

2018 Child Custody bill synopsis/summary

SYNOPSIS:

Existing law specifies that it is the policy of this state that parents who are divorced or separated have frequent and continuing contact with their children, but existing law establishes no statutory definition of frequent and continuing contact. Existing law also specifies that joint custody does not necessarily mean equal physical custody.

This bill would revise existing definitions regarding custody to be consistent with terminology used in case law and to specify that joint physical custody means frequent, substantial, and maximized contact with both parents in a manner in which both parents share all aspects of parenting.

This bill would specify that there is a rebuttable presumption that joint custody is in the best interest of the child, and this rebuttable presumption may be overcome only by clear and convincing evidence, set forth in written findings of fact, that joint custody is not in the best interest of the child.

This bill would establish factors to be considered when determining any custody arrangement that does not award joint custody.

Existing law requires the parties in a child custody matter to submit a parenting plan only in cases where the parties request joint custody.

This bill would require the parties to submit a parenting plan in all cases. This bill would also authorize the court to establish a parenting plan when the parties are unable to agree upon one. This bill would specify additional remedies to a party when a parent, without proper cause, fails to adhere to the time sharing schedule in a parenting plan including makeup parenting time and reimbursement for costs and attorney fees.

This bill would also specify that it is the public policy of this state that a court with competent jurisdiction shall enforce all parenting time orders, custody orders, and child support orders giving equal importance to each.

This act shall be known and may be cited as the **Children's Equal Access Act.**