



2019

# National Parents Organization

2019 Shared Parenting Report Card

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# Executive Summary

National Parents Organization seeks to promote children's well-being by making equal shared parenting the norm when parents are living apart. There is a compelling, and growing consensus among researchers that true shared parenting by separated parents is usually best for children, even when there is (non-violent) conflict between the parents and even when the parents do not initially agree to shared parenting. And the benefits to children increase as they have more equal time with each of their fit and loving parents.

To determine the degree to which state legislatures had absorbed and acted on this consensus about what parenting arrangements work best for children when parents are living separately, in 2014 NPO undertook the first ever evaluation of states' statutory provisions promoting shared parenting. This 2019 report updates and enhances the 2014 report.

NPO found that, despite the research that now strongly supports the desirability of a legal presumption of equal shared parenting, many states have been extremely slow to alter their statutes concerning custody of children when parents live apart. There are, since 2014, signs of improvement and, in a few cases, extraordinary improvement. But far too many states lag behind the times and, in so doing, fail to promote the best interest of their children.

## In the 2019 NPO shared parenting study:

2 states received 'A's  
7 states and the District of Columbia 'B's  
25 states received 'C's  
15 states received 'D's  
2 states received 'F's

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NPO calls on those states with weak statutory provisions concerning shared parenting to review the research on the well-being of children whose parents are separated and to enact statutes creating a rebuttable presumption of equal shared parenting. Children are entitled to the presumption that both of their fit and loving parents will continue to be fully engaged in their upbringing regardless of whether or not the parents are still living together.



# The Report



## Single Parenting Versus Shared Parenting

Extensive research going back more than a quarter century has found that the 35% of children in fatherless or single parent families not only fare worse in terms of psychological and emotional well-being, physical and mental health, labor market and wealth accumulation outcomes, but are more prone to social pathologies such as child abuse, crime and substance abuse [1]–[9]<sup>1</sup>.

These children represent:

- 63% of teen suicides;
- 70% of juveniles in state-operated institutions;
- 71% of high school dropouts;
- 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.
- 85% of teen pregnancies

The societal cost of fatherlessness and single-parent families has been conservatively estimated at \$100 billion annually [1, p. 31]. When two fit parents are willing to act as parents, keeping them both involved equally in the raising of their children is not only good for the children, it's good social and economic policy.

Shared parenting following divorce/separation has been consistently shown to produce better child outcomes than sole custody arrangements along multiple dimensions: academic or cognitive outcomes, emotional and psychological outcomes including depression, stress and self-esteem factors, behavioral problems including substance abuse, physical and mental health, and improved parent-child relationships [10], [11].

For parents, shared parenting is significantly correlated with increased child support compliance and reduced parental conflict and domestic violence. Shared parenting allows both parents to pursue their careers, social lives and other interests without the burden of single-handedly raising a child.

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<sup>1</sup> Citations are indicated in brackets and references listed below

## Social Science Consensus

The social science community has embraced shared parenting in increasingly stronger terms in recent years culminating in a recommendation for the adoption of a rebuttable legal presumption of shared parenting:

- **2013:** 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, “[c]onsidered 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” [12].
- **2014:** Endorsed by 110 international experts, the “Warshak Consensus” paper concluded that **“shared parenting should be the norm for parenting plans for children of all ages**, including young children [recognizing] that some parents and situations are unsuitable for shared parenting” [13] (emphasis added).
- **2018:** Following the 2017 International Conference on Shared Parenting, 12 international experts published a paper stating: “The evidence is now sufficiently deep and consistent to permit social scientists **to provisionally recommend presumptive SP [shared parenting] to policy makers** ... these statements are explicitly made guardedly ... We might aptly characterize the current state of the evidence as “the preponderance of the evidence” (i.e., substantially more evidence for the presumption than against it). A great many studies, with various inferential strengths, suggest that SP will bestow benefits on children on average, and few if any studies show that it harms them” [14] (emphasis added).

## Social Science Consensus

- **2019:** Research soon to be published in the *Oxford Handbook of Children and the Law* provides compelling evidence that it is not only when parents agree to shared parenting that this parenting arrangement is in children's best interest. The research shows that "**a legal presumption of equal parenting time is in children's best interest**, because such a presumption is likely to strengthen the emotional security of children of divorced and separated parents and thereby have a widespread positive impact on public health" [15] (emphasis added).

For links to recent, peer-reviewed research on child well-being and post-separation parenting arrangements, please visit [NPO's Shared Parenting Research Resources page](#).

## Public Opinion Consensus

Americans are strong supporters of shared parenting. A national poll by Pew Research found 70% support. Independent polling in 8 states has shown 74% of adults support shared parenting. Americans strongly support not only the idea of separated parents sharing in raising their children, they strongly support them sharing those child-rearing responsibilities *equally* and there being a *legal presumption in favor of this arrangement*. And this support cuts across the divisions of American politics. Support for equal shared parenting and a legal presumption of equal shared parenting is extraordinarily strong regardless of race, age, political leanings, and (importantly) gender. These results are consistent with international polls which show an average of 75% support for shared parenting [16].

There is increasing evidence that shared parenting is becoming a political issue. In recent polls conducted in Kentucky, Texas and Kansas, 60% of respondents stated they would be more likely "to vote for a candidate who supported equal parenting time for fit parents following a divorce."

## Legislative Changes Since 2014

Shared parenting has been a hot legislative topic following the inaugural *2014 NPO Report Card*. There have been 180 shared parenting bills introduced during the past five years, tripling from 16 in 11 states in 2014 to a high of 48 in 30 states in 2017, and with 48 year to date in 27 states in 2019.<sup>2</sup> Of those, 13 bills in nine states have been signed into law: Florida, Kentucky, Minnesota, Missouri, Nevada, Oregon, South Dakota, Utah and Virginia.<sup>3</sup> The following milestones summarize the progress made in the adoption of shared parenting nationally:

- Kentucky becomes the first state to implement an *explicit* rebuttable presumption of joint legal custody and equal physical custody for both temporary (*pendente lite*) and final orders, becoming the first state to achieve an 'A' grade as well as being the most improved state in terms of grade rankings.
- Arizona courts interpret maximum parenting time provisions of 2013 legislation as equivalent to an *implicit* presumption of equal physical custody [17]. This might have an important persuasive ripple effect in states that have adopted similar wording. With a rating of A-, Arizona becomes only the second state to achieve an 'A' grade.



<sup>2</sup> Data compiled from NCSL ([National Conference of State Legislatures](#)) and [Lesgican](#)

<sup>3</sup> SB 590 became law in 2017. In 2016, then Governor Scott vetoed SB 668 which specified "a premise that a minor child should spend approximately equal amounts of time with each parent."



# Shared Parenting Trends

## Legislative Changes Since 2014

- The average state grade of 'D+' in the 2014 Report Card has risen to 'C-' in 2019, symbolizing a breakthrough to the next level in the growing adoption of shared parenting as the norm in the US. Based on a grade of 'C' to minimally qualify as a "shared parenting state", the number of shared parenting states has risen from 26 in 2014 to 35 in 2019.

Summary: State Grades		
Grade	2014	2019
<b>A</b>	<b>0</b>	<b>2</b>
<b>B</b>	<b>8</b>	<b>7</b>
<b>C</b>	<b>18</b>	<b>26</b>
<b>D</b>	<b>23</b>	<b>14</b>
<b>F</b>	<b>2</b>	<b>2</b>
<b>Average</b>	<b>D+</b>	<b>C-</b>

# Shared Parenting Trends

## Legislative Changes Since 2014

- The 9 states with legislative changes since 2014 advanced from an average grade of D+ to B-. Six states increased their grade; two states saw no change (Missouri, South Dakota), and one state had a minor decrease (Minnesota). As noted in the following section, changes were made to the grading criteria for 2019 so that the 2014 and 2019 grades are roughly, but not precisely, comparable in all cases.
- The top five most improved states since the inaugural 2014 analysis are: Kentucky, Nevada, Arkansas, Arizona and Virginia. The changes result from either: new legislation, favorable jurisprudential interpretation, or rescoring under the expanded 2019 criteria. The legislative changes that improved the scores of three of these states were spearheaded by leaders of National Parents Organization: Matt Hale (Kentucky), Christian Paasch (Virginia), and Dan Deuel (Utah). Arizona State University professor William Fabricius was the driving force behind Arizona's improvements. Nevada attorney and State Senator Keith Pickard is responsible for pressing the changes in Nevada. Finally, Wisconsin Fathers for Children and Families was a key force in the improvements in Wisconsin's statutes.

State	Grade	
	2014	2019
Florida	C	C+
Kentucky	D-	A
Minnesota	B	B-
Missouri	C+	C+
Nevada	D	B
Oregon	D	C
South Dakota	B-	B-
Utah	D	C
Virginia	D-	C-
<b>Average</b>	<b>D+</b>	<b>B-</b>

## Legislative Changes Since 2014

- The states with the most shared parenting bills introduced during the period 2014 -2019 are: Missouri – 12, New York – 11, Minnesota – 10, Massachusetts- 10, Iowa – 9 and West Virginia – 9<sup>4</sup>. Based on historical legislative activity, these can be viewed as shared parenting battleground states.<sup>5</sup>
- The least active shared parenting states with no shared parenting bills introduced in the past 5 years are: Delaware, Georgia, Ohio and Rhode Island.
- The lowest ranked states with an 'F' grade remain Rhode Island and New York. As noted, Rhode Island has not introduced any shared parenting legislation since 2014, whereas New York is one of the battleground states with eleven bills introduced since 2014.

The federal government does not track shared parenting statistics. However, survey data from the World Health Organization (WHO) suggests the prevalence of shared parenting in the US is in the 20-25% range.<sup>6</sup> Research papers indicate the prevalence of shared parenting at state level is: Wisconsin- 45%; Arizona - 44%; Washington - 34%; and California – 27%.<sup>7</sup>

Increased adoption of shared parenting in the US is part of a global trend in industrialized countries. In 2015, the Council of Europe (COE) passed a resolution encouraging European countries to adopt shared parenting legislation [19]. The state of affairs was summarized by the Deputy Secretary General of the Council of Europe in 2018: "There is however an apparent, growing consensus that, when possible, shared parenting should be supported as part of separation and divorce arrangements" [20].

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<sup>4</sup> In contrast, only four states did not introduce any shared parenting legislation during 2014 - 2019:

Delaware, Georgia, Ohio and Rhode Island.

<sup>5</sup> Runner-up battleground states with an average of at least one bill annually are: Kentucky, Maryland, New Jersey, South Dakota and Vermont.

<sup>6</sup> Presented at AFCC 56th Annual Conference [18].

<sup>7</sup> Compiled from various sources [11], [18]. Note that there is no internationally accepted definition of shared parenting with the minimum threshold of parenting time ranging from 25%-40%. In recent years there has been growing consensus of one third as the definitional threshold.

# Subject Matter of the Report: Limitations and Caveats

National Parents Organization is committed to promoting the well-being of children by working to ensure that equal shared parenting of children of separated parents is the norm. To contribute to that objective, we have undertaken a review of the shared parenting statutes of all 50 states and the District of Columbia. What is ultimately most important to children is how separated parenting is actually done, not what is enshrined in statute. But the statutes play a vital role in influencing the actual parenting arrangements of separated parents.

In every state, judges have the discretion to order shared parenting if they choose to. Unfortunately, they do this infrequently, as shown by the data of the U.S. Census Bureau, which indicates that sole custody is awarded to one parent in about 80% of cases [21, p. 2]. 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, it is not possible to determine, with confidence and across all states, the actual prevalence of shared parenting orders.

But how separated parenting is actually done is strongly influenced by court decisions which, in turn, are strongly influenced by a state's case law and statutory provisions. *This study is not a study of the actual parenting patterns of separated parents in each state. Nor is it a study of the actual court determinations or the case law (binding court decisions) of the states.* Instead, it is a study of the statutory provisions relating to shared parenting of each of the 50 states and the District of Columbia.

# Subject Matter of the Report: Limitations and Caveats

Court decisions are (supposed to be) constrained by statutory provisions and binding case law. The role of case law in determining court decisions about parenting arrangements of divorced and separated parents varies from state to state. New York, for example, has no statutory provisions that allow for shared parenting. But a court decision in *Braiman v. Braiman* serves as legal precedent that has allowed family court judges to order this arrangement in some cases. This is less powerful than statute, since family court judges can depart from case law precedent if they can cite an allegedly relevant distinction between the precedent and the case at bar; it is more difficult to contravene an explicit statute.

It is important to recognize that there can be a gap between statutory provisions and actual court decisions. A state could have relatively weak shared parenting statutory provisions but, because of binding case law or the judgments of individual courts, a stronger practice of supporting shared parenting. Conversely, we are aware that some states have relatively strong statutory provisions that are being diluted by the courts' use of their broad discretionary powers to limit shared parenting. In some cases, statutory provisions are being ignored by courts.

While there can be a gap between a state's shared parenting statutes and the actual decisions of courts in that state, the statutory provisions are extremely important, for at least two reasons. First, most courts do follow the statutes of their states to the best of their ability. And, second, it is through its statutory provisions that a state speaks most directly and clearly to its citizens about how they will be treated in the courts and the legal expectations to which they will be subject. This is increasingly important as more and more parents come to domestic relations courts without legal counsel. These parents are unlikely to have sophisticated knowledge of legal precedents and court practices. But they can be informed about clear statutory provisions that promote equal shared parenting.

The *2019 NPO Shared Parenting Report Card* evaluates the shared parenting statutes of each of the states and the District of Columbia and grades them on the degree to which they foster children's best interest by promoting equal shared parenting. It does not evaluate a state's case law nor does it evaluate the actual custodial decisions of courts.



# Methodology

## Process

National Parents Organization's research team evaluated the child custody statutes of each state and the District of Columbia on 21 factors to process the degree to which the statutes promote true shared parenting. In 45 states, the statutes address non-marital as well as marital children. In the remaining jurisdictions, we assessed only the statutes pertaining to marital children. The coded factors were converted to a shared parenting grade for each state via a weighted factors algorithm. This grade is reported for each state, together with the strengths and weaknesses of its child custody statutes.

The methodology of the original 2014 Report Card was expanded by the inclusion of additional evaluation factors and implementation of a scoring algorithm to provide greater consistency of evaluation. The adoption of additional evaluation factors required all states to be evaluated, whether or not they had legislative changes in the interim.

## Key Statutory Provisions

### 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 employed the following criteria.

- **Permission:** Does the statute explicitly *permit* shared parenting?
- **Policy:** Does the statute include a policy *encouraging* shared parenting?
- **Preference:** Do the statutes express a *preference* for shared parenting? Do the custody statutes 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"? Do the statutes urge or require courts to maximize the time that children spend with each parent?

## Key Statutory Provisions

- **Presumption:** Do the statutes 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? If there is a presumption in favor of shared parenting which is defeated by findings of domestic abuse, are there family-court-based provisions to deter maliciously motivated false allegations of abuse?

Conversely, does the statute *presume a sole custody model*, for example by speaking consistently or inappropriately about “the custodial parent,” which inhibits shared parenting?

## Definitions

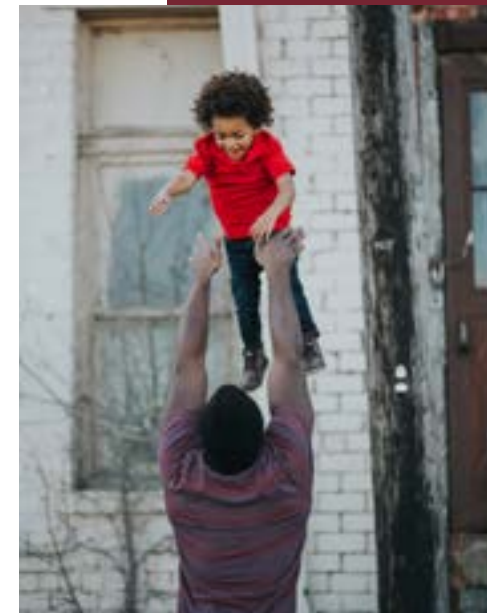
- **Best Interest of the Child:** This phrase is ubiquitous in family law but states have struggled to define it. Most states provide a list of factors that courts may, or must, consider in determining what post-separation parenting arrangement is in children's best interest. But they do not indicate the significance of each factor and courts have extremely broad discretion in determining what arrangements best promote the well-being of children. Different family courts, presented with the same facts, come to very different decisions about what promotes a child's best interest. And these decisions are too often not guided by a strong understanding of the research on the well-being of children separated parents.

The strong emerging consensus in child development research changes this landscape. We can now say that shared parenting by fit parents living separately serves the best interest of children in most cases. And this determination is robust, based on a wide range of national and international studies, using different methodologies, and different accepted metrics of child well-being.

# Methodology

## Definitions

- **Equal Shared Parenting:** 'Equal shared parenting' refers to the separated parenting arrangement in which parents have joint legal custody and substantially equal parenting time (physical custody) of their children.
- **Frequent and Continuing Contact:** This phrase, and similar ones ("frequent and meaningful", "frequent and significant", etc.) occur 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, ongoing 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 (in the absence of abuse) a close and continuing relationship between the other parent and the child.
- **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.



# Methodology

## Definitions

- **Maximizing Time Provision:** Several states seek to promote shared parenting by stating either a preference for or presumption in favor of “maximizing each parents time with the children,” or words to this effect. In the vast majority of cases, equally shared parenting is beneficial for each parent and, especially, for the children; it is a win-win-win solution. However, time that a child is in the care of parents is a zero-sum situation; if the children are in the care of one parent more of the time, they are, *per force*, in the care of the other less time. Because of this, it is not initially clear how courts will interpret and apply provisions preferring or creating a rebuttable presumption of maximizing time with each parent. Research indicates that in Arizona, for example, this provision is being interpreted strongly, as a presumption of equal physical custody [17]. However, it is not yet clear that courts in other states are treating it in this way.
- **Parental Equality:** Treatment of the parents as equals in terms of child-rearing rights and responsibilities, regardless of gender
- **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.



# Methodology

## Definitions

- **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 (*Orders Pendente Lite*):** 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 the best interest of the child. They apply to the family during the pendency of the legal proceedings. Temporary orders are very important for at least three reasons. First, they are imposed at a critical period, when parents and, crucially, children are trying to figure out how post-separation parenting will happen. Second, while temporary orders do not establish a legal precedent for permanent orders, they do establish a *de facto status quo*. When courts impose sole custody during temporary orders and parents don't agree on shared parenting, the parent wanting shared parenting is in the position of asking the court to impose permanent orders that have not been tried. Some courts are reluctant to do this. Finally, divorce actions can easily take six to 30 months or more to complete. What is temporary to the court, and to adults in general, will seem quite extended to children given their different perception of time.



# About National Parent Organization



## Mission

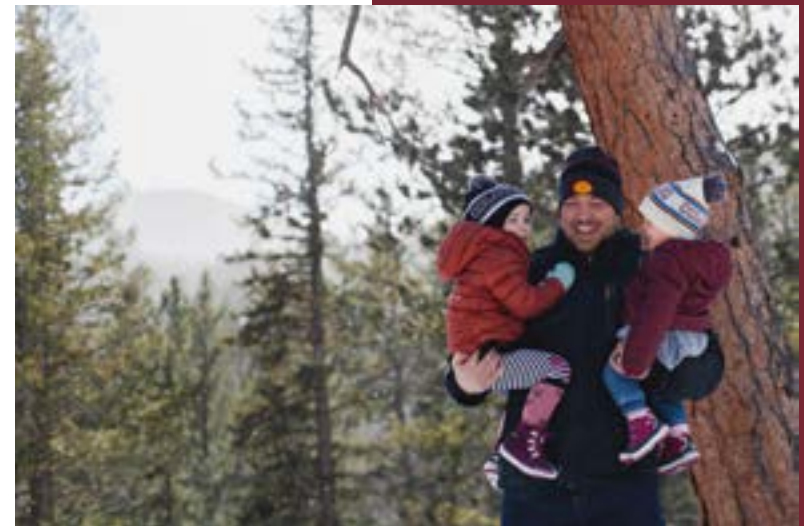
National Parents Organization improves the lives of children and strengthens society by protecting every child's right to the love and care of both parents after separation or divorce. We seek better lives for children through family court reform that establishes equal rights and responsibilities for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

# About National Parent Organization

## 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.



# About National Parent Organization

## 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](https://NationalParentsOrganization.org)



# Board and Directors

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The Team acknowledges the support and input by Robert Franklin, Matt Hale, Linda Reutzell and Brian Ulrich. In producing this report and the associated interactive web-based map, the authors were greatly assisted by **Lianna Mika**, NPO Office Manager.



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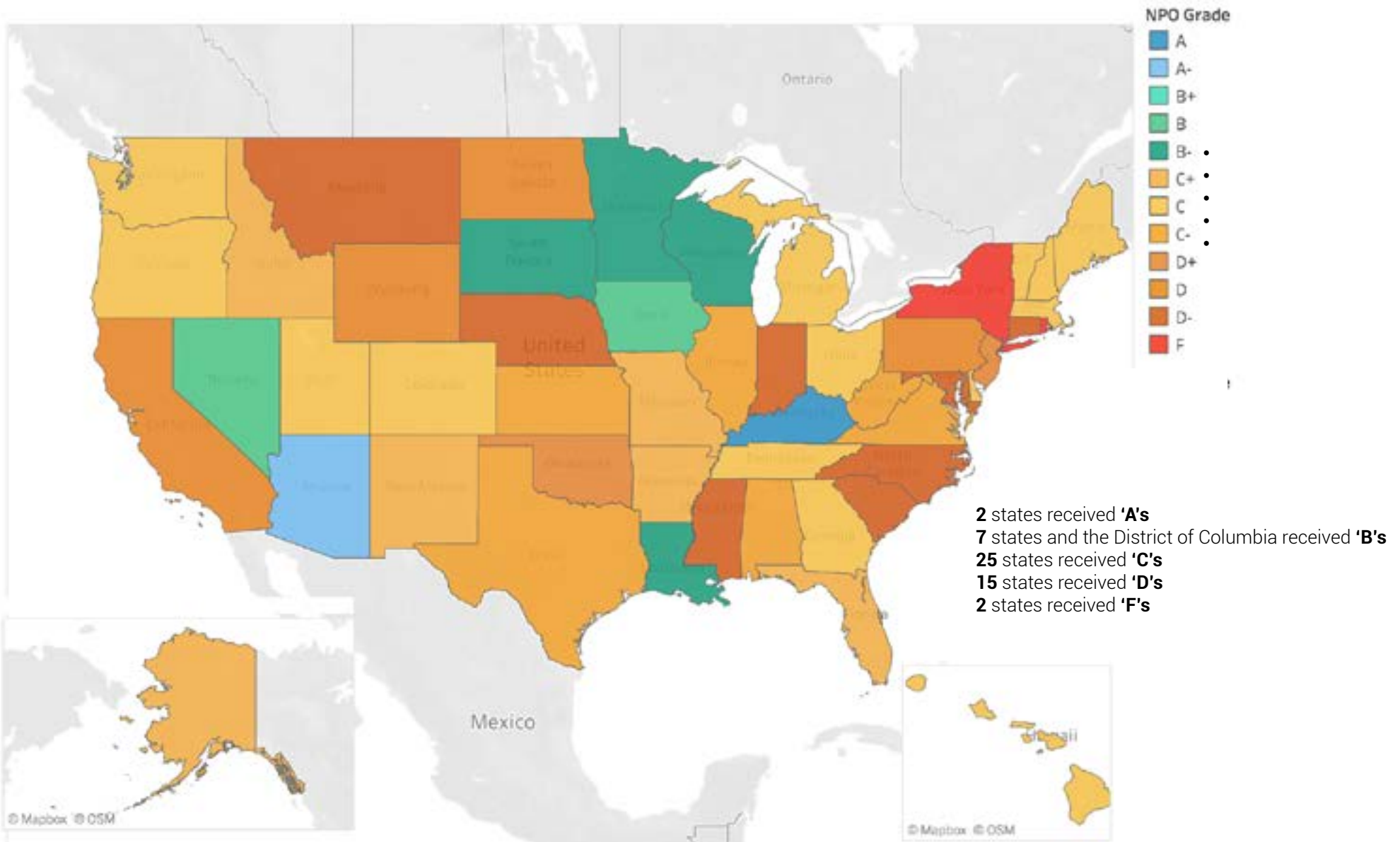
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# Appendices

# Appendix A: Map - Grades by State



# Appendix B:

## Listing - State by Grade

**A**

Kentucky

**A-**

Arizona

**B+**

District of Columbia

**B**

Iowa

Nevada

**B-**

Louisiana

Minnesota

South Dakota

Wisconsin

**C+**

Arkansas

Alaska

Florida

Idaho

Missouri

**C**

Colorado

Delaware

Georgia

Hawaii

Maine

Massachusetts

Michigan

New Hampshire

Ohio

Oregon

Tennessee

Utah

Vermont

Washington

**C-**

Alabama

Illinois

Kansas

Texas

Virginia

West Virginia

**D+**

New Jersey

Oklahoma

**D**

California

North Dakota

Pennsylvania

Wyoming

**D-**

Connecticut

Indiana

Maryland

Mississippi

Montana

Nebraska

North Carolina

South Carolina

**F**

New York

Rhode Island

# Appendix C: State Details

Alabama	Grade	Positives	Negatives
<p><a href="#">ALA. CODE § 30-3-150</a>  <a href="#">ALA. CODE § 30-3-152</a>  <a href="#">ALA. CODE § 30-3-169.6</a></p>	<p><b>C-</b></p>	<p>Alabama explicitly permits joint custody in final orders.</p> <p>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."  <a href="#">ALA. CODE § 30-3-150</a></p> <p>Alabama requires courts to consider "friendly parent" factor in joint custody.  <a href="#">ALA. CODE § 30-3-152</a></p> <p>Alabama statutes treat false allegations of abuse as a factor in custody decisions or provide for sanctions.  <a href="#">ALA. CODE § 30-3-169.6</a></p>	<p>Alabama has no explicit provisions for joint custody or shared parenting in temporary orders.</p> <p>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.")  <a href="#">ALA. CODE § 30-3-150</a></p> <p>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>



# Appendix C: State Details

Alaska	Grade	Positives	Negatives
<p><a href="#">ALASKA STAT. § 25.20.060</a>  <a href="#">ALASKA STAT. § 25.20.070</a></p>	<p><b>C+</b></p>	<p>Alaska explicitly permits shared custody "if shared custody is determined to be in the best interest of the child."  <a href="#">ALASKA STAT. § 25.20.060</a></p> <p>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 <a href="#">ALASKA STAT. § 25.24.150(g)</a> 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."  <a href="#">ALASKA STAT. § 25.20.070</a></p> <p>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."  <a href="#">ALASKA STAT. § 25.24.150(c)(6)</a></p>	<p>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."  <a href="#">ALASKA STAT. § 25.20.060</a></p> <p>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.</p> <p>Alaska has no statutory preference for or presumption of substantially equal parenting time in final orders.</p>

# Appendix C: State Details

Arizona	Grade	Positives	Negatives
<p><a href="#">ARIZ. REV. STAT. § 25-403</a>  <a href="#">ARIZ. REV. STAT. § 25-403.02</a>  <a href="#">ARIZ. REV. STAT. § 13-3620.01</a>  <a href="#">ARIZ. REV. STAT. § 25-415</a></p>	<p><b>A-</b></p>	<p>Arizona statutes strongly encourage equal shared parenting and maximum practicable parenting time by requiring 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.”  <a href="#">ARIZ. REV. STAT. § 25-403.02</a></p> <p>Research indicates courts interpret maximum time provisions as implicit rebuttable presumption of equal parenting time.</p> <p>Arizona explicitly endorses a “friendly parent” rule.  <a href="#">ARIZ. REV. STAT. § 25-403</a></p> <p>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.”  <a href="#">ARIZ. REV. STAT. § 25-403</a></p> <p>Arizona statutes provide sanctions for knowingly making false allegations of abuse. <a href="#">ARIZ. REV. STAT. § 13-3620.01</a> &amp; <a href="#">ARIZ. REV. STAT. § 25-415</a></p>	<p>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.</p> <p>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.</p>

# Appendix C: State Details

Arkansas	Grade	Positives	Negatives
<p><a href="#">ARK. CODE ANN. § 9-13-101</a></p>	<p><b>C+</b></p>	<p>Arkansas has a policy that reflects a preference for shared parenting: "In an action for divorce, an award of joint custody is favored in Arkansas" <a href="#">ARK. CODE ANN. § 9-13-101(a)(1)(A)(iii)</a></p> <p>Arkansas has a strong definition of joint custody as "the approximate and reasonable equal division of time with the child by both parents individually as agreed to by the parents or as ordered by the court". <a href="#">ARK. CODE ANN. § 9-13-101(a)(1)(A)(iii)(B)(5)</a></p> <p>Arkansas mandates "frequent and continuing" contact with the noncustodial parent "[w]hen in the best interest of the child." <a href="#">ARK. CODE ANN. § 9-13-101(b)(1)(A)(i)</a></p> <p>Arkansas statutes allow (though they do not require) courts to consider a "friendly parent" factor in determining the best interest of a child.</p>	<p>Arkansas statutes are weakened by a contradictory clause which seemingly downgrades the preference for shared parenting to an option: "To this effect, the circuit court may consider awarding joint custody of a child to the parents in making an order for custody" (emphasis added). <a href="#">ARK. CODE ANN. § 9-13-101(b)(1)(A)(ii)</a></p> <p>Arkansas statutes do not specifically provide for shared parenting (joint legal custody and substantially equal parenting time) during temporary orders.</p>

Amended 2019-09-25 to correct clerical oversight. Grade adjusted from D to C+.

# Appendix C: State Details

California	Grade	Positives	Negatives
<p><a href="#">CAL. FAM. CODE § 3040</a>  <a href="#">CAL. FAM. CODE § 3080</a>  <a href="#">CAL. FAM. CODE § 3027.1</a></p>	<p><b>D</b></p>	<p>California statutes require courts to consider “friendly parent” factors in awarding sole custody.  <a href="#">CAL. FAM. CODE § 3040</a></p> <p>California statutes provide sanctions for knowingly making false allegations of abuse.  <a href="#">CAL. FAM. CODE § 3027.1</a></p>	<p>California has no statutory preference for, or presumption of, shared parenting. The presumption (<a href="#">CAL. FAM. CODE § 3080</a>) 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.  <a href="#">CAL. FAM. CODE § 3040</a></p> <p>California statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Colorado	Grade	Positives	Negatives
<p><a href="#">COLO. REV. STAT. § 14-10-124</a></p>	<p><b>C</b></p>	<p>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.”</p> <p><a href="#">COLO. REV. STAT. § 14-10-124</a></p> <p>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.”</p> <p><a href="#">COLO. REV. STAT. § 14-10-124</a></p>	<p>Colorado has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Colorado statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Connecticut	Grade	Positives	Negatives
<p><a href="#">CONN. GEN. STAT. § 46B-56</a></p>	<p><b>D-</b></p>	<p>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.”</p> <p><a href="#">CONN. GEN. STAT. § 46B-56</a></p>	<p>Connecticut has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Connecticut statutes do not explicitly provide for shared parenting during temporary orders.</p>



# Appendix C: State Details

Delaware	Grade	Positives	Negatives
<a href="#">DEL. CODE ANN. TIT. 13 § 722</a>	<b>C</b>	<p>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.</p> <a href="#">DEL. CODE ANN. TIT. 13 § 722</a>	<p>Delaware has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Delaware statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

District of Columbia	Grade	Positives	Negatives
<p><a href="#">D.C. CODE § 16-914</a></p>	<p><b>B+</b></p>	<p>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. <a href="#">D.C. CODE § 16-914</a>. The statute clearly distinguishes legal from physical custody and the language establishing the presumption of joint custody does not restrict it to legal custody.</p> <p>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.” <a href="#">D.C. CODE § 16-914</a></p>	<p>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.” <a href="#">D.C. CODE § 16-914</a>.</p> <p>District of Columbia statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Florida	Grade	Positives	Negatives
<p><a href="#">FLA. STAT. § 61.13</a>  <a href="#">FLA. STAT. § 61.13(3)n</a></p>	<p><b>C+</b></p>	<p>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."  <a href="#">FLA. STAT. § 61.13</a></p> <p>Florida statutes require courts to consider a friendly parent factor: "demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required"  <a href="#">FLA. STAT. § 61.13</a></p> <p>Florida statutes treat false allegations of abuse as a factor in custody decisions or provide for sanctions.  <a href="#">FLA. STAT. § 61.13(3)n</a></p>	<p>Florida's presumption of shared parental responsibility does not explicitly create a preference or presumption concerning physical custody.</p> <p>Florida statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Georgia	Grade	Positives	Negatives
<p><a href="#">GA. CODE ANN. § 19-9-6</a>  <a href="#">GA. CODE ANN. § 19-9-3</a></p>	<p><b>C</b></p>	<p>Georgia statutes explicitly define "joint physical custody" as "substantially equal time and contact with both parents."  <a href="#">GA. CODE ANN. § 19-9-6</a></p> <p>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."  <a href="#">GA. CODE ANN. § 19-9-3</a></p>	<p>Georgia has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Georgia statutes do not require courts to consider "friendly parent" factors in awarding custody.</p>

# Appendix C: State Details

Hawaii	Grade	Positives	Negatives
<p><a href="#">HAW. REV. STAT. § 571-46</a>  <a href="#">HAW. REV. STAT. § 571-46(17)(b)(16)</a></p>	<p><b>C</b></p>	<p>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.  <a href="#">HAW. REV. STAT. § 571-46</a></p> <p>Hawaii meets the minimum threshold of encouraging shared parenting.</p> <p>Hawaii statutes treat false allegations of abuse as a factor in custody decisions. HAW. REV. <a href="#">HAW. REV. STAT. § 571-46(17)(b)(16)</a></p>	<p>Hawaii has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Hawaii statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>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."  <a href="#">HAW. REV. STAT. § 571-46</a></p>



# Appendix C: State Details

Idaho	Grade	Positives	Negatives
<p><a href="#">IDAHO CODE ANN. § 32-717B</a></p>	<p><b>C+</b></p>	<p>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.”  <a href="#">IDAHO CODE ANN. § 32-717B</a></p> <p>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.”  <a href="#">IDAHO CODE ANN. § 32-717B</a></p> <p>Idaho statutes encourage shared parenting.</p>	<p>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.”  <a href="#">IDAHO CODE ANN. § 32-717B</a></p> <p>Idaho statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Illinois	Grade	Positives	Negatives
<p><a href="#">750 ILL. COMP. STAT. 5/602</a> <a href="#">Replaced by 5/602.7</a></p> <p><a href="#">750 ILL. COMP. STAT. 5/602.1</a> <a href="#">Replaced by 5/602.7</a></p>	<p><b>C-</b></p>	<p>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."</p> <p>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." <a href="#">750 ILL. COMP. STAT. 5/602</a></p> <p>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." <a href="#">750 ILL. COMP. STAT. 5/602</a></p> <p>Illinois statutes require a court to consider an award of joint custody upon the application by either parent. <a href="#">750 ILL. COMP. STAT. 5/602.1</a></p>	<p>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." <a href="#">750 ILL. COMP. STAT. 5/602</a></p>

# Appendix C: State Details

Indiana	Grade	Positives	Negatives
<p><a href="#">IND. CODE § 31-17-2-15</a>  <a href="#">IND. CODE § 31-33-22-3</a></p>	<p><b>D-</b></p>	<p>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.  <a href="#">IND. CODE § 31-17-2-15</a></p> <p>Indiana statutes treat false allegations of abuse as a factor in custody decisions.  <a href="#">IND. CODE § 31-33-22-3</a></p>	<p>Indiana has no statutory preference for, or presumption of, shared parenting</p> <p>Indiana statutes do not explicitly provide for shared parenting during temporary orders. legal custody and shared physical custody) for temporary or final orders.</p> <p>Indiana statutes do not explicitly provide for shared parenting during temporary orders.  <a href="#">IND. CODE § 31-17-2-15</a></p> <p>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>

# Appendix C: State Details

Iowa	Grade	Positives	Negatives
<p><a href="#">IOWA CODE § 598.41</a></p>	<p><b>B</b></p>	<p>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."  <a href="#">IOWA CODE § 598.412.a.</a></p> <p>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."  <a href="#">IOWA CODE § 598.41.5.a.</a></p> <p>Iowa statutes state courts "may provide for joint custody"...to "assure the child the opportunity for the maximum continuing physical and emotional contact with both parents."</p> <p>Iowa statutes specify a "friendly parent" factors in awarding custody. <a href="#">IOWA CODE § 598.41.1.c.</a></p>	<p>Iowa statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Iowa's presumption of joint physical custody is not as strong as its presumption of joint legal custody.</p>

# Appendix C: State Details

Kansas	Grade	Positives	Negatives
<p><a href="#">KAN. STAT. ANN. § 23-3206</a>  <a href="#">KAN. STAT. ANN. § 23-3203</a>  <a href="#">KAN. STAT. ANN. § 23-3208</a></p>	<p><b>C-</b></p>	<p>Kansas statutes express a preference for joint custody.  <a href="#">KAN. STAT. ANN. § 23-3206</a></p> <p>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.”  <a href="#">KAN. STAT. ANN. § 23-3203</a></p>	<p>Kansas statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>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.</p> <p>Kansas has no statutory preference for, or presumption of, shared physical custody for temporary or final orders.</p> <p>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.”  <a href="#">KAN. STAT. ANN. § 23-3208</a></p>



# Appendix C: State Details

Kentucky	Grade	Positives	Negatives
<p><a href="#">KY. REV. STAT. ANN. § 403.270</a>  <a href="#">KY. REV. STAT. ANN. § 403.280</a>  <a href="#">KY. REV. STAT. ANN. § 403.315</a></p>	<p><b>A</b></p>	<p>In two major legislative changes, spearheaded by NPO, Kentucky statutes now contain a rebuttable presumption "that joint custody and equally shared parenting time is in the best interest of the child" barring issues of domestic violence and abuse for both temporary and permanent orders.</p> <p><a href="#">KY. REV. STAT. ANN. § 403.270</a>  <a href="#">KY. REV. STAT. ANN. § 403.280</a>  <a href="#">KY. REV. STAT. ANN. § 403.315</a></p> <p>For a presumption of equal shared parenting to be defeated, Kentucky the statutes require a finding based on a "preponderance of the evidence" and not a mere allegation or filing.</p> <p><a href="#">KY. REV. STAT. ANN. § 403.270(2)</a></p> <p>If the presumption of equal parenting time is defeated, courts are required "to maximize the time each parent ... has with the child ... consistent with ensuring the child's welfare."</p> <p><a href="#">KY. REV. STAT. ANN. § 403.270</a></p> <p>These provisions subsume a shared parenting policy, "friendly parent" factors, and maximum parenting time provisions.</p> <p>The legislative changes NPO led have propelled Kentucky from one of the lowest ranked shared parenting states in 2014 to the top tier.</p>	<p>Kentucky has no explicit provisions for domestic relations courts to deal with a false allegation of abuse to block shared parenting.</p>

# Appendix C: State Details

Louisiana	Grade	Positives	Negatives
<p><a href="#">LA. CIV. CODE ANN. ART. 132</a>  <a href="#">LA. CIV. CODE ANN. ART. 134</a>  <a href="#">LA. RS 9:335</a></p>	<p><b>B-</b></p>	<p>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."  <a href="#">LA. CIV. CODE ANN. ART. 132</a></p> <p>Louisiana statute requires courts to consider the "friendly parent" factor in determining a child's best interest.  <a href="#">LA. CIV. CODE ANN. ART. 134</a></p> <p>Louisiana has a preference that "physical custody of the child should be shared equally."  <a href="#">LA RS TIT. 9, § 335</a></p> <p>Louisiana language strongly encourages shared parenting.</p>	<p>It is unclear whether the presumption of joint custody, which can be overcome only by clear and convincing evidence, extends to physical custody.</p> <p>Louisiana statutes do not specifically require courts to justify, in writing, their deviations from the presumption of joint custody.</p> <p>Louisiana statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Maine	Grade	Positives	Negatives
<p><a href="#">ME. REV. STAT. TIT. 19-A § 1653</a>  <a href="#">ME.REV.STAT.Tit.19-A 1658</a></p>	<p><b>C</b></p>	<p>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."  <a href="#">ME. REV. STAT. TIT. 19-A § 1653</a></p> <p>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."  <a href="#">ME. REV. STAT. TIT. 19-A § 1653</a></p> <p>Maine statute provides for the appointment of "parenting coordinators" to resolve conflicts between parents.  <a href="#">ME.REV.STAT.Tit.19-A 1658</a></p> <p>Maine statutes treat false allegations of abuse as a factor in custody decisions.  <a href="#">ME. REV. STAT. TIT. 19-A § 1653.3.O</a></p>	<p>Maine has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Maine statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Maryland	Grade	Positives	Negatives
<p><a href="#">MD. CODE ANN. FAM. LAW § 5-203</a></p>	<p><b>D-</b></p>	<p>Maryland statutes permit a court to award joint custody. <a href="#">MD. CODE ANN. FAM. LAW § 5-203</a></p>	<p>Maryland has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Maryland statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Maryland statutes do not require courts to consider "friendly parent" factors in awarding custody.</p> <p>Maryland statute does not contain any policy statement or other language encouraging shared</p>

# Appendix C: State Details

Massachusetts	Grade	Positives	Negatives
<p><a href="#">MASS. GEN. LAWS CH. 208 § 31</a>  <a href="#">MASS. GEN. LAWS CH. 2</a></p>	<p><b>C</b></p>	<p>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.  <a href="#">MASS. GEN. LAWS CH. 208 § 31</a></p> <p>Massachusetts statutes explicitly define "shared legal custody," "sole legal custody," "shared physical custody," and "sole physical custody."  <a href="#">MASS. GEN. LAWS CH. 208 § 31</a></p>	<p>Massachusetts statute does not contain any policy statement or other language encouraging shared parenting.</p> <p>Massachusetts has no statutory preference for, or presumption of, shared physical custody for temporary or final orders.</p> <p>Massachusetts defines 'shared physical custody' weakly: "a child shall have periods of residing with and being under the supervision of each parent."  <a href="#">MASS. GEN. LAWS CH. 2</a></p>



# Appendix C: State Details

Michigan	Grade	Positives	Negatives
<p><a href="#">MICH. COMP. LAWS § 722.26A</a>  <a href="#">MICH. COMP. LAWS § 722.23</a>  <a href="#">MICH. COMP. LAWS § 722.27</a></p>	<p><b>C</b></p>	<p>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.”  <a href="#">MICH. COMP. LAWS § 722.26A</a></p> <p>Michigan statutes require that the “friendly parent” factors be considered in determining the best interest of the child.  <a href="#">MICH. COMP. LAWS § 722.23</a></p> <p>Michigan statutes meet minimum threshold of a shared parenting policy requiring 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.”  <a href="#">MICH. COMP. LAWS § 722.27</a></p> <p>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.”  <a href="#">MICH. COMP. LAWS § 722.27</a></p>	<p>Michigan has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Michigan statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>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.”  <a href="#">MICH. COMP. LAWS § 722.26A</a></p>

# Appendix C: State Details

Minnesota	Grade	Positives	Negatives
<p><a href="#">MINN. STAT. § 518.17</a></p>	<p><b>B-</b></p>	<p>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.”  <a href="#">MINN. STAT. § 518.17</a></p> <p>Minnesota statutes specify 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.”  <a href="#">MINN. STAT. § 518.17</a></p> <p>Minnesota statutes give 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 statutes require courts to justify any custody decision (sole or joint) imposed over the objections of one of the parents.</p> <p>Minnesota statutes require courts to consider a “friendly parent” factor in determining the child’s best interest. Minnesota statutes clearly indicate the content of parenting plans designed to facilitate shared parenting.</p> <p>Minnesota has statutory provisions for the enforcement of parenting time and resolving disputes over parenting time. These include provisions for pro se legal actions. Violations result in compensating time and may include fines and attorney’s fees.  <a href="#">MINN. STAT. § 518.17</a></p>	<p>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.</p> <p>Minnesota statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Mississippi	Grade	Positives	Negatives
<p><a href="#">MISS. CODE ANN. § 93-5-24</a></p>	<p><b>D-</b></p>	<p>Mississippi statutes list joint legal and physical custody of children first in the list of legal options. <a href="#">MISS. CODE ANN. § 93-5-24</a> Though this does not establish a legal preference or presumption, it might draw attention to this option.</p>	<p>Mississippi has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Mississippi statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Mississippi statutes do not require courts to consider “friendly parent” factors in awarding custody.</p> <p>Mississippi statute does not contain any policy statement or other language encouraging shared parenting.</p>

# Appendix C: State Details

Missouri	Grade	Positives	Negatives
<p><a href="#">MO. REV. STAT. § 452.375</a></p>	<p><b>C+</b></p>	<p>Missouri statutes require courts to consider a “friendly parent” factor in determining the child’s best interest.  <a href="#">MO. REV. STAT. § 452.375</a></p> <p>Recent legislative changes directing State Administrator to create handbook maximizing parenting time is potentially a strong step but needs jurisprudence to confirm this potentially strong step.</p> <p>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.  <a href="#">MO. REV. STAT. § 452.375</a></p>	<p>Although Missouri statutes 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 does not rise to the level of a legal preference.  <a href="#">MO. REV. STAT. § 452.375</a></p> <p>Missouri has no presumption shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Missouri statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Strong language promoting maximum parenting time directed in handbook is contradicted by weaker statutory policy wording promoting “frequent, continuing and meaningful contact with both parents.”</p>

# Appendix C: State Details

Montana	Grade	Positives	Negatives
<a href="#">MONT. CODE ANN. § 40-4-212</a>	<b>D-</b>	<p>Montana statutes list as a factor courts may 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." <a href="#">MONT. CODE ANN. § 40-4-212</a> Unfortunately, the language is permissive, not mandatory, so a court can ignore this factor without violating any specific statutory requirement.</p>	<p>Montana has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Montana statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Nebraska	Grade	Positives	Negatives
<p><a href="#">NEB. REV. STAT. § 42-364</a> <a href="#">NEB. REV. STAT. § 43-2923</a></p>	<p><b>D-</b></p>	<p>Nebraska permits courts to award shared parenting (joint legal custody and shared physical custody).</p>	<p>Nebraska has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Nebraska statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Nebraska statutes do not require courts to consider “friendly parent” factors in awarding custody.</p> <p>Nebraska statute does not contain any policy statement or other language encouraging shared parenting.</p>



# Appendix C: State Details

Nevada	Grade	Positives	Negatives
<p><a href="#">NEV. REV. STAT. § 125C</a></p>	<p><b>B</b></p>	<p>Nevada statutes include a policy statement encouraging “parents to share the rights and responsibilities of child rearing.”  <a href="#">NEV. REV. STAT. § 125C.001</a></p> <p>Nevada statutes establish a rebuttable presumption of joint legal custody when “a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.”  <a href="#">NEV. REV. STAT. § 125C.002</a></p> <p>Nevada statutes establish a preference of joint physical custody when “a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.”  <a href="#">NEV. REV. STAT. § 125C.0025</a></p> <p>Nevada statutes require a court to consider a “friendly parent” factor in determining the best interest of a child.  <a href="#">NEV. REV. STAT. § 125C.0035.4(c)</a></p>	<p>Nevada statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Nevada statutes do not define ‘joint physical custody’ as requiring any minimum level of parenting time for each parent. The statutes do not require courts to presume equal parenting time or to attempt to maximize the children’s time with each parent.</p> <p>Nevada statutes do not establish a rebuttable legal presumption of joint physical custody.</p> <p>Nevada statutes do not identify false allegations of abuse as a factor in determining custody.</p>

# Appendix C: State Details

New Hampshire	Grade	Positives	Negatives
<p><a href="#">N.H. REV. STAT. ANN. § 461-A:6</a>  <a href="#">N.H. REV. STAT. ANN. § 461-A:2</a>  <a href="#">N.H. REV. STAT. ANN. § 461-A:8</a></p>	<p><b>C</b></p>	<p>New Hampshire statutes require a court to consider a “friendly parent” factor in determining a child’s best interest.  <a href="#">N.H. REV. STAT. ANN. § 461-A:6</a></p> <p>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.  <a href="#">N.H. REV. STAT. ANN. § 461-A:2</a></p> <p>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 should imply that joint legal and shared physical custody can be part of temporary orders.  <a href="#">N.H. REV. STAT. ANN. § 461-A:8</a></p>	<p>New Hampshire has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>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.</p> <p>New Hampshire statutes specifically authorize courts to modify the original allocation of parental rights and responsibilities if it finds that they are not working but only if the original allocation involved “substantially equal periods of residential responsibility.” This considers awards that involve substantially equal periods of residential responsibility as less legally stable than other allocations of parental rights and responsibilities.</p> <p>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>

# Appendix C: State Details

New Jersey	Grade	Positives	Negatives
<a href="#">N.J. STAT. ANN. § 9:2-4</a>	<b>D+</b>	<p>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."</p> <a href="#">N.J. STAT. ANN. § 9:2-4</a>	<p>New Jersey has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>New Jersey statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>New Jersey statutes do not require courts to consider "friendly parent" factors in awarding custody.</p>

# Appendix C: State Details

New Mexico	Grade	Positives	Negatives
<p><a href="#">N.M. STAT. ANN. § 40-4-9.1</a></p>	<p><b>C+</b></p>	<p>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.”</p> <p><a href="#">N.M. STAT. ANN. § 40-4-9.1</a></p> <p>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.</p> <p><a href="#">N.M. STAT. ANN. § 40-4-9.1</a></p>	<p>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.</p> <p>New Mexico statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>New Mexico statutes do not require courts to consider “friendly parent” factors in awarding custody.</p> <p>New Mexico statutes do not include a policy statement or other language encouraging shared parenting</p>

# Appendix C: State Details

New York	Grade	Positives	Negatives
<a href="#">N.Y. DOM. REL. LAW § 240</a>	<b>F</b>		<p>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).</p> <p>New York has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>New York statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>New York statutes do not require courts to consider “friendly parent” factors in awarding custody.</p> <p>New York statutes do not include a policy statement or other language encouraging shared parenting.</p>

# Appendix C: State Details

North Carolina	Grade	Positives	Negatives
<p><a href="#">N.C. GEN. STAT. § 50-13.2</a></p>	<p><b>D-</b></p>	<p>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.</p> <p><a href="#">N.C. GEN. STAT. § 50-13.2</a></p>	<p>North Carolina has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>North Carolina statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>North Carolina statutes do not require courts to consider “friendly parent” factors in awarding custody.</p> <p>North Carolina statute does not contain any policy statement or other language encouraging shared parenting.</p>



# Appendix C: State Details

North Dakota	Grade	Positives	Negatives
<p><a href="#">N.D. CENT. CODE § 14-09-06.2</a></p>	<p><b>D</b></p>	<p>North Dakota statutes require a court to consider a “friendly parent” factor in determining the best interest of a child.  <a href="#">N.D. CENT. CODE § 14-09-06.2.1(e)</a>.</p> <p>North Dakota statutes treat false allegations of abuse as a factor in custody decisions.  <a href="#">N.D. CENT. CODE § 14-09-06.2.1.l</a></p>	<p>North Dakota has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>North Dakota statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>North Dakota statute does not contain any policy statement or other language encouraging shared parenting.</p> <p>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” as a “noncustodial parent.” <a href="#">N.D. CENT. CODE § 14-09-06.2.1(e)</a> This fails to resolve the terminology when each parent has 50 percent of the residential responsibility</p>

# Appendix C: State Details

Ohio	Grade	Positives	Negatives
<p><a href="#">OHIO REV. CODE ANN. § 3109.04</a></p>	<p><b>C</b></p>	<p>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.</p> <p>Ohio statutes mandate consideration of a "friendly parent" factor in determining a child's best interest. <a href="#">OHIO REV. CODE ANN. § 3109.04</a></p> <p>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. <a href="#">OHIO REV. CODE ANN. § 3109.04</a></p>	<p>Ohio has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Ohio statutes do not explicitly provide for shared parenting during temporary orders. Ohio statutes do not mandate that a court award shared parenting even in a case where the court finds that the submitted shared parenting plan is in the best interest of the children. The language of the statute is permissive ("the court may") not mandatory ("the court shall"). <a href="#">OHIO REV. CODE ANN. § 3109.04</a></p> <p>Ohio statute has not been significantly revised in light of the recommendations of the task force set up to reform family law in Ohio. <a href="#">OHIO REV. CODE ANN. § 3109.04</a></p>

# Appendix C: State Details

Oklahoma	Grade	Positives	Negatives
<p><a href="#">OKLA. STAT. TIT. 43, § 110.1</a>  <a href="#">OKLA. STAT. TIT. 43 § 112</a>  <a href="#">OKLA. STAT. TIT. 43, § 107.3.D</a></p>	<p><b>D+</b></p>	<p>Oklahoma statutes include a friendly parent factor that does not quite rise to a shared parenting 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."  <a href="#">OKLA. STAT. TIT. 43, § 110.1</a></p> <p>Oklahoma statutes specifically permit (but do not require or prefer) shared physical custody in temporary orders.  <a href="#">OKLA. STAT. TIT. 43, § 110.1</a></p> <p>Oklahoma statutes treat false allegations of abuse as a factor in custody decisions or provide for sanctions.  <a href="#">OKLA. STAT. TIT. 43, § 107.3.D</a></p>	<p>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."  <a href="#">OKLA. STAT. TIT. 43 § 112</a></p>

# Appendix C: State Details

Oregon	Grade	Positives	Negatives
<p><a href="#">OR. REV. STAT. § 107.102</a>  <a href="#">OR. REV. STAT. § 107.137</a>  <a href="#">OR. REV. STAT. § 107.149</a>  <a href="#">OR. REV. STAT. § 107.169</a></p>	<p><b>C</b></p>	<p>A 2019 statute requires that "If a parent requests that the court order equal parenting time in the parenting plan, the court may deny the request if the court determines, by written findings, that equal parenting time is not in the best interests of the child or endangers the safety of the parties." <a href="#">OR. REV. STAT. § 107.102(4)(c)</a>. The legislative history of this statute makes clear that courts must explain the basis of their decision to deny such a request.</p> <p>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."  <a href="#">OR. REV. STAT. § 107.149</a></p> <p>Oregon statutes require courts to consider a "friendly parent" factor in determining a child's best interest.  <a href="#">OR. REV. STAT. § 107.137</a></p>	<p>Oregon has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Oregon statutes effectively give one parent a veto over shared parenting.  <a href="#">OR. REV. STAT. § 107.169</a></p> <p>Oregon statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Pennsylvania	Grade	Positives	Negatives
<a href="#">23 PA. C. S. A. §5327</a>	<b>D</b>	<p>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.”</p> <p><a href="#">23 PA. C. S. A. §5327</a></p>	<p>Pennsylvania has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Pennsylvania statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Pennsylvania statute does not contain any policy statement or other language encouraging shared parenting.</p>

# Appendix C: State Details

Rhode Island	Grade	Positives	Negatives
<a href="#">R.I. GEN. LAWS § 15-5-16</a>	<b>F</b>		<p>Rhode Island has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Rhode Island statutes do not explicitly provide for shared parenting during either temporary or final orders.</p> <p>Rhode Island statutes consistently speak of "the custodial parent" and "the noncustodial parent."</p> <p>Rhode Island statutes do not contain any policy statement or other language encouraging shared parenting.</p> <p>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 (Pettinato v. Pettinato, 582 A.2d 909, 913-14 (R.I. 1990).)</p>

# Appendix C: State Details

South Carolina	Grade	Positives	Negatives
<p><a href="#">S.C. CODE ANN. § 63-15-30</a>  <a href="#">S.C. CODE ANN. § 63-15-40</a>  <a href="#">S.C. CODE ANN. § 20-3-160</a>  <a href="#">S.C. CODE ANN. § 63-15-40(B)6</a></p>	<p><b>D-</b></p>	<p>South Carolina statutes specify a “friendly parent” factor as one possible factor relevant to determining a child’s best interest when making custody decisions.</p> <p><a href="#">S.C. CODE ANN. § 63-15-40(B)6</a></p>	<p>South Carolina has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>South Carolina statutes do not explicitly provide for shared parenting during either temporary or final orders.</p> <p>South Carolina statute does not contain any policy statement or other language encouraging shared parenting.</p> <p>Though South Carolina statutes specify a “friendly parent” factor as one possible factor in determining a child’s best interest they do not mandate consideration of this factor.</p> <p><a href="#">S.C. CODE ANN. § 63-15-40(B)6</a></p>



# Appendix C: State Details

South Dakota	Grade	Positives	Negatives
<p><a href="#">S. D. Codified Laws § 25-4A-13</a>  <a href="#">S. D. Codified Laws § 25-4A-24</a>  <a href="#">S. D. Codified Laws § 25-5-8</a>  <a href="#">S. D. Codified Laws § 25-5-7.1</a>  <a href="#">S.D. Codified laws 25-5-10.1</a></p>	<p><b>B-</b></p>	<p>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.  <a href="#">S. D. Codified Laws § 25-5-7.1</a></p> <p>South Dakota statutes have been strengthened to effectively establish a presumption in favor of equal parenting time during temporary orders.  <a href="#">S. D. Codified Laws § 25-4A-13</a></p> <p>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."  <a href="#">S. D. Codified Laws § 25-5-7.1</a></p> <p>South Dakota statutes direct courts in ways that are designed to promote joint custody. Courts are required to consider "friendly parent" factors (including whether a parent has alienated a child from the other parent) 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."  <a href="#">S. D. Codified Laws § 25-4A-24</a></p> <p>South Dakota statutes treat false allegations of abuse as a factor in custody decisions.  <a href="#">S. D. Codified Laws § 25-4A-24</a></p> <p>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.  <a href="#">S.D. Codified laws 25-5-10.1</a></p>	<p>South Dakota has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.  <a href="#">S. D. Codified Laws § 25-4A-26</a></p> <p>South Dakota statute does not contain any policy statement or other language encouraging shared parenting.</p> <p>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 separate and apart from each other. <a href="#">S. D. Codified Laws § 25-5-8</a> 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.</p>

# Appendix C: State Details

Tennessee	Grade	Positives	Negatives
<p><a href="#">TENN. CODE ANN. § 36-6-101</a>  <a href="#">TENN. CODE ANN. § 36-6-106</a>  <a href="#">TENN. CODE ANN. § 36-6-114</a></p>	<p><b>C</b></p>	<p>Tennessee statutes require courts to consider a “friendly parent” factor in determining a child’s best interest for custody decisions.</p> <p>Tennessee statutes define 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.  <a href="#">TENN. CODE ANN. § 36-6-106</a></p> <p>Tennessee statute which “permits both parents to enjoy the maximum participation possible in the life of the child” encourages shared parenting.  <a href="#">TENN. CODE ANN. § 36-6-106</a></p> <p>Tennessee statutes treat false allegations of abuse as a factor in custody decisions or provide for sanctions.  <a href="#">TENN. CODE ANN. § 36-6-114</a></p>	<p>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 <a href="#">TENN. CODE ANN. § 36-6-101</a>. (It is only when the parents agree to joint custody that Tennessee presumes that joint custody is in the child’s best interest.)</p> <p>Tennessee statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>“Maximum participation” can be broadly interpreted and does not rise to the level of a maximum parenting time provision.</p> <p>Tennessee has conflicting clauses which promote “maximum participation” on one hand but, on the other, state “neither a preference nor a presumption for or against joint legal custody, joint physical custody or sole custody is established, but the court shall have the widest discretion to order a custody arrangement that is in the best interest of the child.”  <a href="#">TENN. CODE ANN. § 36-6-101</a></p>

# Appendix C: State Details

Texas	Grade	Positives	Negatives
<p><a href="#">TEX. FAM. Code Ann. §153.001</a>  <a href="#">TEX. FAM. Code Ann. §153.013</a>  <a href="#">TEX. FAM. Code Ann. §153.134</a>  <a href="#">TEX. FAM. Code Ann. §153.135</a></p>	<p><b>C-</b></p>	<p>Texas statutes provide for a presumption of joint legal custody.</p> <p>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."  <a href="#">TEX. FAM. Code Ann. §153.001</a></p> <p>Texas statutes explicitly allow a court to order joint custody (called "joint conservatorship") in the absence of agreement between the parents on joint custody.  <a href="#">TEX. FAM. Code Ann. §153.134</a></p> <p>Texas statutes treat false allegations of abuse as a factor in custody decisions or provide for sanctions.  <a href="#">TEX. FAM. Code Ann. §153.013</a></p>	<p>Texas has no statutory preference for, or presumption of, shared physical custody for temporary or final orders.</p> <p>Texas statutes do not explicitly provide for shared parenting during temporary orders.</p> <p>Texas statutes do not require courts to consider "friendly parent" factors in awarding custody.</p> <p>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."  <a href="#">TEX. FAM. Code Ann. §153.135</a></p>

# Appendix C: State Details

Utah	Grade	Positives	Negatives
<p><a href="#">UTAH CODE ANN. § 30-3-10</a>  <a href="#">UTAH CODE ANN. § 30-3-10.02</a>  <a href="#">UTAH CODE ANN. § 30-3-32</a>  <a href="#">UTAH CODE ANN. § 30-3-10(5)</a></p>	<p><b>C</b></p>	<p>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.  <a href="#">UTAH CODE ANN. § 30-3-10.02</a></p> <p>Utah statutes specify a “friendly parent” factor in determining a child’s best interest for custody decisions but courts are not explicitly required to consider it..  <a href="#">UTAH CODE ANN. § 30-3-10</a></p> <p>Recent changes now incorporate a shared parenting policy.  <a href="#">UTAH CODE ANN. § 30-3-32</a></p> <p>Recent changes add a rebuttable presumption of joint legal custody.  <a href="#">UTAH CODE ANN. § 30-3-10</a></p>	<p>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.  <a href="#">UTAH CODE ANN. § 30-3-10(5)</a></p>

# Appendix C: State Details

Vermont	Grade	Positives	Negatives
<p><a href="#">VT. STAT. ANN. TIT. 15 § 650</a>  <a href="#">VT. STAT. ANN. TIT. 15 § 665A</a></p>	<p><b>C</b></p>	<p>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.”  <a href="#">VT. STAT. ANN. TIT. 15 § 650</a></p> <p>Vermont statutes require a court to consider a “friendly parent” factor in determining a child’s best interest for custody purposes.  <a href="#">VT. STAT. ANN. TIT. 15 § 665A</a></p>	<p>Vermont has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Vermont statutes do not explicitly provide for shared parenting during either temporary or final orders.</p> <p>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. This de facto parental veto of shared parenting serves to negate the otherwise strong maximum contact provisions.  <a href="#">VT. STAT. ANN. TIT. 15 § 665A</a></p>

# Appendix C: State Details

Virginia	Grade	Positives	Negatives
<p><a href="#">VA. CODE ANN. § 20-124.3</a>  <a href="#">VA. CODE ANN. § 20-124.2</a></p>	<p><b>C-</b></p>	<p>Virginia statutes require a court to consider a “friendly parent” factor in determining a child’s best interest for custody purposes.  <a href="#">VA. CODE ANN. § 20-124.3</a></p> <p>Recent legislative changes promoted by NPO explicitly permit joint legal or physical custody for final orders.  <a href="#">VA. CODE ANN. § 20-124.3</a></p> <p>Virginia courts are required to “communicate to the parties the basis of the [custody] decision either orally or in writing.”  <a href="#">VA. CODE ANN. § 20-124.3</a></p>	<p>Virginia has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Virginia statute does not contain any policy statement or other language encouraging shared parenting.</p> <p>The statutory provision that a court “shall consider and may award joint legal, joint physical, or sole custody” does not specifically encourage courts to promote shared parenting.</p>

# Appendix C: State Details

Washington	Grade	Positives	Negatives
<p><a href="#">WASH. REV. CODE § 26.09.194</a>  <a href="#">WASH. REV. CODE § 26.09.187(3)</a></p>	<p><b>C</b></p>	<p>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.  <a href="#">WASH. REV. CODE § 26.09.194</a></p> <p>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.  <a href="#">WASH. REV. CODE § 26.09.194</a></p> <p>Washington statutes contain language encouraging shared parenting.  <a href="#">WASH. REV. CODE § 26.09.187(3)</a></p>	<p>Washington has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p>



# Appendix C: State Details

West Virginia	Grade	Positives	Negatives
<p><a href="#">W. VA. CODE § 48-9-101</a>  <a href="#">W. VA. CODE § 48-9-206</a>  <a href="#">W. VA. CODE § 48-9-207</a>  <a href="#">W. VA. CODE § 48-9-209</a></p>	<p><b>C-</b></p>	<p>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.  <a href="#">W. VA. CODE § 48-9-101</a></p> <p>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.  <a href="#">W. VA. CODE § 48-9-101</a></p> <p>West Virginia statutes include a "friendly parent" provision.  <a href="#">W. VA. CODE § 48-9-206</a></p> <p>West Virginia statutes treat false allegations of abuse as a factor in custody decisions or provide for sanctions.  <a href="#">W. VA. CODE § 48-9-209</a></p>	<p>West Virginia has no statutory preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>West Virginia statutes do not explicitly provide for shared parenting during temporary orders.</p>

# Appendix C: State Details

Wisconsin	Grade	Positives	Negatives
<p><a href="#">WIS. STAT. § 767.41</a></p>	<p><b>B-</b></p>	<p>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."  <a href="#">WIS. STAT. § 767.41(2)(am)</a></p> <p>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."  <a href="#">WIS. STAT. § 767.41(2)(c)</a></p> <p>Wisconsin statutes contain explicit provisions which "maximizes the amount of time the child may spend with each parent."  <a href="#">WIS. STAT. § 767.41(4)(a)</a></p>	<p>Wisconsin has no statutes preference for, or presumption of shared physical custody for temporary or final orders.</p> <p>Wisconsin statutes do not explicitly provide for shared parenting during either temporary or final orders.</p> <p>Wisconsin statute does not contain any policy statement or other language encouraging shared parenting.</p>

# Appendix C: State Details

Wyoming	Grade	Positives	Negatives
<p><a href="#">WYO. STAT. ANN. § 20-2-201</a></p>	<p><b>D</b></p>	<p>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. ”</p> <p><a href="#">WYO. STAT. ANN. § 20-2-201</a></p>	<p>Wyoming has no statutes preference for, or presumption of, shared parenting (joint legal custody and shared physical custody) for temporary or final orders.</p> <p>Wyoming statutes do not explicitly provide for shared parenting during either temporary or final orders. Wyoming statutes consistently speak of “the custodial parent” and “the noncustodial parent.”</p> <p>Wyoming statute does not contain any policy statement or other language encouraging shared parenting.</p>



**Thank you |**