



House Republican Staff Analysis

Bill: HF 345
Committee: Judiciary
Date: 3/15/2011
Member: Rep. Kaufmann
Staff: Amanda Freel (1-5230)

Summary

This bill creates a rebuttable presumption that joint physical custody is in the best interest of the child.

Summary of Action

- Subcommittee 2/24/2011
 - Committee 3/2/2011 (11-10)
 - Passed House 3/15/11 (69-26)
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Section-by-Section Analysis

Section I Custody of Children

1. During the initial custody proceeding and subsequent modification a rebuttable presumption exists that a request for joint physical custody is in the best interest of the child.
 - a. The opposing party must show that joint physical care is not in the best interest of the child by clear and convincing evidence.
2. Proposed joint physical care parenting plan (currently in code)
3. If the court finds that joint physical custody is not in the best interest of the child the decision shall include specific facts and conclusions of law. In determining the best interest of the child in relation to the denial or a request the court shall consider the best interest of the child includes: opportunity for the most continuous physical and emotional contact with both parents unless physical or significant emotional harm would result.