

Relevant Domestic Violence Statutory Citations

State	DV and rebuttable presumption against custody	BI factor test includes DV	DV as a factor to be considered in custody cases	Joint custody presumption	Friendly parent statutes
Alabama	Ala. Code § 30-3-131, § 30-3-133	Ala. Code § 30-3-152	Ala. Code § 30-3-132	Ala. Code § 30-3-152 (if requested by both parties)	AL ST § 30-3-152 (a)(3) - applies regarding joint custody
Alaska		Alaska Stat. § 25.24.150 & § 25.20.090			AK ST § 25.24.150 (c)(6), AK ST § 25.20.090 (6)(E)
Arizona	Ariz. Rev. Stat. Ann. § 25-403 (N)		Ariz. Rev. Stat. 25-403(M) - evidence of DV is considered contrary to the child's BI		AZ ST § 25-403(A)(6), AZ ST § 13-3601 (A)
Arkansas	Ark. Code Ann. § 9-15-215, § 9-13-101		Ark. Code Ann. § 9-13-101, § 9-15-215		AR ST § 9-13-101 (b)(2)
California	Cal. Fam. Code § 3044, § 3011, § 3020	Cal. Fam. Code § 3011		Cal. Family Code § 3080 (where parents have agreed or agree in open court)	Cal. Family Code § 3040, § 3011, § 3020 - prohibits using friendly parent preference to rebut the presumption
Colorado		Colo. Rev. Stat. Ann. § 14-10-124			CO ST § 14-10-124 (1.5)(a)(VI)
Connecticut	No mention of DV	No mention of DV	No mention of DV	Conn. Gen. Stat. Ann. § 46b-56a (where parents have agreed or agree in open court)	
Delaware	Del. Code. Ann. tit. 13 § 705A	Del. Code Ann. tit. 13 § 722	Del. Code. Ann. tit. 13 § 706A		
D.C.	D.C. Code § 16-914	D.C. Code § 16-914		D.C. Code § 16-914	D.C. Code § 16-914
Florida	Fla. Stat. Ann. § 61.13	Fla. Stat. Ann. § 61.13	Fla. Stat. Ann. § 61.13	Fla. Stat. Ann. § 61.13 (the court shall order the parental responsibility for a minor child be shared by both parents)	FL ST § 61.13 (3)(a) - with regard to joint custody

** See the end of chart for an explanation of columns and terms used in this chart

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Georgia			Ga. Code Ann. §19-9-1, §19-9-3 (evidence of DV has to be considered - lists special things to look for if DV exists)		
Hawaii	Haw. Rev. Stat. Ann. § 571-46				
Idaho	Idaho Code § 32-717B	Idaho Code §32-717		Idaho Code § 32-717B	Idaho Code § 32-717B (with regard to joint custody)
Illinois		750 ILCS 5/602			IL ST 750 § 5/602 (a)(8)
Indiana		Burns Ind. Code Ann. §31-17-2-8			
Iowa	Iowa Code Ann. § 598.41	Iowa Code Ann. §598.41			Iowa Code Ann. §598.41(c) - does not apply if DV exists
Kansas		Kan. Rev. Stat. Ann. § 60-1610			KS ST § 60-1610 (a)(3)(B)(vi)
Kentucky		Ky. Rev. Stat. Ann. §403.270			
Louisiana	La. Rev. Stat. Ann. § 9:364			La. Civ. Code Ann. art. 132 (the court shall award custody to the parents jointly in the absence of an agreement, or if the agreement is not in the child's BI); La. R. 16 Dist. Ct. Rule 28.2 (form stating and noting that joint custody is presumed)	La. Rev. Stat. Ann. §9:335 (with regard to joint custody)

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Maine		Me. Rev. Stat. tit. 19-A §1653		Me. Rev. Stat. tit. 19-A §1653 (the court shall make an award of shared parental rights where the parties have agreed or so agree in open court)	ME ST T. 19-A § 1653 (3)(H)
Maryland			Md. Code Ann. Fam. Law §9101.1 - shall consider evidence of DV		
Massachusetts	Mass. Gen. Laws Ann. chs. 208 §31A, 209 § 38, 209C§10		Mass. Gen. Laws Ann. Ch. 208 §31A, 209 § 38, 209C §10		
Michigan		Mich. Comp. Laws Ann. § 722.23			MI ST §722.23 (j)
Minnesota	Minn. Stat. Ann. § 518.17	Minn. Stat. Ann. §257.025, § 518.17		Minn. Stat. § 518.17 (presumption that joint legal custody is in the child's BI if requested by either or both parents	Minn. Stat. § 518.17 - does not apply if DV exists
Mississippi	Miss. Code Ann. § 93-5-24			Miss. Code Ann. § 93-5-24 (where both parties have agreed)	
Missouri	Mo. Ann. Stat. § 455.050	Mo. Ann. Stat. 452.375(2)(6)			MO ST 452.375(2)(4)
Montana		Mont. Code Ann. § 40-4-212			Mont. Code Ann. § 40-4-212 - in child's BI to have continuing contact with both parents EXCEPT if DV
Nebraska		Neb. Rev. Stat. §42-364			

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Nevada	Nev. Rev. Stat. Ann. § 125C.230, § 125C.220, § 125.480	Nev. Rev. Stat. Ann. §125.480		Nev. Rev. Stat. § 125.490 (where parents have agreed or so agree in open court)	Nev. Rev. Stat. Ann. §125.480
New Hampshire			N.H. Rev. Stat. Ann. 458:17	N.H. Rev. Stat. Ann. § 458:17 (presumption regarding joint legal custody where the parents have agreed or agree in open court)	
New Jersey		N.J. Stat. Ann. §9:2-4			N.J. Stat. Ann. §9:2-4(c) does not apply if DV exists
New Mexico		N.M. Stat. Ann. § 40-4-9.1		N.M. Stat. Ann. § 40-4-9.1	NM ST § 40-4-9.1 (B)(5) - with regard to joint custody
New York			N.Y. Dom. Rel. Law § 240		
North Carolina			N.C. Gen. Stat. §50-13.2		
North Dakota	N.D. Cent. Code § 14-09-06.2	N.D. Cent. Code § 14-09-06.2			
Ohio		Ohio Rev. Code Ann. §3109.04			OH ST § 3109.04 (F)(1)(f)
Oklahoma	Okla. Stat. Ann. tit. 43 §112.2, tit. 10 §21.1		Okla. Stat. Ann. tit. 10 §21.1, tit. 43 §112.2	Okla. Stat. Ann. tit. 43 § 110.1 (shared parenting will be ordered if requested by a parent, unless the court finds shared parenting to be detrimental to the child)	
Oregon	Or. Rev. Stat. § 107.137	Or. Rev. Stat. §107.137			Or. Rev. Stat. §107.137(1)(f) - does not apply if DV exists
Pennsylvania			23 Pa. Cons. Stat. Ann. §5303		23 Pa. Const. Stat. Ann. 5303(a)(2)
Rhode Island			R.I. Gen. Laws § 15-5-16		

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South Carolina			S.C. Code Ann. §20-7-1530		
South Dakota	S.D. Codified Laws § 25-4-45.5, §24-4-45.6		S.D. Codified Laws § 25-4-45.5		
Tennessee	Tenn. Code Ann. § 36-6-101 (only if child abuse or neglect NOT DV against other parent)	Tenn. Code Ann. §36-6-106	Tenn. Code Ann. §36-6-406 (restricts parenting plans when there is DV)	Tenn. Code Ann. § 36-6-101 (where parents have agreed or so agree in open court)	Tenn. Code Ann. §36-6-106
Texas	Tex. Fam. Code §153.004, § 153.131		Tex. Fam. Code §153.004 cannot award joint custody if evidence of DV	Tex. Fam. Code §153.131	Tex. Fam. Code §153.134 (with regard to joint custody)
Utah		Utah Code Ann. §30-3-10.2			UT ST § 30-3-10.2(2)(c), §30-3-10
Vermont		Vt. Stat. Ann. tit. 15 §665			Vt. Stat. Ann. tit. 15 §665 - does not apply where there would be real harm to the child or parent
Virginia		Va. Code Ann. §20-124.3			VA ST § 20-124.3 (6) - does not apply if there is a history of DV
Washington			Wash. Rev. Code Ann. §26.09.191 - no joint custody if evidence of DV by either party		

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West Virginia			W.V. Code Ann. §48-9-201, §48-9-205, §48-9-209	W. Va. Code § 48-9-207 (the court shall presume that an allocation of decision-making responsibility to both parents jointly is in the child's BI if each of the child's legal parents has been exercising a reasonable share of parenting functions; but presumption overcome if history of DV)	
Wisconsin	Wis. Stat. Ann. §767.24	Wis. Stat. Ann. §767.24		Wis. Stat. Ann. § 767.24 (the court shall presume joint legal custody is in the child's BI; but exception where evidence of interspousal battery or DV)	Wis. Stat. Ann. 767.24 - only applies if one is unreasonably interfering with child's relationship with the other party
Wyoming			Wyo. Stat. §20-2-112, §20-2-201		WY ST § 20-2-201(4) and (5)

- * DV - domestic violence - in many states, DV is defined differently or referred to as domestic abuse or family violence. See particular jurisdiction for its definition of DV.
- * BI - abbreviation for best interests
- * Column 2 - DV and rebuttable presumption against custody - jurisdictions where there is a rebuttable presumption against custody to a perpetrator of DV
- * Column 3 - BI factor test includes DV - jurisdictions where domestic violence is one of a list of best interest factors for courts to consider when making custody decisions.
- * Column 4 - Joint custody presumption - jurisdictions where there is a presumption the joint custody is in a child's best interest
- * Column 5 - Friendly parent statutes - jurisdictions that give a custody preference to the parent that is more likely to allow the other parent contact with the child

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