

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 186
Mar 1, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30081-LU-21A

Short Title: Presumed Shared Parenting/Child Custody. (Public)

Sponsors: Representative Pierce.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS PERTAINING TO CHILD CUSTODY TO
3 INCORPORATE A PRESUMED SHARED PARENTING STANDARD.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 50-13.2 reads as rewritten:

6 "§ 50-13.2. Who entitled to custody; presumption of shared parenting; terms of custody;
7 visitation rights of grandparents; taking child out of State; consideration of
8 parent's military service.

9 (a) An order for custody of a minor child entered pursuant to this section shall award the
10 custody of ~~such the~~ child to ~~such the~~ person, agency, ~~organization~~ organization, or institution as
11 will best promote the interest and welfare of the child. In making the determination, the court
12 shall consider all relevant factors including acts of domestic violence between the parties, the
13 safety of the child, and the safety of either party from domestic violence by the other party. An
14 order for custody must include written findings of fact that reflect the consideration of each of
15 these factors and that support the determination of what is in the best interest of the child.
16 Between the parents, whether natural or adoptive, no presumption shall apply as to who will
17 better promote the interest and welfare of the child. ~~Joint custody to the parents shall be~~
18 ~~considered upon the request of either parent.~~ However, there is a rebuttable presumption that joint
19 custody and shared parenting is in the best interest of the child. For purposes of this section,
20 "shared parenting" means the child spends as close as possible to an equal amount of time with
21 each parent.

22 (b) An order for custody of a minor child may grant joint custody to the parents, exclusive
23 custody to one person, agency, organization, or institution, or grant custody to two or more
24 persons, agencies, organizations, or institutions. Any order for custody shall include such terms,
25 including visitation, as will best promote the interest and welfare of the child. In establishing the
26 terms of custody, if the court determines that shared parenting, as described under subsection (a)
27 of this section, is not warranted, the court shall establish a parenting schedule that maximizes the
28 time each parent has with the child as will best promote the interest and welfare of the child. If
29 the court finds that domestic violence has occurred, the court shall enter such orders that best
30 protect the children and party who were the victims of domestic violence, in accordance with the
31 provisions of G.S. 50B-3(a1)(1), (2), and (3). If a party is absent or relocates with or without the
32 children because of an act of domestic violence, the absence or relocation shall not be a factor
33 that weighs against the party in determining custody or visitation. Absent an order of the court to
34 the contrary, each parent shall have equal access to the records of the minor child involving the
35 health, education, and welfare of the child.

36"



1 **SECTION 2.** This act is effective when it becomes law and applies to cases pending
2 or filed on or after that date.