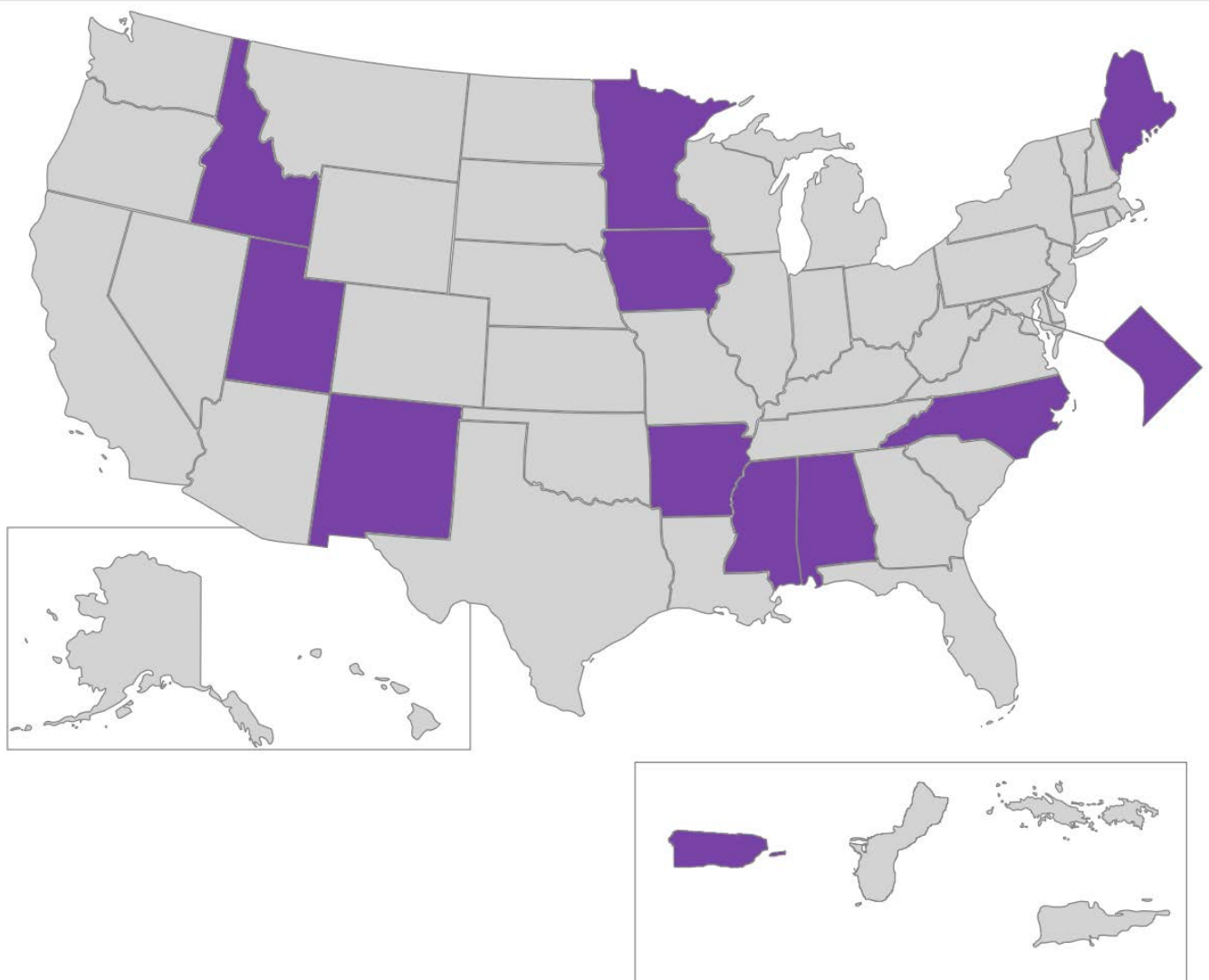


Best Interests of the Child – Joint Custody Factor¹

By Morgan Lewis and Bockius LLP² – December 29, 2017

Disclaimer: The Statute Analysis Map and reports can be powerful resources and training tools, but do not remove the responsibility of each and every lawyer to engage in original analysis and research, including by taking into consideration the facts relevant to a particular client’s circumstances. Reports are labeled with the date of last update. If you reach a conclusion that conflicts with the material herein, you can contribute to our knowledge by sending an email to the Morgan Lewis Knowledge Management and Training Team at knowledgemanagement@morganlewis.com.

Purple states have a relevant factor for determining a child’s best interests in a custody dispute. Please note that many states provide additional or different factors for determining a child’s best interests in other circumstances (e.g., adoption, visitation, or termination of parental rights). See “Factors in State Laws” for comprehensive information on child’s best interests statutes.



¹ This publication was developed under grant number SJI-15-T-234 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute. National Immigrant Women’s Advocacy Project (NIWAP, pronounced new-app) American University, Washington College of Law 4300 Nebraska Avenue NW · Washington, D.C. 20016 (o) 202.274.4457 · info@niwap.org · [wcl.american.edu/niwap](http://niwaplibrary.wcl.american.edu/) · <http://niwaplibrary.wcl.american.edu/>.

² Developed for the National Immigrant Women’s Advocacy Project, American University, Washington College of Law.

Jurisdiction	Governed by Statute	Factors a court will consider:
Alabama	Yes	Ala. Code § 30-3-152: <ul style="list-style-type: none"> • presumption that joint custody is in child's best interest (absent specific findings) • agreement or lack of agreement of parents on joint custody
Alaska	No	N/A
American Samoa	No	N/A
Arizona	No	N/A
Arkansas	Yes	Ark. Code. Ann. § 9-13-101: <ul style="list-style-type: none"> • presumption for joint custody
California	No	N/A
Colorado	No	N/A
Connecticut	No	N/A
Delaware	No	N/A
District of Columbia	Yes	D.C. Code Section 16-914: <ul style="list-style-type: none"> • willingness of parents to share custody • ability to financially support joint custody arrangement
Florida	No	N/A
Georgia	No	N/A
Guam	No	N/A
Hawaii	No	N/A
Idaho	Yes	Idaho Code 32-71: <ul style="list-style-type: none"> • presumption for joint custody
Illinois	No	N/A
Indiana	No	N/A
Iowa	Yes	Iowa Code Ann. § 598.41 <ul style="list-style-type: none"> • whether one or both the parents agree or are opposed to joint custody

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> whether the safety of the child, other children, or the other parent will be jeopardized by the awarding of joint custody or by unsupervised or unrestricted visitation
Kansas	No	N/A
Kentucky	No	N/A
Louisiana	No	N/A
Maine	Yes	ME ST T. 19-A § 1653 <ul style="list-style-type: none"> effect on child if one parent has sole custody
Maryland	No	N/A
Massachusetts	No	N/A
Michigan	No	N/A
Minnesota	Yes	MN ST § 257C.04(a): <ul style="list-style-type: none"> ability of parties to cooperate in child rearing methods for resolving disputes of major decisions whether domestic abuse has occurred whether it would be detrimental to the child if one party were to have sole authority
Mississippi	Yes	MS ST § 93-5-24(4): <ul style="list-style-type: none"> presumption that joint custody is in best interest if parents agree to joint custody
Missouri	No	N/A
Montana	No	N/A
Nebraska	No	N/A
Nevada	No	N/A
New Hampshire	No	N/A
New Jersey	No	N/A
New Mexico	Yes	N.M. Rev. Stat. Ann. § 40-4-9.1 <ul style="list-style-type: none"> there is a presumption that joint custody is in the best interest of the child in an initial custody determination

Jurisdiction	Governed by Statute	Factors a court will consider:
		<ul style="list-style-type: none"> suitability of parenting plan to allow joint custody
New York	No	N/A
North Carolina	Yes	N.C.G.S.A. § 50-13.2: <ul style="list-style-type: none"> joint custody considered on parent’s request
North Dakota	No	N/A
Northern Mariana Islands	Yes	N.D.C.C. §§ 14-09-06.2, 14-09-29, 14-09-31: <ul style="list-style-type: none"> presumption against placement of joint or sole custody with parent who is perpetrator of domestic violence or abuse
Ohio	No	N/A
Oklahoma	No	N/A
Oregon	No	N/A
Pennsylvania	No	N/A
Puerto Rico	Yes	P.R. Leyes An. Tit. 32 § 3185: <ul style="list-style-type: none"> capability and willingness of parents to assume responsibility of raising children jointly
Rhode Island	No	N/A
South Carolina	No	N/A
South Dakota	No	N/A
Tennessee	No	N/A
Texas	No	N/A
U.S. Virgin Islands	No	N/A
Utah	Yes	Utah Code 30-3-10(b): <ul style="list-style-type: none"> joint custody is in the best interest of a child as a rebuttable presumption
Vermont	No	N/A
Virginia	No	N/A
Washington	No	N/A

Jurisdiction	Governed by Statute	Factors a court will consider:
West Virginia	No	N/A
Wisconsin	No	N/A
Wyoming	No	N/A

© 2017 - Morgan, Lewis and Bockius LLP