

Effective 5/3/2023

Effective until 5/1/2024

30-3-10.1 Definitions -- Joint legal custody -- Joint physical custody.

As used in this chapter:

- (1)
 - (a) "Custodial responsibility" includes all powers and duties relating to caretaking authority and decision-making authority for a child.
 - (b) "Custodial responsibility" includes physical custody, legal custody, parenting time, right to access, visitation, and authority to grant limited contact with a child.
- (2) "Joint legal custody":
 - (a) means the sharing of the rights, privileges, duties, and powers of a parent by both parents, where specified;
 - (b) may include an award of exclusive authority by the court to one parent to make specific decisions;
 - (c) does not affect the physical custody of the child except as specified in the order of joint legal custody;
 - (d) is not based on awarding equal or nearly equal periods of physical custody of and access to the child to each of the parents, as the best interest of the child often requires that a primary physical residence for the child be designated; and
 - (e) does not prohibit the court from specifying one parent as the primary caretaker and one home as the primary residence of the child.
- (3) "Joint physical custody":
 - (a) means the child stays with each parent overnight for more than 30% of the year, and both parents contribute to the expenses of the child in addition to paying child support;
 - (b) can mean equal or nearly equal periods of physical custody of and access to the child by each of the parents, as required to meet the best interest of the child;
 - (c) may require that a primary physical residence for the child be designated; and
 - (d) does not prohibit the court from specifying one parent as the primary caretaker and one home as the primary residence of the child.
- (4) "Service member" means a member of a uniformed service.
- (5) "Uniformed service" means:
 - (a) active and reserve components of the United States Armed Forces;
 - (b) the United States Merchant Marine;
 - (c) the commissioned corps of the United States Public Health Service;
 - (d) the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (e) the National Guard of a state.