

PRESUMPTIONS REGARDING SUPERVISED VISITATION

| STATE | STATUTE | STANDARD OF PROOF | STANDARD OF PROOF TO REBUT |
|---------|--|---|--|
| Alaska | § 25.24.150 The court shall allow only supervised visitation by the perpetrator conditioned upon the perpetrator: participating in and successfully completing an intervention program for batterers and a parenting education program (where reasonably available). | A finding by the court that there is a history of perpetrating domestic violence. | A preponderance of the evidence that the perpetrator has completed a substance abuse treatment program (if appropriate), is not abusing alcohol or psychoactive drugs, does not pose a danger of mental or physical harm to the child, and unsupervised visitation is in the child's best interests. |
| Georgia | § 15-11-112 There shall be a presumption that visitation shall be unsupervised. | A finding by the court that unsupervised visitation is not in a child's best interest. | The statute is silent on the standard of proof used to rebut the presumption. |
| Indiana | § 31-17-2-8.3 | A finding that a noncustodial parent has been convicted of a crime involving domestic or family violence that was witnessed | The statute is silent on the standard of proof used to rebut the presumption. |

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| | 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. | or heard by the noncustodial parent's child. | |
| Louisiana | <p>§ 9:364</p> <p>.....</p> <p>The court shall allow only supervised child visitation with the perpetrator, conditioned upon the perpetrator's participation in and completion of a</p> | A finding that a parent has a history of perpetrating family violence. | A preponderance of the evidence that the perpetrator 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 interests. |

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| | treatment program. | | |
| Missouri | <p>§ 452.400</p> <p>.....</p> <p>The court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of a number of enumerated offenses in which a child was the victim.</p> | A guilty verdict in one of a number of enumerated offenses in which a child was the victim. | When a court restricts a parent's visitation rights or orders supervised visitation because of allegations of domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. |
| North Dakota | <p>§ 14-09-29</p> <p>.....</p> <p>The court shall allow only supervised parenting time with the perpetrator.</p> | A finding that a parent perpetrated domestic violence, that the parent does not have residential responsibility, and that there exists one incident of domestic violence which resulted in serious bodily injury or involved the use of a dangerous weapon or there exists a pattern of domestic violence | Clear and convincing evidence that unsupervised parenting time would not endanger the child's physical or emotional health. |

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| | | within a reasonable time proximate to the proceeding. | |
| Texas | § 153.004 There is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child. | Credible evidence is presented of a history of past or present child neglect or physical or sexual abuse by that parent directed against the other parent, spouse, or child. | The statute is silent on the standard of proof used to rebut the presumption. |

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