

**STATE CUSTODY STATUTES RELEVANT TO DOMESTIC VIOLENCE**

**(Statutes in effect as of 10/31/18)**

STATE	JOINT CUSTODY PRESUMPTION	DOMESTIC VIOLENCE PRESUMPTION	DOMESTIC VIOLENCE/ SAFETY "PRIMARY" OR GIVEN EXTRA WEIGHT	FRIENDLY PARENT PROVISION WITH EXCEPTION FOR DV	FRIENDLY PARENT PROVISION WITH NO DV EXCEPTION
Alabama	Yes 30-3-152	Yes 30-3-131 30-3-133	No, but a BIC factor 30-3-152		Yes 30-3-152
Alaska		Yes 25.24.150	No, but a BIC factor 25.24.150	Yes 25.24.150	
Arizona		Yes 25-403.03	Yes 25-403.03	Yes 25-403	
Arkansas		Yes 9-13-101 9-15-215	Yes 9-15-215		Yes 9-13-101
California	Yes Fam Code 3080	Yes Fam Code 3044	Yes Fam Code 3020	Yes Fam Code 3044	
Colorado		Yes 14-10-124	Yes 14-10-124	Yes 14-10-124	
Connecticut	Yes 46b-56a		No, but a BIC factor 46b-56		Yes 46b-56
Delaware		Yes 13-705A	No, but a BIC factor 13-722		Yes 13-728
Florida	Yes 61.13	Yes 61.13	No, but a BIC factor 61.13		Yes 61.13
Georgia			Yes 19-9-3		Yes 19-9-3
Hawaii		Yes 571-46	Yes 571-46	Yes 571-46	
Idaho	Yes 32-717B	Yes 32-717B	No, but a BIC factor 32-717		

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Illinois			No; BIC factor limited to physical violence/threat 5/602.5 and 5/602.7		Yes 5/602.5 5/602.7
Indiana		Yes 31-17-2-8.3	No, but a BIC factor 13-17-2-8		
Iowa	Yes 598.41	Yes 598.41	Yes 598.41	Yes 598.41	
Kansas	Yes 23-3206		No, but a BIC factor 23-3203		Yes 23-3203
Kentucky	Yes 403.270	No, but rebuts joint 403.315	Yes 403.315	Yes 403.270	
Louisiana	Yes Civil Code Art. 132	Yes 9:364	Yes 9:341	Yes Civil Code Art. 134	
Maine			Yes 19A:1653		Yes 19A:1653
Maryland			Yes Fam Law 9-101.1		Yes Fam Law 9-105
Massachusetts		Yes 208-31A 209-38 209C-10			
Michigan			No, but a BIC factor 722.23	Yes 722.23	
Minnesota	Yes 518.17	Yes 518.17	No, but a BIC factor 518.17	Yes 518.17	
Mississippi	Yes 93-5-24	Yes 93-5-24			
Missouri		Yes, but only in CPOs 455.050	Yes 452.400		Yes 452.375
Montana			Yes 40-4-227	Yes 40-4-212	
Nebraska		Yes 43-2932	Yes 43-2921 and 43-2923		Yes 43-2922(17)(d)

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Nevada	Yes 125C.002 125C.0025	Yes 125C.0035 125C.230	No, but a BIC factor 125C.0035		Yes 125C.0035
New Hampshire	Yes 461-A:5		No, but a BIC factor 461-A:6	Yes 461-A:6	
New Jersey			No, but a BIC factor 9:2-4	Yes 9:2-4	
New Mexico	Yes 40-4-9.1		No, but a BIC factor 40-4-9.1		Yes 40-4-9.1
New York			Yes Dom Rel 240		
North Carolina			Yes 50-13.2		
North Dakota		Yes 14-09-06.2	No, but a BIC factor 14-09-06.2		Yes 14-09-06.2
Ohio			No; only criminal conviction considered generally, and DV not resulting in criminal conviction considered only when determining whether shared parenting is appropriate 3109.04		Yes 3109.04
Oklahoma		Yes 43-109 43-109.3 43-112.2	Yes 43-109	No, but allows parent in good faith to take steps to protect child 43-111.4	Yes 43-112
Oregon	Only if parties agree 107.169	Yes 107.137	No, but a BIC factor, 107.137, and safety of parties to be considered 107.101	Yes 107.137	
Pennsylvania			Yes 23-5328	Yes* 23-5328(a)(8)	Yes* 23-5328(a)(1)
Rhode Island			Yes 15-5-16		

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South Carolina			Yes 63-15-40		Yes 63-15-240
South Dakota		Yes 25-4-45.5 25-4A-22	No, but a BIC factor 25-4A-24	Yes* 25-4A-24(4)	Yes* 25-4A-24(9)
Tennessee	Yes, if parties agree 36-6-101	Yes 36-6-406			Yes 36-6-106
Texas	Yes Family Code 153.131	Yes Family Code 153.004	Yes Family Code 153.004		
Utah	Yes 30-3-10		No, but a BIC factor 30-3-10.2		Yes 30-3-10 30-3-10.2
Vermont			Yes 15-665a		Yes 15-665
Virginia			No, but a BIC factor 20-124.3	Yes 20-124.3	
Washington		Yes 26.09.191	Yes 26.09.191		
West Virginia	Yes 48-9-207	Yes 48-9-209	Yes 48-9-209	Yes* 48-9-209	Yes* 48-9-206
Wisconsin	Yes 767.41	Yes 767.41	Yes 767.41		Yes 767.41
Wyoming			Yes 20-2-201		Yes 20-2-201
District of Columbia	Yes 16-914	Yes 16-914	Yes 16-914		

\*Pennsylvania, South Dakota, and West Virginia have two provisions with friendly parent language, one of which has a DV exemption and one does not.

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