

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 186

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

Sponsors: Representative Pierce.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Families, Children, and Aging Policy, if favorable, Rules, Calendar, and Operations of the House

March 2, 2021

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS PERTAINING TO CHILD CUSTODY TO  
INCORPORATE A PRESUMED SHARED PARENTING STANDARD.

The General Assembly of North Carolina enacts:

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

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

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

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



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1 the contrary, each parent shall have equal access to the records of the minor child involving the  
2 health, education, and welfare of the child.  
3 ...."  
4 **SECTION 2.** This act is effective when it becomes law and applies to cases pending  
5 or filed on or after that date.