

Session 120 - (2013-2014)

S 0905 General Bill, By Shealy, Turner, S. Martin, Bright and Bryant

Summary: Child custody orders

A BILL TO AMEND SECTION 63-15-30 OF THE 1976 CODE, RELATING TO CONSIDERATION OF A CHILD'S PREFERENCE IN A CUSTODY ORDER, TO PROVIDE THAT IN DETERMINING THE BEST INTERESTS OF THE CHILD, THE COURT MUST CONSIDER THE CHILD'S REASONABLE PREFERENCE FOR PARENTING TIME; TO AMEND SECTION 63-15-210, RELATING TO TERMS APPLICABLE TO COURT-ORDERED CUSTODY, TO DEFINE "SHARED CUSTODY"; TO AMEND ARTICLE 2, CHAPTER 15, TITLE 63, RELATING TO COURT-ORDERED CUSTODY, BY ADDING SECTION 63-15-215, TO PROVIDE THAT IN A SHARED CUSTODY ORDER, THERE SHALL BE A PRESUMPTION THAT, ABSENT PROOF OF ABUSE OR NEGLECT, OR AN AGREEMENT TO THE CONTRARY, THE PARENTS SHALL HAVE SHARED LEGAL DECISION-MAKING AUTHORITY AND SHARE APPROXIMATELY EQUALLY IN THE PARENTING TIME OF A CHILD; TO AMEND SECTION 63-15-220, RELATING TO PARENTING PLANS, TO PROVIDE THAT THE COURT SHALL PROVIDE PARENTS, AT NO ADDITIONAL COST, MEDIATION SERVICES, TO DEVELOP A PARENTING PLAN OR SHARED PARENTING PLAN; TO AMEND ARTICLE 2, CHAPTER 15, TITLE 63, RELATING TO COURT-ORDERED CUSTODY, BY ADDING SECTION 63-15-225, TO PROVIDE THAT THE COURT MAY ORDER ANY PERSON SEEKING LEGAL DECISION-MAKING AUTHORITY OR PARENTING TIME TO UNDERGO TESTING FOR THE ILLEGAL USE OF CONTROLLED SUBSTANCES OR ABUSE OF ALCOHOL; TO AMEND ARTICLE 2, CHAPTER 15, TITLE 63, RELATING TO COURT-ORDERED CUSTODY, BY ADDING SECTION 63-15-227, TO PROVIDE THAT IF A PARTY IS ABSENT OR RELOCATES, THE COURT SHALL NOT CONSIDER IT AS A FACTOR IN DETERMINING LEGAL DECISION-MAKING AUTHORITY OR PARENTING TIME IF THE ABSENCE OR RELOCATION IS OF SHORT DURATION OR THE PARTY IS ABSENT OR RELOCATES BECAUSE OF SAFETY REASONS; TO AMEND SECTION 63-15-230, RELATING TO CONSIDERATIONS IN A FINAL CUSTODY DETERMINATION, TO PROVIDE THAT THE COURT SHALL CONSIDER A SHARED CUSTODY AWARD IN THE BEST INTERESTS OF THE CHILD; TO AMEND SECTION 63-15-240, RELATING TO CONTENTS OF AN ORDER FOR CUSTODY AFFECTING THE RIGHTS AND RESPONSIBILITIES OF PARENTS, TO PROVIDE THAT IN ISSUING OR MODIFYING AN ORDER FOR CUSTODY, THE ORDER MAY INCLUDE THE AWARD OF SHARED CUSTODY, IN WHICH CASE THE ORDER MUST INCLUDE RESIDENTIAL ARRANGEMENTS, MAJOR DECISIONS CONCERNING THE CHILD, AND THAT EACH CHILD MUST SPEND AN EQUAL AMOUNT OF PARENTING TIME BUT NOT LESS THAN THIRTY-FIVE PERCENT OF CUSTODY TIME WITH EACH PARENT; AND TO AMEND SECTION 63-15-250, RELATING TO TELEPHONIC AND ELECTRONIC COMMUNICATION BETWEEN A MINOR CHILD AND A PARENT, TO PROVIDE THAT WHEN A COURT ORDERS JOINT CUSTODY OR SHARED CUSTODY TO BOTH PARENTS, EACH PARENT SHOULD FACILITATE OPPORTUNITIES FOR REASONABLE TELEPHONIC AND ELECTRONIC COMMUNICATION BETWEEN THE MINOR CHILD AND THE OTHER PARENT.

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