawaii statutes do not explicitly provide for shared parenting during temporary orders. Hawaii’s definition of “joint custody” is weak. It requires joint legal custody but, with respect to physical custody, it requires only “frequent, continuing, and meaningful contact with both parents.” <u>HAW. REV. STAT. § 571-46.1</u>

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

State	Grade	Positives	Negatives
Idaho <u>IDAHO CODE ANN. § 32-717B</u>	B-	<ul style="list-style-type: none"> • Idaho statute requires that “[e]xcept as provided in subsection (5), of this section [concerning domestic violence], absent a preponderance of the evidence to the contrary, there shall be a presumption that joint custody is in the best interests of a minor child or children.” <u>IDAHO CODE ANN. § 32-717B</u> • Idaho statutes require that “[i]f the court declines to enter an order awarding joint custody, the court shall state in its decision the reasons for denial of an award of joint custody.” <u>IDAHO CODE ANN. § 32-717B</u> 	<ul style="list-style-type: none"> • Idaho’s definition of “joint custody” is weak. It requires joint legal custody but, with respect to physical custody, it requires only “frequent and continuing contact with both parents.” “Joint physical custody,” though, is defined more strongly as requiring “awarding each of the parents significant periods of time in which a child resides with or is under the care and supervision of each of the parents.” <u>IDAHO CODE ANN. § 32-717B</u> • Idaho statutes do not explicitly provide for shared parenting during temporary orders.

NATIONAL PARENTS ORGANIZATION 2014 SHARED PARENTING REPORT CARD

State	Grade	Positives	Negatives
<p>Illinois</p> <p><u>750 ILL. COMP. STAT. 5/602</u></p> <p><u>750 ILL. COMP. STAT. 5/602.1</u></p>	C+	<ul style="list-style-type: none"> • Illinois statutes allow a court to determine temporary custody under the standards and procedures that are used to determine permanent custody. This allows a court to award joint physical and legal custody during temporary orders. • Illinois statutes include a statement of purposes that includes “secure the maximum involvement and cooperation of both parents regarding the physical, mental, moral and emotional well-being of the children during and after the litigation.” • Illinois statute requires that “Unless the court finds the occurrence of ongoing abuse . . . , the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child.” <u>750 ILL. COMP. STAT. 5/602</u> • Illinois requires a court, in determining the best interest of a child, to consider “the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.” <u>750 ILL. COMP. STAT. 5/602</u> • Illinois statutes require a court to consider an award of joint custody upon the application by either parent. <u>750 ILL. COMP. STAT. 5/602.1</u> 	<ul style="list-style-type: none"> • Illinois has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Immediately after establishing the presumption that “maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child,” the statute continues: “There shall be no presumption in favor of or against joint custody.” <u>750 ILL. COMP. STAT. 5/602</u>

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State	Grade	Positives	Negatives
<p>Indiana</p> <p><u>IND. CODE § 31-17-2-15</u></p>	C-	<ul style="list-style-type: none"> • Indiana statutes explicitly permit a court to award joint legal custody even if the parents do not both agree to it, though agreement by the parents is an important factor. <u>IND. CODE § 31-17-2-15</u> 	<ul style="list-style-type: none"> • Indiana has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • Indiana statutes do not explicitly provide for shared parenting during temporary orders. <u>IND. CODE § 31-17-2-15</u> • Indiana statutes state explicitly that joint legal custody “does not require an equal division of physical custody of the child.” • Indiana statutes do not require courts to consider “friendly parent” factors in awarding custody.
<p>Iowa</p> <p><u>IOWA CODE § 598.12a</u></p>	B-	<ul style="list-style-type: none"> • Iowa has a strong presumption of joint legal custody. Iowa statutes require that “On the application of either parent, the court shall consider granting joint custody in cases where the parents do not agree to joint custody. If the court does not grant joint custody under this subsection, the court shall cite clear and convincing evidence, pursuant to the factors in subsection 3, that joint custody is unreasonable and not in the best interest of the child to the extent that the legal custodial relationship between the child and a parent should be severed.” <u>IOWA CODE § 598.412.a.</u> • Iowa statute requires that “[i]f the court denies the request for joint physical care, the determination shall be accompanied by specific findings of fact and conclusions of law that the awarding of joint physical care is not in the best interest of the child.” <u>IOWA CODE § 598.41.5.a.</u> 	<ul style="list-style-type: none"> • Iowa statutes do not explicitly provide for shared parenting during temporary orders. • Iowa’s presumption of joint physical custody is not as strong as its presumption of joint legal custody. • Iowa statutes do not require courts to consider “friendly parent” factors in awarding custody.

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State	Grade	Positives	Negatives
<p>Kansas</p> <p><u>KAN. STAT. ANN. § 23-3206</u></p> <p><u>KAN. STAT. ANN. § 23-3203</u></p> <p><u>KAN. STAT. ANN. § 23-3208</u></p>	C+	<ul style="list-style-type: none"> • Kansas statutes express a preference for joint custody. <u>KAN. STAT. ANN. § 23-3206</u> • Kansas statute requires courts to consider “friendly parent” factors. “[T]he court shall consider all relevant factors, including, but not limited to: ... the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent.” <u>KAN. STAT. ANN. § 23-3203</u> 	<ul style="list-style-type: none"> • Kansas statutes do not explicitly provide for shared parenting during temporary orders. • Kansas statutes, though they express a preference for joint legal custody, do not establish a rebuttable presumption that shared parenting (joint legal custody and shared physical custody) is in a child’s best interest. • Kansas has no statutory preference for, or presumption of, shared physical custody for temporary or final orders. • Kansas statutes have only a weak presumption with respect to parenting time. “A parent is entitled to reasonable parenting time unless the court finds, after a hearing, that the exercise of parenting time would seriously endanger the child’s physical, mental, moral or emotional health.” <u>KAN. STAT. ANN. § 23-3208</u>
<p>Kentucky</p> <p><u>KY. REV. STAT. ANN. § 403.270</u></p>	D-	<ul style="list-style-type: none"> • Kentucky statutes permit a court to award joint custody. However, “joint custody” is not defined in state statutes. <u>KY. REV. STAT. ANN. § 403.270</u> 	<ul style="list-style-type: none"> • Kentucky has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • Kentucky statutes do not explicitly provide for shared parenting during temporary orders. • Kentucky statutes do not require courts to consider “friendly parent” factors in awarding custody. • Kentucky statute does not contain any policy statement or other language encouraging shared parenting.

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State	Grade	Positives	Negatives
<p>Louisiana</p> <p><u>LA. CIV. CODE ANN. ART. 132</u></p> <p><u>LA. CIV. CODE ANN. ART. 134</u></p>	B-	<ul style="list-style-type: none"> • Louisiana statute has a strong presumption of joint custody. It requires courts to award custody according to the agreement of the parents, unless that is not in the best interest of the child. “In the absence of agreement, or if the agreement is not in the best interest of the child, the court shall award custody to the parents jointly; however, if custody in one parent is shown by clear and convincing evidence to serve the best interest of the child, the court shall award custody to that parent.” <u>LA. CIV. CODE ANN. ART. 132</u> • Louisiana statute requires courts to consider the “friendly parent” factor in determining a child’s best interest. <u>LA. CIV. CODE ANN. ART. 134</u> 	<ul style="list-style-type: none"> • Louisiana statutes do not specify the physical custody component of “joint custody.” It is unclear whether the presumption of joint custody, which can be overcome only by clear and convincing evidence, extends to physical custody. • Louisiana statutes do not specifically require courts to justify, in writing, their deviations from the presumption of joint custody. • Louisiana statutes do not explicitly provide for shared parenting during temporary orders.

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State	Grade	Positives	Negatives
<p>Maine</p> <p><u>ME. REV. STAT. TIT. 19-A § 1653</u></p> <p><u>ME. REV. STAT. Tit. 19-A 1658</u></p>	C-	<ul style="list-style-type: none"> • Maine statutes declare: “The Legislature finds and declares that, except when a court determines that the best interest of a child would not be served, it is the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.” <u>ME. REV. STAT. TIT. 19-A § 1653</u> • Maine mandates that courts consider a “friendly parent” factor. One factor in determining whether custodial arrangements are in the best interest of a child is, “[t]he capacity of each parent to allow and encourage frequent and continuing contact between the child and the other parent, including physical access.” <u>ME. REV. STAT. TIT. 19-A § 1653</u> • Maine statute provides for the appointment of “parenting coordinators” to resolve conflicts between parents. <u>ME. REV. STAT. Tit. 19-A 1658</u> 	<ul style="list-style-type: none"> • Maine has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • Maine statutes do not explicitly provide for shared parenting during temporary orders.

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State	Grade	Positives	Negatives
Maryland <u>MD. CODE ANN. FAM. LAW § 5-203</u>	D-	<ul style="list-style-type: none"> Maryland statutes permit a court to award joint custody. <u>MD. CODE ANN. FAM. LAW § 5-203</u> 	<ul style="list-style-type: none"> Maryland has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Maryland statutes do not explicitly provide for shared parenting during temporary orders. Maryland statutes do not require courts to consider “friendly parent” factors in awarding custody. Maryland statute does not contain any policy statement or other language encouraging shared parenting.
Massachusetts <u>MASS. GEN. LAWS CH. 208 § 31</u>	C+	<ul style="list-style-type: none"> Massachusetts statute has a rebuttable presumption of shared legal custody of children during temporary orders; deviations from this require a finding that shared legal custody is not in the best interest of the child and the court must provide written findings supporting such a determination. <u>MASS. GEN. LAWS CH. 208 § 31</u> Massachusetts statutes explicitly define “shared legal custody,” “sole legal custody,” “shared physical custody,” and “sole physical custody.” <u>MASS. GEN. LAWS CH. 208 § 31</u> 	<ul style="list-style-type: none"> Massachusetts statutes stipulate: “An award of shared legal or physical custody shall not affect a parent’s responsibility for child support. An order of shared custody shall not constitute grounds for modifying a support order absent demonstrated economic impact that is an otherwise sufficient basis warranting modification.” “Shared physical custody” is defined as: “a child shall have periods of residing with and being under the supervision of each parent.” Time that the child is residing with each parent should not be excluded from consideration as a factor in setting child support levels. Massachusetts has no statutory preference for, or presumption of, shared physical custody for temporary or final orders.

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State	Grade	Positives	Negatives
<p>Michigan</p> <p><u>MICH. COMP. LAWS § 722.26A</u></p> <p><u>MICH. COMP. LAWS § 722.23</u></p> <p><u>MICH. COMP. LAWS § 722.27</u></p>	C+	<ul style="list-style-type: none"> Michigan statutes require parents in dispute about custody to be “advised of joint custody” and if requested by either parent, “the court shall consider an award of joint custody, and shall state on the record the reasons for granting or denying a request.” <u>MICH. COMP. LAWS § 722.26A</u> Michigan statutes require that the “friendly parent” factors be considered in determining the best interest of the child. <u>MICH. COMP. LAWS § 722.23</u> Michigan statutes require that “parenting time shall be granted to a parent in a frequency, duration, and type reasonably calculated to promote a strong relationship between the child and the parent granted parenting time.” <u>MICH. COMP. LAWS § 722.27</u> Michigan statutes allow a court to deny parenting time only when there is “clear and convincing evidence that it would endanger the child’s physical, mental, or emotional health.” <u>MICH. COMP. LAWS § 722.27</u> 	<ul style="list-style-type: none"> Michigan has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Michigan statutes do not explicitly provide for shared parenting during temporary orders. Michigan statutes do not require courts to consider “friendly parent” factors in awarding custody. Michigan statute does not contain any policy statement or other language encouraging shared parenting. Michigan’s statutory definition of “joint custody” is weak. It requires only that the order specify at least one of the following: “[t]hat the child reside alternately for specific periods with each of the parents” and/or “[t]hat the parents shall share decision-making authority as to the important decisions affecting the welfare of the child.” <u>MICH. COMP. LAWS § 722.26A</u>

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State	Grade	Positives	Negatives
<p>Minnesota</p> <p><u>MINN. STAT. § 518.17</u></p>	B	<ul style="list-style-type: none"> Minnesota statutes require a court “use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interest of the child.” <u>MINN. STAT. § 518.17</u> A recently enacted Minnesota statute specifies that “[d]isagreement alone over whether to grant sole or joint custody does not constitute an inability of parents to cooperate in the rearing of their children.” <u>MINN. STAT. § 518.17</u> A recently enacted Minnesota statute gives courts the power to grant or enhance parenting time using a “best interest” standard and specifies that increasing the parenting time of a parent with less parenting time to near equality does not constitute a “restriction on the other parent’s parenting time.” Minnesota recently changed its statutes to require courts to justify any custody decision (sole or joint) imposed over the objections of one of the parents; previous law had required a justification only for joint custody awarded over the objections of one of the parents. Minnesota statutes require courts to consider a “friendly parent” factor in determining the child’s best interest. Minnesota statutes require courts to consider evidence of false allegations of child abuse in determining the best interest of the child. Minnesota statutes clearly indicate the content of parenting plans designed to facilitate shared parenting. Minnesota has statutory provisions for the enforcement of parenting time and resolving disputes over parenting time. These include provisions for <i>pro se</i> legal actions. Violations result in compensating time and may include fines and attorney’s fees. <u>MINN. STAT. § 518.17</u> 	<ul style="list-style-type: none"> Minnesota has no statutory preference for, or presumption of, shared physical custody for temporary or final orders. Indeed, such a preference or presumption is specifically denied. Minnesota statutes do not explicitly provide for shared parenting during temporary orders. Minnesota statute does not contain any policy statement or other language encouraging shared parenting.

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State	Grade	Positives	Negatives
Mississippi MISS. CODE ANN. § 93-5-24	D-	<ul style="list-style-type: none"> Mississippi statutes list joint legal and physical custody of children first in the list of legal options. MISS. CODE ANN. § 93-5-24 Though this does not establish a legal preference or presumption, it might draw attention to this option. 	<ul style="list-style-type: none"> Mississippi has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Mississippi statutes do not explicitly provide for shared parenting during temporary orders. Mississippi statutes do not require courts to consider “friendly parent” factors in awarding custody. Mississippi statute does not contain any policy statement or other language encouraging shared parenting.
Missouri MO. REV. STAT. § 452.375	C+	<ul style="list-style-type: none"> Missouri statutes require courts to consider a “friendly parent” factor in determining the child’s best interest. MO. REV. STAT. § 452.375 Missouri statute lists “[j]oint physical and joint legal custody to both parents” first on a list of custody arrangement that it requires courts to consider saying, “the court shall consider each of the following as follows.” The language could be interpreted as establishing a legal preference. MO. REV. STAT. § 452.375 Missouri statute includes a declaration of public policy that “frequent, continuing and meaningful contact with both parents” is in the best interest of the child except for specified cases such as abuse. It directs the courts to select a custody arrangement that will best assure such contact. MO. REV. STAT. § 452.375 	<ul style="list-style-type: none"> Missouri has no presumption of, and no clear statutory preference for, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Missouri statutes do not explicitly provide for shared parenting during temporary orders.

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State	Grade	Positives	Negatives
Montana <u>MONT. CODE ANN. § 40-4-212</u>	D-	<ul style="list-style-type: none"> Montana statutes list as a factor courts <i>may</i> consider in determining a child’s best interest “whether the child has frequent and continuing contact with both parents, which is considered to be in the child's best interests unless the court determines, after a hearing, that contact with a parent would be detrimental to the child's best interests.” <u>MONT. CODE ANN. § 40-4-212</u> Unfortunately, the language is permissive, not mandatory, so a court can ignore this factor without violating any specific statutory requirement. 	<ul style="list-style-type: none"> Montana has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Montana statutes do not explicitly provide for shared parenting during temporary orders.
Nebraska <u>NEB. REV. STAT. § 42-364</u> <u>NEB. REV. STAT. § 43-2923</u>	D-	<ul style="list-style-type: none"> Nebraska permits courts to award shared parenting (joint legal custody and shared physical custody). 	<ul style="list-style-type: none"> Nebraska has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Nebraska statutes do not explicitly provide for shared parenting during temporary orders. Nebraska statutes do not require courts to consider “friendly parent” factors in awarding custody. Nebraska statute does not contain any policy statement or other language encouraging shared parenting.

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<p>Nevada</p> <p><u>NEV. REV. STAT. § 125.480</u></p> <p><u>NEV. REV. STAT. § 125.480</u></p>	D	<ul style="list-style-type: none"> Nevada statutes include the following policy statement: “The Legislature declares that it is the policy of this State: 1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have become separated or have dissolved their marriage; and 2. To encourage such parents to share the rights and responsibilities of child rearing.” <u>NEV. REV. STAT. § 125.480</u> Nevada statutes require a court to consider a “friendly parent” factor in determining the best interest of a child. <u>NEV. REV. STAT. § 125.480</u> 	<ul style="list-style-type: none"> Nevada has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Nevada statutes do not explicitly provide for shared parenting during temporary orders.

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<p>New Hampshire</p> <p><u>N.H. REV. STAT. ANN. § 461-A:6</u></p> <p><u>N.H. REV. STAT. ANN. § 461-A:2</u></p> <p><u>N.H. REV. STAT. ANN. § 461-A:8</u></p>	C	<ul style="list-style-type: none"> • New Hampshire statutes require a court to consider a “friendly parent” factor in determining a child’s best interest. <u>N.H. REV. STAT. ANN. § 461-A:6</u> • New Hampshire statutes include a detailed policy statement encouraging parents to share parental rights and responsibilities and to support frequent and continuing contact with both parents. <u>N.H. REV. STAT. ANN. § 461-A:2</u> • New Hampshire statutes concerning temporary orders allow for the allocation of parental rights and responsibilities during the pendency of the legal action to be determined on the same basis as for permanent orders. This <i>should</i> imply that joint legal and shared physical custody can be part of temporary orders. <u>N.H. REV. STAT. ANN. § 461-A:8</u> 	<ul style="list-style-type: none"> • New Hampshire has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • New Hampshire statutes may imply courts can order shared parenting (joint legal custody and shared physical custody) during temporary orders but they do not explicitly state this. • New Hampshire statutes specifically authorize courts to modify the original allocation of parental rights and responsibilities if it finds that they are not working <i>but only if the original allocation involved “substantially equal periods of residential responsibility.”</i> This considers awards that involve substantially equal periods of residential responsibility as less legally stable than other allocations of parental rights and responsibilities. • New Hampshire statutes explicitly designate “a parent with 50 percent or more of the residential responsibility” as a “custodial parent” and “a parent with less than 50 percent of the residential responsibility” as a “noncustodial parent.”
<p>New Jersey</p> <p><u>N.J. STAT. ANN. § 9:2-4</u></p>	D	<ul style="list-style-type: none"> • New Jersey statutes include the following policy statement: “The Legislature finds and declares that it is in the public policy of this state to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.” <u>N.J. STAT. ANN. § 9:2-4</u> 	<ul style="list-style-type: none"> • New Jersey has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • New Jersey statutes do not explicitly provide for shared parenting during temporary orders. • New Jersey statutes do not require courts to consider “friendly parent” factors in awarding custody.

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<p>New Mexico</p> <p><u>N.M. STAT. ANN. § 40-4-9.1</u></p>	<p>C+</p>	<ul style="list-style-type: none"> New Mexico statutes create a presumption that “joint custody is in the best interest of a child in the initial custody determination” and defines “joint custody” so as to require that “each parent shall have significant, well-defined periods of responsibility for the child.” <u>N.M. STAT. ANN. § 40-4-9.1</u> New Mexico statute requires that a court, when either granting or denying a joint custody request, “state in its decision its basis for granting or denying the request for joint custody” and explicitly denies that a mere “statement that joint custody is or is not in the best interest of the child” is sufficient. <u>N.M. STAT. ANN. § 40-4-9.1</u> 	<ul style="list-style-type: none"> New Mexico statute does not interpret “joint custody” to require equal, or substantially equal, division of a child’s time. The language used (“significant, well-defined periods of responsibility for the child”) leaves great room for courts to use their discretion in inconsistent ways. New Mexico statutes do not explicitly provide for shared parenting during temporary orders. New Mexico statutes do not require courts to consider “friendly parent” factors in awarding custody. New Mexico statutes do not include a policy statement or other language encouraging shared parenting.
<p>New York</p> <p><u>N.Y. DOM. REL. LAW § 240</u></p>	<p>F</p>		<ul style="list-style-type: none"> New York has no explicit statutory recognition of shared parenting, joint legal custody, shared residential custody, or similar concepts. In New York, joint custody decisions are based on case law, in particular, <i>Braiman v. Braiman</i> (44 N.Y.2d 584; 378 N.E.2d 1019). New York has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. New York statutes do not explicitly provide for shared parenting during temporary orders. New York statutes do not require courts to consider “friendly parent” factors in awarding custody. New York statutes do not include a policy statement or other language encouraging shared parenting.

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<p>North Carolina</p> <p><u>N.C. GEN. STAT. § 50-13.2</u></p>	D	<ul style="list-style-type: none"> North Carolina statutes require courts to consider awarding joint custody if either parent requests it. Furthermore, courts may support their custody orders with findings of fact. <u>N.C. GEN. STAT. § 50-13.2</u> 	<ul style="list-style-type: none"> North Carolina has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. North Carolina statutes do not explicitly provide for shared parenting during temporary orders. North Carolina statutes do not require courts to consider “friendly parent” factors in awarding custody. North Carolina statute does not contain any policy statement or other language encouraging shared parenting.
<p>North Dakota</p> <p><u>N.D. CENT. CODE § 14-09-06.2</u></p>	D-	<ul style="list-style-type: none"> North Dakota statutes require a court to consider a “friendly parent” factor in determining the best interest of a child. <u>N.D. CENT. CODE § 14-09-06.2.1(e)</u>. 	<ul style="list-style-type: none"> North Dakota has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. North Dakota statutes do not explicitly provide for shared parenting during temporary orders. North Dakota statutes do not require courts to consider “friendly parent” factors in awarding custody. North Dakota statute does not contain any policy statement or other language encouraging shared parenting. North Dakota statutes explicitly designate “a parent with more than 50 percent of the residential responsibility” as a “custodial parent” and “a parent with less than 50 percent of the residential responsibility” <u>N.D. CENT. CODE § 14-09-06.2.1(e)</u> as a “noncustodial parent.” This fails to resolve the terminology when each parent has 50 percent of the residential responsibility.

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<p>Ohio</p> <p><u>OHIO REV. CODE ANN. § 3109.04</u></p>	<p>C-</p>	<ul style="list-style-type: none"> • Ohio statutes require a court to consider issuing a shared parenting order if either parent requests it and submits a parenting plan. If the court determines that a filed shared parenting plan is in the best interest of the children, the court may allocate the parental rights and responsibilities for the care of the children to both parents and issue a shared parenting order requiring the parents to share all or some of the aspects of the physical and legal care of the children in accordance with the approved plan for shared parenting. • Ohio statutes mandate consideration of a “friendly parent” factor in determining a child’s best interest. <u>OHIO REV. CODE ANN. § 3109.04</u> • Ohio statutes include a policy statement encouraging the sharing between the parents of the rights and responsibilities of raising their children and setting up a task force to make recommendations for improving family statute in Ohio. <u>OHIO REV. CODE ANN. § 3109.0401</u> 	<ul style="list-style-type: none"> • Ohio has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • Ohio statutes do not explicitly provide for shared parenting during temporary orders. • Ohio statutes do not require courts to consider “friendly parent” factors in awarding custody. • Ohio statutes do not <i>mandate</i> that a court award shared parenting <i>even in a case where the court finds that the submitted shared parenting plan is in the best interest of the children</i>. The language of the statute is permissive (“the court <i>may</i>”) not mandatory (“the court <i>shall</i>”). <u>OHIO REV. CODE ANN. § 3109.04</u> • Ohio statute has not been significantly revised in light of the recommendations of the task force set up to reform family law in Ohio. <u>OHIO REV. CODE ANN. § 3109.0401</u>

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Oklahoma <u>OKLA. STAT. TIT. 43, § 110.1</u> <u>OKLA. STAT. TIT. 43 § 112</u>	D	<ul style="list-style-type: none"> Oklahoma statutes include a policy statement encouraging “parents to share in the rights and responsibilities of rearing their children after the parents have separated or dissolved their marriage provided the parents agree to cooperate and that domestic violence, stalking, or harassing behaviors ... are not present in the parental relationship.” <u>OKLA. STAT. TIT. 43, § 110.1</u> Oklahoma statutes specifically permit (but do not require or prefer) shared physical custody in temporary orders. <u>OKLA. STAT. TIT. 43, § 110.1</u> 	<ul style="list-style-type: none"> Oklahoma has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Indeed, Oklahoma has explicit language denying any such presumption: “There shall be neither a legal preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody.” <u>OKLA. STAT. TIT. 43 § 112(C)2.</u> Oklahoma statutes do not require courts to consider “friendly parent” factors in awarding custody.
Oregon <u>OR. REV. STAT. § 107.137</u> <u>OR. REV. STAT. § 107.169</u>	D	<ul style="list-style-type: none"> Oregon statutes contain a policy statement encouraging “parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage.” <u>OR. REV. STAT. § 107.169</u> Oregon statutes require courts to consider a “friendly parent” factor in determining a child’s best interest. <u>OR. REV. STAT. § 107.137</u> 	<ul style="list-style-type: none"> Oregon has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Oregon statutes do not explicitly provide for shared parenting during temporary orders.
Pennsylvania <u>23 PA. C. S. A. §5327</u>	D	<ul style="list-style-type: none"> Pennsylvania statutes list a “friendly parent” factor as the first factor in determining the best interest of a child with respect to a custody determination. Pennsylvania courts are required to consider “Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.” <u>23 PA. C. S. A. §5327</u> 	<ul style="list-style-type: none"> Pennsylvania has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Pennsylvania statutes do not explicitly provide for shared parenting during temporary orders. Pennsylvania statute does not contain any policy statement or other language encouraging shared parenting.

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State	Grade	Positives	Negatives
Rhode Island <u>R.I. GEN. LAWS § 15-5-16</u>	F		<ul style="list-style-type: none"> Rhode Island has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Rhode Island statutes do not explicitly provide for shared parenting during either temporary or final orders. Rhode Island statutes consistently speak of “<i>the</i> custodial parent” and “<i>the</i> noncustodial parent.” Rhode Island statute does not contain any policy statement or other language encouraging shared parenting. Rhode Island statutes do not mandate consideration, or even enumerate as a possible factor, a “friendly parent” factor in determining a child’s best interest for purposes of determining custody. A “friendly parent” factor is mandated by case law (<i>Pettinato v. Pettinato</i>, 582 A.2d 909, 913-14 (R.I. 1990).)
South Carolina <u>S.C. CODE ANN. § 63-15-30</u> <u>S.C. CODE ANN. § 63-15-40</u> <u>S.C. CODE ANN. § 20-3-160</u>	D	<ul style="list-style-type: none"> South Carolina statutes specify a “friendly parent” factor as one possible factor relevant to determining a child’s best interest when making custody decisions. <u>S.C. CODE ANN. § 63-15-40(B)6</u> 	<ul style="list-style-type: none"> South Carolina has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. South Carolina statutes do not explicitly provide for shared parenting during either temporary or final orders. South Carolina statute does not contain any policy statement or other language encouraging shared parenting. South Carolina statutes do not mandate that a court consider a “friendly parent” factor in determining a child’s best interest when making custody decisions. <u>S.C. CODE ANN. § 63-15-40(B)6</u>

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<p>South Dakota</p> <p>S. D. Codified Laws § 25-5-8</p> <p>S. D. Codified Laws § 25-5-7.1</p> <p>S.D. Codified laws 25-5-10.1</p>	B-	<ul style="list-style-type: none"> South Dakota statutes empower a court to order joint legal custody so that both parents retain full parental decision-making authority or to divide decision-making authority between the parents. S. D. Codified Laws § 25-5-7.1 South Dakota statutes expressly permit the court to "order joint physical custody in such proportions as are in the best interests of the child, notwithstanding the objection of either parent." S. D. Codified Laws § 25-5-7.1 South Dakota enacted a statute outlining additional factors for courts to determine when awarding joint physical custody. A number of these factors direct the court's attention in ways that are designed to promote joint custody. Courts are required to consider "friendly parents" factors (including whether a parent has alienated a child from the other parent), whether a parent has attempted to gain an advantage in a custody dispute by falsely and without cause alleging physical or sexual abuse of a child, and "[w]hether the psychological and emotional needs and the development of the child will suffer due to lack of active contact with, and attention from, both parents if joint physical custody is not granted. These additional factors need not be considered in cases where the parents agree to joint physical custody. SB 74, signed into law 3/12/2014. South Dakota statutes provide that, while an unmarried mother is entitled to custody of the child, this does not create a presumption that it is the child's best interest and a change of this initial custody determination does not require a change in circumstances. S.D. codified laws 25-5-10.1 	<ul style="list-style-type: none"> South Dakota has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Indeed, South Dakota explicitly denies any such preference or presumption. SB 74, signed into law 3/12/2014. South Dakota statutes do not explicitly provide for shared parenting during temporary orders. South Dakota statute does not contain any policy statement or other language encouraging shared parenting. South Dakota statutes specify that "[t]he husband and father, as such, has no rights superior to those of the wife and mother in regard to the care, custody, education, and control of the children of the marriage, while such husband and wife live separate and apart from each other. S. D. Codified Laws § 25-5-8 There is no similar provision specifying that the wife and mother, as such, has no rights superior to those of the husband and father in these respects.

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Tennessee <u>TENN. CODE ANN. § 36-6-106</u> <u>TENN. CODE ANN. § 36-6-101</u>	D	<ul style="list-style-type: none"> Tennessee statutes require courts to consider a “friendly parent” factor in determining a child’s best interest for custody decisions. Recent changes in Tennessee statutes strengthened a non-custodial parent’s rights to receive school and medical records for the child and to have unimpeded telephone and mail contact with the child. <u>TENN. CODE ANN. § 36-6-106</u> 	<ul style="list-style-type: none"> Tennessee has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Indeed, Tennessee statutes explicitly reject any such preference or presumption <u>TENN. CODE ANN. § 36-6-101</u>. (It is only when the parents agree to joint custody that Tennessee presumes that joint custody is in the child’s best interest.) Tennessee statutes do not explicitly provide for shared parenting during either temporary or final orders. Tennessee statute does not contain any policy statement or other language encouraging shared parenting.
Texas <u>TEX. FAM. Code Ann. §153.001</u> <u>TEX. FAM. Code Ann. §153.135</u> <u>TEX. FAM. Code Ann. §153.134</u>	C	<ul style="list-style-type: none"> Texas statutes provide for a presumption of joint legal custody. Texas statutes include a policy statement encouraging “parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.” <u>TEX. FAM. Code Ann. §153.001</u> Texas statutes explicitly allow a court to order joint custody (called “joint conservatorship”) in the absence of agreement between the parents on joint custody. <u>TEX FAM. Code Ann. §153.134</u> 	<ul style="list-style-type: none"> Texas has no statutory preference for, or presumption of, shared physical custody for temporary or final orders. Texas statutes do not explicitly provide for shared parenting during temporary orders. Texas statutes do not require courts to consider “friendly parent” factors in awarding custody. Texas statutes explicitly deny that an award of joint legal custody (“joint managing conservatorship”) entails “the award of equal or nearly equal periods of physical possession of and access to the child.” <u>TEX. FAM. Code Ann. §153.135</u>

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<p>Utah</p> <p>UTAH CODE ANN. § 30-3-10</p> <p>UTAH CODE ANN. § 30-3-10.02</p>	D	<ul style="list-style-type: none"> • Utah statutes allow an order of shared parenting if the court finds it to be in the best interest of the child even if only one parent requests it. UTAH CODE ANN. § 30-3-10.02 • Utah statutes require courts to consider a “friendly parent” factor in determining a child’s best interest for custody decisions. UTAH CODE ANN. § 30-3-10 	<ul style="list-style-type: none"> • Utah has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Indeed, Utah statutes explicitly deny any such preference or presumption. UTAH CODE ANN. § 30-3-10(5) • Utah statute does not contain any policy statement or other language encouraging shared parenting. • Utah statutes provide a very weak definition of “joint physical custody.” It requires only that the child spends at least thirty percent of the time with each parent and that both parents contribute to expenses on the child in addition to paying child support. It does not imply equal or nearly equal physical custody and it is compatible with the court designating one parent as “the primary caretaker and one home as the primary residence of the child.” UTAH CODE ANN. § 30-3-10
<p>Vermont</p> <p>VT. STAT. ANN. TIT. 15 § 665A</p>	D	<ul style="list-style-type: none"> • Vermont statutes include a policy statement that “after parents have separated or dissolved their civil marriage, it is in the best interests of their minor child to have the opportunity for maximum continuing physical and emotional contact with both parents, unless direct physical harm or significant emotional harm to the child or a parent is likely to result from such contact.” (Vt.Stat.Ann.Tit. 15 650) • Vermont statutes require a court to consider a “friendly parent” factor in determining a child’s best interest for custody purposes. VT. STAT. ANN. TIT. 15 § 665A 	<ul style="list-style-type: none"> • Vermont has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • Vermont statutes do not explicitly provide for shared parenting during either temporary or final orders. • Vermont statutes direct a court to award parental rights primarily or solely to one parent when the parents cannot agree to divide or share parental rights and responsibilities. VT. STAT. ANN. TIT. 15 § 665A

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Virginia <u>VA. CODE ANN. § 20-124.3</u>	D-	<ul style="list-style-type: none"> Virginia statutes require a court to consider a “friendly parent” factor in determining a child’s best interest for custody purposes. <u>VA. CODE ANN. § 20-124.3</u> 	<ul style="list-style-type: none"> Virginia has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Virginia statutes do not explicitly provide for shared parenting during either temporary or final orders. Virginia statute does not contain any policy statement or other language encouraging shared parenting.
Washington <u>WASH. REV. CODE § 26.09.194</u>	C+	<ul style="list-style-type: none"> Washington statutes allow each parent to submit a temporary parenting plan with a motion that it be incorporated into temporary orders. This plan will include all aspects of decision-making authority as well as residential arrangements for the child. This, in effect, permits joint legal custody and shared physical custody during temporary orders. <u>WASH. REV. CODE § 26.09.194</u> Washington statutes recognize three methods a court may use to settle decision-making authority in permanent parenting plans: allocation of decision-making authority; sole decision-making authority; and mutual decision-making authority. <u>WASH. REV. CODE § 26.09.194</u> 	<ul style="list-style-type: none"> Washington has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. Washington statute does not contain any policy statement or other language encouraging shared parenting.

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<p>West Virginia</p> <p><u>W. VA. CODE § 48-9-206</u></p>	<p>C-</p>	<ul style="list-style-type: none"> • West Virginia statutes include the following presumption: “If each of the child's legal parents has been exercising a reasonable share of parenting functions for the child, the court shall presume that an allocation of decision-making responsibility to both parents jointly is in the child's best interests.” This presumption is overcome if there is a history of domestic abuse. <u>W. VA. CODE § 48-9-206</u> • West Virginia statutes include a policy statement encouraging parents to share in the rights and responsibilities of rearing their children after the parents have separated or divorced. 	<ul style="list-style-type: none"> • West Virginia has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • West Virginia statutes do not explicitly provide for shared parenting during either temporary or final orders. • West Virginia statute does not contain any policy statement or other language encouraging shared parenting. • West Virginia’s statutory provisions for determining the allocation of parenting time require that “the proportion of custodial time the child spends with each parent approximates the proportion of time each parent spent performing caretaking functions for the child prior to the parents' separation or, if the parents never lived together, before the filing of the action.” <u>W. VA. CODE § 48-9-206(a)</u> This can favor mothers over fathers since caretaking functions are often construed in a gender-biased way. West Virginia statute does, though, prohibit the court from relying on the proportion of time spent in caretaking functions during temporary orders. <u>W. VA. CODE § 48-9-206(b)</u>

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<p>Wisconsin <u>WIS. STAT. § 767.41</u></p>	<p>C-</p>	<ul style="list-style-type: none"> • Wisconsin statutes contain a presumption that joint legal custody is in the best interest of a child. “Except as provided in par. (d) [concerning domestic abuse], the court shall presume that joint legal custody is in the best interest of the child.” <u>WIS. STAT. § 767.41(2)(am)</u> • Wisconsin statutes contain a strong “friendly parent” provision. They state: “Except as provided in par. (d) [concerning domestic abuse], the court may not give sole legal custody to a parent who refuses to cooperate with the other parent if the court finds that the refusal to cooperate is unreasonable.” <u>WIS. STAT. § 767.41(2)(c)</u> 	<ul style="list-style-type: none"> • Wisconsin has no statutory preference for, or presumption of shared physical custody for temporary or final orders. • Wisconsin statutes do not explicitly provide for shared parenting during either temporary or final orders. • Wisconsin statute does not contain any policy statement or other language encouraging shared parenting.
<p>Wyoming <u>WYO. STAT. ANN. § 20-2-201</u></p>	<p>D-</p>	<ul style="list-style-type: none"> • Wyoming statutes mandate that courts consider a “friendly parent” factor in determining a child’s best interest concerning custody. Courts shall consider “The ability and willingness of each parent to allow the other to provide care without intrusion, respect the other parent’s rights and responsibilities, including the right to privacy.” <u>WYO. STAT. ANN. § 20-2-201</u> 	<ul style="list-style-type: none"> • Wyoming has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders. • Wyoming statutes do not explicitly provide for shared parenting during either temporary or final orders. • Wyoming statutes consistently speak of “<i>the</i> custodial parent” and “<i>the</i> noncustodial parent.” • Wyoming statute does not contain any policy statement or other language encouraging shared parenting.