

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 764\*

Short Title: Presumed Shared Parenting. (Public)

Sponsors: Representatives Horn and Jeter (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary III.

April 15, 2015

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

4 The General Assembly of North Carolina enacts:

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

6 "§ 50-13.2. **Who entitled to custody; presumed shared responsibility; terms of custody;**  
7 **visitation rights of grandparents; taking child out of State; visitation by**  
8 **electronic communication; consideration of parent's military service.**

9 (a) ~~An order for custody of a minor child entered pursuant to this section shall award~~  
10 ~~the custody of such child to such person, agency, organization or institution as will best~~  
11 ~~promote the interest and welfare of the child. In making the determination, the court shall~~  
12 ~~consider all relevant factors including acts of domestic violence between the parties, the safety~~  
13 ~~of the child, and the safety of either party from domestic violence by the other party and shall~~  
14 ~~make findings accordingly. An order for custody must include findings of fact which support~~  
15 ~~the determination of what is in the best interest of the child. Between the mother and father,~~  
16 ~~whether natural or adoptive, no presumption shall apply as to who will better promote the~~  
17 ~~interest and welfare of the child. Joint custody to the parents shall be considered upon the~~  
18 ~~request of either parent. It shall be the policy of this State to:~~

- 19 (1) Encourage focused, good faith, best interest, and child-centered joint  
20 parenting agreement development while reducing needless litigation over  
21 child custody matters.
- 22 (2) Allow and encourage parents to take responsibility for their child by setting  
23 the expectation that parenthood will be a significant and ongoing  
24 responsibility requiring the creation of a joint parenting agreement.
- 25 (3) Establish laws, programs, and court practices that encourage and support the  
26 maximum participation of a child in the parents' lives regardless of the  
27 parents' present marital status, subject to laws regarding abuse, neglect, and  
28 dependency.
- 29 (4) Encourage both parents to share equitably in the rights and responsibilities  
30 of raising their child, even after dissolution of marriage or unwed  
31 relationship.
- 32 (5) Ensure that a child will have maximum contact with both parents through a  
33 presumption of shared responsibility unless it has been established based on  
34 a preponderance of the evidence that one of the parents is unfit or obstructs a  
35 healthy relationship with the other parent.



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1       ...."

2               **SECTION 2.** This act is effective when it becomes law.