

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 779

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**Version:** As introduced

**Authors:** Mahoney and others

**Subject:** Joint Physical Custody Presumption

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### Overview

The bill amends child custody law to create a presumption in favor of joint physical custody. The presumption does not require an equal division of time between the parties unless the parties fail to reach their own custody agreement or parenting plan by the deadline in the bill. This presumption does not apply if there has been domestic abuse between the parties.

In current law there is a presumption favoring joint legal custody, but not joint physical custody.

#### Section

- 1 Custody.** Amends the definition of joint physical custody in the marriage dissolution statute. Specifies that this does not require an equal division of time between the parties.
- 2 Deadline for custody agreement or parenting plan.** Requires parents to enter a parenting plan or custody agreement by the earlier of (1) 90 days after a custody proceeding starts or (2) when the proceeding is set for determination by the court. If parents fail to meet this deadline, the court must use a rebuttable presumption favoring joint physical custody
- 3 Factors when joint custody is sought.** If parents fail to meet the statutory deadline for reaching a custody agreement or parenting plan, the court must use a rebuttable presumption favoring joint physical custody involving an equal time split. The bill continues the provision in current law that there is a presumption against joint physical or legal custody if there has been domestic abuse between the parties.