

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 519
Judiciary II Committee Substitute Adopted 4/28/15

Short Title: Amend Child Custody Laws.

(Public)

Sponsors:

Referred to:

March 30, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE THE BEST INTERESTS OF CHILDREN BY AMENDING THE
3 LAWS PERTAINING TO CHILD CUSTODY TO ENCOURAGE MAXIMIZED
4 PARENTING TIME WITH CHILDREN BY BOTH PARENTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 of Chapter 50 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 50-13.01. Purposes.**

9 It is the policy of the State of North Carolina to:

- 10 (1) Encourage focused, good faith, best interest, and child-centered joint
11 parenting agreement development to reduce needless litigation over child
12 custody matters and to promote the best interest of the child.
13 (2) Encourage parents to take responsibility for their child by setting the
14 expectation that parenthood will be a significant and ongoing responsibility.
15 (3) Encourage programs and court practices that maximize participation of both
16 parents in the child's life and contact with both parents when such is in the
17 child's best interest, regardless of the parents' present marital status, subject
18 to laws regarding abuse, neglect, and dependency.
19 (4) Encourage both parents to share equitably in the rights and responsibilities
20 of raising their child, even after dissolution of marriage or unwed
21 relationship.
22 (5) Encourage each parent to establish and maintain a healthy relationship with
23 the other parent to promote the best interest and welfare of the child."

24 SECTION 2. G.S. 50-13.2 reads as rewritten:

25 "**§ 50-13.2. Who entitled to custody; terms of custody; visitation rights of grandparents;**
26 **taking child out of State; consideration of parent's military service.**

27 (a) An order for custody of a minor child entered pursuant to this section shall award
28 the custody of such child to such person, agency, organization or institution as will best
29 promote the interest and welfare of the child. In making the determination, the court shall
30 consider all relevant ~~factors~~ factors, including all of the following:

- 31 (1) ~~acts~~ Acts of domestic violence between the ~~parties,~~ parties.
32 (2) ~~the~~ The safety of the ~~child,~~ child.
33 (3) ~~and the~~ The safety of either party from domestic violence by the other ~~party~~
34 ~~and shall make findings accordingly.~~ party.

35 An order for custody must include findings of fact ~~which~~ that reflect the consideration of each
36 of these factors and that support the determination of what is in the best interest of the child.



1 (a1) Between the mother and father, whether natural or adoptive, no presumption shall
2 apply as to who will better promote the interest and welfare of the child. ~~Joint custody to the~~
3 ~~parents shall be considered upon the request of either parent.~~

4 (b) An order for custody of a minor child may grant joint custody to the parents,
5 exclusive custody to one person, agency, organization, or institution, or grant custody to two or
6 more persons, agencies, organizations, or institutions. Any order for custody shall include such
7 terms, including visitation, as will best promote the interest and welfare of the child. If the
8 court finds that domestic violence has occurred, the court shall enter such orders that best
9 protect the children and party who were the victims of domestic violence, in accordance with
10 the provisions of G.S. 50B-3(a1)(1), (2), and (3). If a party is absent or relocates with or
11 without the children because of an act of domestic violence, the absence or relocation shall not
12 be a factor that weighs against the party in determining custody or visitation. Absent an order
13 of the court to the contrary, each parent shall have equal access to the records of the minor
14 child involving the health, education, and welfare of the child.

15"

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