

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 764  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH40329-LU-77A\* (03/10)

Short Title: Presumed Shared Parenting.

(Public)

Sponsors: Representative Horn.

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

6 "§ 50-13.2. Who entitled to custody; 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.

36 ...."



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