

**1st Sub. H.B. 107**  
**JOINT CUSTODY MODIFICATIONS**

Representative **Gage Froerer** proposes the following amendments:

1. *Page 2, Line 45 through Page 3, Line 58:*

- 45 (b) [~~The court shall, in every case, consider joint custody but may award any form of~~  
46 ~~custody which is determined to be~~] There shall be a rebuttable presumption that joint legal  
47 custody, as defined in Section 30-3-10.1, is in the best interest of the child[-], so long as the  
48 party who desires joint legal custody files a proposed parenting plan in accordance with  
49 Sections 30-3-10.8 and 30-3-10.9. The presumption may be rebutted by a showing by a  
50 preponderance of the evidence that the following circumstances exist:
- 51 { ~~(i) the parents were not married to each other;~~ }
- 52 { ~~(ii)~~ } (i) domestic violence in the home or in the presence of the child;
- 53 { ~~(iii)~~ } (ii) special physical or mental needs of a parent or child, making joint legal custody  
54 unreasonable;
- 55 { ~~(iv)~~ } (iii) physical distance between the residences of the parents, making joint decision  
56 making impractical in certain circumstances; or
- 57 { ~~(v)~~ } (iv) any other factor the court considers relevant, including those listed in Section  
58 30-3-10.2.