

**MC SECTION 405 – CONDITIONS ON VISITATION IN CASES INVOLVING
DOMESTIC AND FAMILY VIOLENCE**

STATE	STATUTE	STATUTORY LANGUAGE
Alabama	§ 30-3-135	<p>A court may award visitation by a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made.</p> <p>In a visitation order, a court may take any of the following actions: (1) order an exchange of the child to occur in a protected setting; (2) order visitation supervised in a manner to be determined by the court; (3) order the perpetrator of domestic or family violence to attend and complete to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of visitation; (4) order the perpetrator of domestic or family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation; (5) order the perpetrator of domestic or family violence to pay a fee to defray the cost of supervised visitation; (6) prohibit overnight visitation; (7) require a bond from the perpetrator of domestic or family violence for the return and safety of the child; (8) impose any other condition that is deemed necessary to provide for the safety of the child, the victim of family or domestic violence, or other family or household member.</p> <p>Whether or not visitation is allowed, the court may order the address of the child or the victim of family or domestic violence to be kept confidential.</p> <p>The court may refer but shall not order an adult who is a victim of family or domestic violence to attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of domestic or family violence as a condition of receiving custody of a child or as a condition of visitation.</p>

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		If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.
Alaska	§ 25.20.061	If visitation is awarded to a parent who has committed a crime involving domestic violence, against the other parent or a child of the two parents, within the five years preceding the award of visitation, the court may set conditions for the visitation, including: (1) the transfer of the child for visitation must occur in a protected setting; (2) visitation shall be supervised by another person or agency and under specified conditions as ordered by the court; (3) the perpetrator shall attend and complete, to the satisfaction of the court, a program for the rehabilitation of perpetrators of domestic violence that meets the standards set by the Department of Corrections, or other counseling; the perpetrator shall be required to pay the costs of the program or other counseling; (4) the perpetrator shall abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours before visitation; (5) the perpetrator shall pay costs of supervised visitation as set by the court; (6) the prohibition of overnight visitation; (7) the perpetrator shall post a bond to the court for the return and safety of the child; and (8) any other condition necessary for the safety of the child, the other parent, or other household member.
Arizona	§ 25-403.03	If the court finds that a parent has committed an act of domestic violence, that parent has the burden of proving to the court's satisfaction that parenting time will not endanger the child or significantly impair the child's emotional development. If the parent meets this burden to the court's satisfaction, the court shall place conditions on parenting time that best protect the child and the other parent from further harm. The court may: (1) order that an exchange of the child must occur in a protected setting as specified by the court; (2) order that an agency specified by the court must supervise parenting time. If the court allows a

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		<p>family or household member to supervise parenting time, the court shall establish conditions that this person must follow during parenting time; (3) order the parent who committed the act of domestic violence to attend and complete, to the court's satisfaction, a program of intervention for perpetrators of domestic violence and any other counseling the court orders; (4) order the parent who committed the act of domestic violence to abstain from possessing or consuming alcohol or controlled substances during parenting time and for twenty-four hours before parenting time; (5) order the parent who committed the act of domestic violence to pay a fee for the costs of supervised parenting time; (6) prohibit overnight parenting time; (7) require a bond from the parent who committed the act of domestic violence for the child's safe return; (8) order that the address of the child and the other parent remain confidential; (9) impose any other condition that the court determines is necessary to protect the child, the other parent and any other family or household member.</p> <p>The court shall not order joint counseling between a victim and the perpetrator of domestic violence. The court may provide a victim with written information about available community resources related to domestic violence.</p>
Arkansas	§ 9-15-215	In addition to other factors that a circuit court shall consider in a proceeding in which the temporary custody of a child or temporary visitation by a parent is at issue and in which the court has made a finding of domestic or family violence, the court shall consider as primary the safety and well-being of the child and of the parent who is the plaintiff of domestic or family violence.
California	Fam. Code § 3100	If visitation is ordered in a case in which domestic violence is alleged and an emergency protective order, protective order, or other restraining order has been issued, the visitation order shall specify the

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		time, day, place, and manner of transfer of the child, so as to limit the child's exposure to potential domestic conflict or violence and to ensure the safety of all family members.
Colorado	§ 14-10-124	<p>When the court finds by a preponderance of the evidence that one of the parties has committed child abuse or neglect or domestic violence, in formulating or approving a parenting plan, the court shall consider conditions on parenting time that ensure the safety of the child and of the abused party. In addition to any provisions set forth in subsection (7) of this section that are appropriate, the parenting plan in these cases may include, but is not limited to, the following provisions:</p> <p>(I) An order limiting contact between the parties to contact that the court deems is safe and that minimizes unnecessary communication between the parties;</p> <p>(II) An order that requires the exchange of the child for parenting time to occur in a protected setting determined by the court;</p> <p>(III) An order for supervised parenting time;</p> <p>(IV) An order restricting overnight parenting time;</p> <p>(V) An order that restricts the party who has committed domestic violence or child abuse or neglect from possessing or consuming alcohol or controlled substances during parenting time or for twenty-four hours prior to the commencement of parenting time;</p> <p>(VI) An order directing that the address of the child or of any party remain confidential; and</p> <p>(VII) An order that imposes any other condition on one or more parties that the court determines is necessary to protect the child, another party, or any other family or household member of a party.</p> <p>(f) When the court finds by a preponderance of the evidence that one of the parties has committed domestic violence, the court may order the party to submit to a domestic violence evaluation. If the court determines, based upon the results of the evaluation,</p>

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		<p>that treatment is appropriate, the court may order the party to participate in domestic violence treatment. At any time, the court may require a subsequent evaluation to determine whether additional treatment is necessary. If the court awards parenting time to a party who has been ordered to participate in domestic violence treatment, the court may order the party to obtain a report from the treatment provider concerning the party's progress in treatment and addressing any ongoing safety concerns regarding the party's parenting time. The court may order the party who has committed domestic violence to pay the costs of the domestic violence evaluations and treatment.</p>
Delaware	13 § 708A	<p>Notwithstanding the other provisions of this title, in all cases in which the court finds by a preponderance of the evidence that one of the child's parents has committed an act of domestic violence against the child, against the other parent, or against any other person living in the child's household, the court shall determine a schedule, location and conditions for visitation that best protects the child and the victim of domestic violence from further violence.</p>
District of Columbia	§ 16-914	<p>For the purposes of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intra-family offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intra-family offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intra-family offense has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development.</p>

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Florida	§ 61.13	If the court determines that shared parental responsibility would be detrimental to the child (domestic violence creates a rebuttable presumption that shared parental responsibility is detrimental to the child) it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.
Georgia	§ 19-9-7	<p>A judge may award visitation by a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made.</p> <p>In a visitation or parenting time order, a judge may:</p> <ol style="list-style-type: none"> (1) order an exchange of a child to occur in a protected setting; (2) order visitation or parenting time supervised by another person or agency; (3) order the perpetrator of family violence to attend and complete, to the satisfaction of the judge, a certified family violence intervention program for perpetrators as a condition of the visitation or parenting time; (4) order the perpetrator of family violence to abstain from possession or consumption of alcohol, marijuana, or any Schedule I controlled substance during the visitation or parenting time and for 24 hours preceding the visitation or parenting time; (5) order the perpetrator of family violence to pay a fee to defray the costs of supervised visitation or parenting time; (6) prohibit overnight visitation or parenting time; (7) require a bond from the perpetrator of family violence for the return and safety of the child; and (8) impose any other condition that is deemed necessary to provide for the

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		<p>safety of the child, the victim of family violence, or another family or household member.</p> <p>Whether or not visitation or parenting time is allowed, the judge may order the address of the child and the victim of family violence to be kept confidential.</p> <p>The judge shall not order an adult who is a victim of family violence to attend joint counseling with the perpetrator of family violence as a condition of receiving custody of a child or as a condition of visitation or parenting time.</p> <p>If a judge allows a family or household member to supervise visitation or parenting time, the judge shall establish conditions to be followed during visitation or parenting time.</p>
Hawaii	§ 571-46	<p>A court may award visitation to a parent who has committed family violence only if the court finds that adequate provisions can be made for the physical safety and psychological well-being of the child and for the safety of the parent who is a victim of family violence.</p> <p>In a visitation order, a court may: (1) order an exchange of a child to occur in a protected setting; (2) order visitation supervised by another person or agency; (3) order the perpetrator of family violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation; (4) order the perpetrator of family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for twenty-four hours preceding the visitation; (5) order the perpetrator of family violence to pay a fee to defray the costs of supervised visitation; (6) prohibit overnight visitation; (7) require a bond from the perpetrator of family violence for the return and</p>

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		<p>safety of the child. In determining the amount of the bond, the court shall consider the financial circumstances of the perpetrator of family violence; (8) impose any other condition that is deemed necessary to provide for the safety of the child, the victim of family violence, or other family or household member; and (9) order the address of the child and the victim to be kept confidential.</p> <p>The court may refer, but shall not order, an adult who is a victim of family violence to attend, either individually or with the perpetrator of the family violence, counseling relating to the victim's status or behavior as a victim as a condition of receiving custody of a child or as a condition of visitation. If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.</p>
Indiana	§ 31-17-2-8.3	<p>This section applies if a court finds that a noncustodial parent has been convicted of a crime involving domestic or family violence that was witnessed or heard by the noncustodial parent's child. There is created a rebuttable presumption that the court shall order that the noncustodial parent's parenting time with the child must be supervised: (1) for at least one year and not more than two years immediately following the crime involving domestic or family violence; or (2) until the child becomes emancipated, whichever occurs first. As a condition of granting the noncustodial parent unsupervised parenting time, the court may require the noncustodial parent to complete a batterer's intervention program certified by the Indiana coalition against domestic violence.</p>
Iowa	§ 236.4 § 236.5	<p>In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the alleged victim and the children. If the court finds that the safety of the alleged victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall</p>

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		set conditions or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.
Kansas	§ 23-3208	The court may order exchange or parenting time to take place at a child exchange and visitation center, as established in § 75-720, and amendments thereto.
Kentucky	§ 403.320	If domestic violence and abuse has been alleged, the court shall, after a hearing, determine the visitation arrangement, if any, which would not endanger seriously the child's or the custodial parent's physical, mental, or emotional health.
Louisiana	§ 9:364	If the court finds that a parent has a history of perpetrating family violence, the court shall allow only supervised child visitation with that parent, conditioned upon that parent's participation in and completion of a treatment program. Unsupervised visitation shall be allowed only if it is shown by a preponderance of the evidence that the violent parent has completed a treatment program, is not abusing alcohol and psychoactive drugs, and poses no danger to the child, and that such visitation is in the child's best interest.
Maine	19-A § 1653	<p>The court shall establish conditions of parent-child contact in cases involving domestic abuse as follows:</p> <p>A court may award primary residence of a minor child or parent-child contact with a minor child to a parent who has committed domestic abuse only if the court finds that contact between the parent and child is in the best interest of the child and that adequate provision for the safety of the child and the parent who is a victim of domestic abuse can be made.</p> <p>In an order of parental rights and responsibilities, a court may: (1) order an exchange of a child to occur in a protected setting; (2) order contact to be supervised by another person or agency; (3) order the parent who has committed domestic abuse to attend and complete to the satisfaction of the court a</p>

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		<p>domestic abuse intervention program or other designated counseling as a condition of the contact; (4) order either parent to abstain from possession or consumption of alcohol or controlled substances, or both, during the visitation and for 24 hours preceding the contact; (5) order the parent who has committed domestic abuse to pay a fee to defray the costs of supervised contact; (6) prohibit overnight parent-child contact; and (7) impose any other condition that is determined necessary to provide for the safety of the child, the victim of domestic abuse, or any other family or household member.</p> <p>The court may require security from the parent who has committed domestic abuse for the return and safety of the child.</p> <p>The court may order the address of the child and the victim to be kept confidential.</p> <p>The court may not order a victim of domestic abuse to attend counseling with the parent who has committed domestic abuse.</p> <p>If a court allows a family or household member to supervise parent-child contact, the court shall establish conditions to be followed during that contact. Conditions include, but are not limited to: (1) minimizing circumstances when the family of the parent who has committed domestic abuse would be supervising visits; (2) ensuring that contact does not damage the relationship with the parent with whom the child has primary physical residence; (3) ensuring the safety and well-being of the child; and (4) requiring that supervision is provided by a person who is physically and mentally capable of supervising a visit and who does not have a criminal history or history of abuse or neglect.</p>
Maryland	§ 9-101.1	In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues,

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		<p>evidence of abuse by a party against:</p> <p>(1) the other parent of the party's child;</p> <p>(2) the party's spouse; or</p> <p>(3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.</p> <p>(c) If the court finds that a party has committed abuse against the other parent of the party's child, the party's spouse, or any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect:</p> <p>(1) the child who is the subject of the proceeding; and</p> <p>(2) the victim of the abuse.</p>
Massachusetts	208 § 31A	<p>If the court finds that a pattern or serious incident of abuse has occurred and issues a temporary or permanent custody order, the court shall within 90 days enter written findings of fact as to the effects of the abuse on the child, which findings demonstrate that such order is in the furtherance of the child's best interests and provides for the safety and well-being of the child.</p> <p>If ordering visitation to the abusive parent, the court shall provide for the safety and well-being of the child and the safety of the abused parent. The court may consider: (a) ordering an exchange of the child to occur in a protected setting or in the presence of an appropriate third party; (b) ordering visitation supervised by an appropriate third party, visitation center, or agency; (c) ordering the abusive parent to attend and complete, to the satisfaction of the court, a certified batterer's treatment program as a condition of visitation; (d) ordering the abusive parent to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding visitation; (e) ordering the abusive parent to pay the costs of supervised visitation; (f) prohibiting overnight visitation; (g) requiring a bond from the abusive parent for the return and safety of the child; (h) ordering an investigation or</p>

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		appointment of a guardian ad litem or attorney for the child; and (i) imposing any other condition that is deemed necessary to provide for the safety and well-being of the child and the safety of the abused parent.
Michigan	§ 722.27a	<p>The court may consider the following factors when determining the frequency, duration, and type of parenting time to be granted. . . .</p> <p>(c) The reasonable likelihood of abuse or neglect of the child during parenting time.</p> <p>(d) The reasonable likelihood of abuse of a parent resulting from the exercise of parenting time.</p> <p>(8) A parenting time order may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of parenting time by a parent, including one or more of the following:</p> <p>(f) Requirements that parenting time occur in the presence of a third person or agency.</p> <p>(g) Requirements that a party post a bond to assure compliance with a parenting time order.</p> <p>(i) Any other reasonable condition determined to be appropriate in the particular case.</p>
Minnesota	§ 518.175	If the court finds, after a hearing, that parenting time with a parent is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the parent prior to the commencement of the proceeding.
Mississippi	§ 93-5-24	<p>A court may award visitation by a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made.</p> <p>In a visitation order, a court may take any of the following actions: (1) order an exchange of the child to occur in a protected setting; (2) order visitation supervised in a manner to be determined by the court;</p>

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		<p>(3) order the perpetrator of domestic or family violence to attend and complete to the satisfaction of the court a program of intervention for perpetrators or other designated counseling as a condition of visitation; (4) order the perpetrator of domestic or family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation; (5) order the perpetrator of domestic or family violence to pay a fee to defray the cost of supervised visitation; (6) prohibit overnight visitation; (7) require a bond from the perpetrator of domestic or family violence for the return and safety of the child; or (8) impose any other condition that is deemed necessary to provide for the safety of the child, the victim of family or domestic violence, or other family or household member.</p> <p>Whether or not visitation is allowed, the court may order the address of the child or the victim of family or domestic violence to be kept confidential.</p> <p>The court may refer, but shall not order, an adult who is a victim of family or domestic violence to attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of domestic or family violence, as a condition of receiving custody of a child or as a condition of visitation.</p> <p>If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.</p>
Missouri	§ 452.375	Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm.
Montana	§ 40-4-218	If both parents or all contestants agree to the order or if the court finds that in the absence of the order the child's physical health would be endangered or the child's emotional development significantly impaired,

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		the court may order supervised visitation by the noncustodial parent. The court may not order the department of public health and human services to supervise the visitation.
Nebraska	§ 43-2934	Whenever custody, parenting time, visitation, or other access is granted to a parent in a case in which domestic intimate partner abuse is alleged and a restraining order, protection order, or criminal no-contact order has been issued, the custody, parenting time, visitation, or other access order shall specify the time, day, place, and manner of transfer of the child for custody, parenting time, visitation, or other access to limit the child's exposure to potential domestic conflict or violence and to ensure the safety of all family members. When making an order or parenting plan for custody, parenting time, visitation, or other access in a case in which domestic abuse is alleged and a restraining order, protection order, or criminal no-contact order has been issued, the court shall consider whether the best interests of the child, based upon the circumstances of the case, require that any custody, parenting time, visitation, or other access arrangement be limited to situations in which a third person, specified by the court, is present, or whether custody, parenting time, visitation, or other access should be suspended or denied.
Nevada	§ 125C.230	A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the

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		child.
New Hampshire	NH R DOM VIOLENCE Protocol 7-22	The court may establish visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation.
New Mexico	§ 40-4-9.1	If a determination is made that domestic abuse has occurred, the court shall set forth findings that the custody or visitation ordered by the court adequately protects the child, the abused parent, or other household member.
New York	N.Y. Fam. Ct. Act § 656	<p>The court may make an order of protection and an order of probation in assistance or as a condition of any other order made under this part. The order of protection may set forth reasonable conditions of behavior to be observed for a specific time by any petitioner or any respondent, and shall specify if an order of probation is in effect. No order of protection may direct any party to observe conditions of behavior unless the party requesting the order of protection has served and filed a petition or counterclaim in accordance with section one hundred fifty-four-b of this act. Such an order may require the petitioner or the respondent:</p> <p>(a) to stay away from the home, school, business or place of employment of any other party, the other spouse or parent, or the child, and to stay away from any other specific location designated by the court;</p> <p>(b) to permit a parent, or a person entitled to visitation by a court order or a separation agreement, to visit the child at stated periods;</p> <p>(c) to refrain from committing a family offense, as defined in subdivision one of section eight hundred twelve of this act, or any criminal offense against the child or against the other parent or against any person to whom custody of the child is awarded, or from harassing, intimidating or threatening such persons;</p> <p>(d) to permit a designated party to enter the residence during a specified period of time in order to remove</p>

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		<p>personal belongings not in issue in this proceeding or in any other proceeding or action under this act or the domestic relations law;</p> <p>(e) to refrain from acts of commission or omission that create an unreasonable risk to the health, safety or welfare of a child;</p> <p>(f) to participate in an educational program and to pay the costs thereof if the person has the means to do so, provided however that nothing contained herein shall be deemed to require payment of the costs of any such program by the state or any political subdivision thereof;</p> <p>(g) to provide, either directly or by means of medical and health insurance, for expenses incurred for medical care and treatment arising from the incident or incidents forming the basis for the issuance of the order;</p> <p>(h) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced.</p> <p>(i) 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household. 2. “Companion animal”, as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.</p> <p>(j) to observe such other conditions as are necessary to further the purposes of protection.</p> <p>The court shall not require anyone seeking an order of protection under this section to first request that child protective services investigate the allegations or to first request permission to file a petition under article ten of this act.</p> <p>Notwithstanding the foregoing provisions, an order of protection, or temporary order of protection where applicable, may be entered against a former spouse</p>

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		<p>and persons who have a child in common, regardless of whether such persons have been married or have lived together at any time, or against a member of the same family or household as defined in subdivision one of section eight hundred twelve of this act. In addition to the foregoing provisions, the court may issue an order, pursuant to section two hundred twenty-seven-c of the real property law, authorizing the party for whose benefit any order of protection has been issued to terminate a lease or rental agreement pursuant to section two hundred twenty-seven-c of the real property law.</p> <p>In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss an application for such an order, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the application or the conclusion of the action. The duration of any temporary order shall not by itself be a factor in determining the length or issuance of any final order.</p>
North Carolina	§ 50-13.2	<p>Any order for custody shall include such terms, including visitation, 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. Any order for custody, including visitation, may, as a condition of such custody or visitation, require either or both parents, or any other person seeking custody or visitation, to abstain from consuming alcohol and may require submission to a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, to verify compliance with this condition of custody or visitation.</p>
North Dakota	§ 14-09-29	<p>If the court finds that a parent has perpetrated domestic violence and that parent does not have residential responsibility, and there exists one incident of domestic violence which resulted in serious bodily injury or involved the use of a</p>

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		<p>dangerous weapon or there exists a pattern of domestic violence within a reasonable time proximate to the proceeding, the court shall allow only supervised parenting time with that parent unless there is a showing by clear and convincing evidence that unsupervised parenting time would not endanger the child's physical or emotional health.</p>
Oklahoma	<p>43 § 112.2 43 § 111.1</p>	<p>In every case involving the custody of, guardianship of, or visitation with a child, the court shall consider for determining the custody of, guardianship of, or the visitation with a child, whether any person seeking custody or who has custody of, guardianship of, or visitation with a child has been convicted of domestic abuse within the past five years. Custody of, guardianship of, or visitation with a child shall not be granted to any person if it is established that the custody, guardianship, or visitation will likely expose the child to a foreseeable risk of material harm.</p> <p>The court may award visitation by a noncustodial parent who was determined to have committed domestic violence if the court is able to provide for the safety of the child and the parent who is the victim of that domestic violence.</p> <p>In a visitation order, the court shall provide for the safety of the minor child and victim of domestic violence, and may: (1) order the exchange of a child to be facilitated by a third party where the parents do not have any contact with each other; (2) order an exchange of a child to occur in a protected setting; (3) order visitation supervised by another person or agency; (4) order the abusive, stalking, or harassing parent to pay a fee to help defray the costs of supervised visitation or other costs of child exchanges, including compensating third parties; (4) order the abusive, stalking, or harassing parent to attend and complete, to the satisfaction of the court, an intervention program for batterers certified by the Office of the Attorney General; (5) prohibit</p>

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		<p>unsupervised or overnight visitation until the abusive, stalking, or harassing parent has successfully completed a specialized program for abusers and the parent has neither threatened nor exhibited violence for a substantial period of time; (6) order the abusive, stalking, or harassing parent to abstain from the possession or consumption of alcohol or controlled substances during the visitation and for twenty-four (24) hours preceding visitation; (7) order the abusive, stalking, or harassing parent to complete a danger/lethality assessment by a qualified mental health professional, and impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, stalking, or harassing behavior, or another household member.</p> <p>The court shall not order a victim of domestic violence, stalking, or harassment to be present during child visitation exchange if the victim of domestic violence, stalking, or harassment objects to being present.</p> <p>Whether or not visitation is allowed, the court shall order the address of the child and the victim of domestic violence, stalking, or harassing behavior to be kept confidential if requested.</p>
Pennsylvania	§ 5323	<p>Safety conditions.--After considering the factors under section 5328(a)(2), if the court finds that there is an ongoing risk of harm to the child or an abused party and awards any form of custody to a party who committed the abuse or who has a household member who committed the abuse, the court shall include in the custody order safety conditions designed to protect the child or the abused party.</p>
Rhode Island	§ 15-5-16	<p>The court, when making decisions regarding child custody and visitation, shall consider evidence of past or present domestic violence. Where domestic violence is proven, any grant of visitation shall be arranged so as to best protect the child and the abused parent from further harm. In addition to other factors</p>

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		<p>that a court must consider in a proceeding in which the court has made a finding of domestic or family violence, the court shall consider as primary the safety and well-being of the child and of the parent who is the victim of domestic or family violence. The court shall also consider the perpetrator's history of causing physical harm, bodily injury, or assault to another person.</p> <p>In a visitation or custody order, as a condition of the order, the court may: (i) order the perpetrator of domestic violence to attend and successfully complete, to the satisfaction of the court, a certified batterer's intervention program; (ii) order the perpetrator to attend a substance abuse program whenever deemed appropriate; (iii) require that a bond be filed with the court in order to ensure the return and safety of the child; (iv) order that the address and telephone number of the child be kept confidential; (v) order an exchange of the child to occur in a protected setting, or supervised by another person or agency; provided that, if the court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation; (vi) order the perpetrator of domestic violence to abstain from possession or consumption of alcohol or controlled substances during the visitation; and (vii) impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic violence, or other family or household member.</p>
South Carolina	§ 63-15-50	A court may award visitation to a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, or in cases in which complaints were made against both parties, to the person found by a general sessions, magistrates, municipal, or family court to be the primary aggressor, only if the court finds that adequate provision for the safety of the child and the victim of domestic violence can be

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		<p>made.</p> <p>In a visitation order, a court may: (1) order an exchange of a child to occur in a protected setting; (2) order visitation supervised by another person or agency; (3) order a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, or in cases in which complaints were made against both parties, the person found by the court to have been the primary aggressor, to attend and complete, to the satisfaction of the court, a program of intervention for offenders or other designated counseling as a condition of the visitation; (4) order a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, or in cases in which complaints were made against both parties, the person found by the court to have been the primary aggressor, to abstain from possession or consumption of alcohol or controlled substances during the visitation and for twenty-four hours preceding the visitation; (5) order a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, or in cases in which complaints were made against both parties, the person found by a general sessions, magistrates, municipal, or family court to be the primary aggressor, to pay a fee to defray the costs of supervised visitation; (6) prohibit overnight visitation; (7) require a bond from a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, or in cases in which complaints were made against both parties, from the person found by a general sessions, magistrates, municipal, or family court to be the primary aggressor, for the return and safety of the child if that person has made a threat to retain the child unlawfully; (8) impose any other condition that is considered necessary to</p>

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		<p>provide for the safety of the child, the victim of domestic violence, and any other household member.</p> <p>If a court allows a household member to supervise visitation, the court must establish conditions to be followed during the visitation.</p> <p>Judges may, upon their own motion or upon the motion of any party, prohibit or limit the visitation when necessary to ensure the safety of the child or the parent who is a victim of domestic violence.</p> <p>If visitation is not allowed or is allowed in a restricted manner to provide for the safety of a child or parent who is a victim of domestic violence, the court may order the address of the child and the victim to be kept confidential.</p> <p>The court must order a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, or in cases in which complaints were made against both parties, the person found by a general sessions, magistrates, municipal, or family court to be the primary aggressor, to pay the actual cost of any medical or psychological treatment for a child who is physically or psychologically injured as a result of one or more acts of domestic violence.</p>
Tennessee	§ 36-6-301	If the court finds that the non-custodial parent has physically or emotionally abused the child, the court may require that visitation be supervised or prohibited until such abuse has ceased or until there is no reasonable likelihood that such abuse will recur.
Texas	§ 153.004	<p>The court shall consider the commission of family violence in determining whether to deny, restrict, or limit the possession of a child by a parent who is appointed as a possessory conservator.</p> <p>The court may not allow a parent to have access to a child for whom it is shown by a preponderance of the</p>

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		<p>evidence that there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit, unless the court: (1) finds that awarding the parent access to the child would not endanger the child's physical health or emotional welfare and would be in the best interest of the child; and (2) renders a possession order that is designed to protect the safety and well-being of the child and any other person who has been a victim of family violence committed by the parent and that may include a requirement that: (A) the periods of access be continuously supervised by an entity or person chosen by the court; (B) the exchange of possession of the child occur in a protective setting; (C) the parent abstain from the consumption of alcohol or a controlled substance within 12 hours prior to or during the period of access to the child; or (D) the parent attend and complete a battering intervention and prevention program.</p>
Vermont	15 § 665a	<p>If within the prior 10 years, one of the parents has been convicted of domestic assault or aggravated domestic assault against the other parent, or has been found to have committed abuse against a family or household member, the court may award parent-child contact to that parent if the court finds that adequate provision can be made for the safety of the child and the parent who is a victim of domestic violence.</p> <p>In a parent-child contact order, a court may: (1) order an exchange of a child to occur in a protected setting; (2) order parent-child contact supervised by another person or agency; (3) order the perpetrator of domestic violence to participate in, to the satisfaction of the court, a program of intervention for perpetrators, where available, or other designated counseling as a condition of the visitation; (4) if alcohol or drugs were involved in the domestic abuse, order the perpetrator of domestic violence to abstain from being under the influence of alcohol or</p>

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		<p>controlled substances without a prescription during the visitation and for 24 hours preceding parent-child contact; (5) order the perpetrator of domestic violence to pay a fee to defray the costs of supervised parent-child contact, provided that the perpetrator can afford to pay the fee; (6) prohibit overnight parent-child contact; (7) impose any other condition that is deemed necessary or appropriate to provide for the safety of the child, the victim of domestic violence, or another family or household member.</p> <p>Whether or not parent-child contact is allowed, the court may order the address of the child and the victim to be kept confidential.</p> <p>If a court allows a family or household member to supervise parent-child contact, the court shall establish conditions to be followed during parent-child contact.</p>
Washington	§ 26.10.160	<p>The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.</p>
West Virginia	§ 48-27-509	<p>A court may award visitation of a child by a parent who has committed domestic violence only if the court finds that adequate provision for the safety of the child and the petitioner can be made.</p> <p>In a visitation order, a court may: (1) order an exchange of a child to occur in a protected setting; (2) order that supervision be provided by another person or agency; (3) order the perpetrator of</p>

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		<p>domestic violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators as a condition of the visitation; (4) order the perpetrator of domestic violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for the twelve hours that precede the visitation; (5) order the perpetrator of domestic violence to pay the costs of supervised visitation, if any; (6) prohibit overnight visitation; (7) impose any other condition that the court considers necessary to provide for the safety of the child, the petitioner or any other family or household member.</p> <p>Regardless of whether visitation is allowed, the court may order that the address of the child and the petitioner be kept confidential.</p> <p>If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.</p>
Wisconsin	§ 767.41	<p>If the court finds under sub. (2)(d) that a party has engaged in a pattern or serious incident of interspousal battery, as described under § 940.19 or 940.20(1m), or domestic abuse, as defined in § 813.12(1)(am), and the court awards periods of physical placement to both parties, the court shall provide for the safety and well-being of the child and for the safety of the party who was the victim of the battery or abuse. For that purpose the court, giving consideration to the availability of services or programs and to the ability of the party who committed the battery or abuse to pay for those services or programs, shall impose one or more of the following, as appropriate:</p> <ol style="list-style-type: none"> 1. Requiring the exchange of the child to occur in a protected setting or in the presence of an appropriate third party who agrees by affidavit or other supporting evidence to assume the responsibility assigned by the court and to be accountable to the

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Last Updated: 12/10/2013

**MC SECTION 405 – CONDITIONS ON VISITATION IN CASES INVOLVING
DOMESTIC AND FAMILY VIOLENCE**

STATE	STATUTE	STATUTORY LANGUAGE
		<p>court for his or her actions with respect to the responsibility.</p> <p>2. Requiring the child's periods of physical placement with the party who committed the battery or abuse to be supervised by an appropriate third party who agrees by affidavit or other supporting evidence to assume the responsibility assigned by the court and to be accountable to the court for his or her actions with respect to the responsibility.</p> <p>3. Requiring the party who committed the battery or abuse to pay the costs of supervised physical placement.</p> <p>4. Requiring the party who committed the battery or abuse to attend and complete, to the satisfaction of the court, treatment for batterers provided through a certified treatment program or by a certified treatment provider as a condition of exercising his or her periods of physical placement.</p> <p>5. If the party who committed the battery or abuse has a significant problem with alcohol or drug abuse, prohibiting that party from being under the influence of alcohol or any controlled substance when the parties exchange the child for periods of physical placement and from possessing or consuming alcohol or any controlled substance during his or her periods of physical placement.</p> <p>6. Prohibiting the party who committed the battery or abuse from having overnight physical placement with the child.</p> <p>7. Requiring the party who committed the battery or abuse to post a bond for the return and safety of the child.</p> <p>8. Imposing any condition not specified in subds. 1. to 7. that the court determines is necessary for the safety and well-being of the child or the safety of the party who was the victim of the battery or abuse.</p>
Wyoming	§ 20-2-201	The court shall consider evidence of spousal abuse or child abuse as being contrary to the best interest of the children. If the court finds that family violence has occurred, the court shall make arrangements for

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		visitation that best protects the children and the abused spouse from further harm.
Guam	19 § 8404	<p>In a custody or visitation order, a court may: (1) order an exchange of a child to occur in a protected setting; (2) order visitation supervised by another person or agency; (3) order perpetrator(s) of family violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation; (4) order either parent or other party to a custody or visitation order to abstain from consumption of alcohol or other intoxicants during the visitation and for twenty-four (24) hours preceding the visitation; (5) order perpetrator(s) of family violence to pay a fee to defray the costs of supervised visitation, or to pay for the services of a guardian ad litem appointed by the court; (6) prohibit overnight visitation; (7) require a bond from perpetrator(s) of family violence for the return and safety of the child; or (8) impose any other condition that is deemed necessary to provide for the safety of a child, a victim of family violence, or other family or household member.</p> <p>Whether or not visitation is allowed, the court may order the address of a child or a victim to be kept confidential.</p> <p>If the court allows a family or household member to supervise visitation, the court may establish conditions to be followed during visitation.</p> <p>In addition to other factors that the court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding that family violence has occurred, the court shall consider as primary the safety and well-being of the child(ren) and of a parent or guardian who is the victim of family violence.</p>
Virgin Islands	16 § 109	A court may award visitation by a parent who committed domestic violence only if the court finds

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		<p>that adequate provision for the safety of the child and the parent who is a victim of domestic violence can be made. In a visitation order, a court may take any of the following actions: (A) order an exchange of the child to occur in a protected setting; (B) order visitation supervised in a manner to be determined by the court; (C) order the perpetrator of domestic violence to attend and complete to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of visitation; (D) order the perpetrator of domestic violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation; (E) order the perpetrator of domestic violence to pay a fee to defray the cost of supervised visitation; (F) prohibit overnight visitation; (G) require a bond from the perpetrator of domestic violence for the return and safety of the child; and (H) impose any other condition that is considered necessary to provide for the safety of the child, the victim of domestic violence, or other family or household member.</p> <p>Whether or not visitation is allowed, the court may order the address of the child or the victim of domestic violence to be kept confidential.</p> <p>The court may refer, but may not order an adult who is a victim of domestic violence to attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of domestic violence as a condition of receiving custody of a child, or as a condition of visitation.</p> <p>If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.</p>

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