

- i. Version Number: 1
- ii. Date of version: May 21, 2010
- iii. Current section number and short title: 25-403.01 Sole and Joint Decision Making
- iv. Names of members: Bill Fabricius, Grace Hawkins
- v. Purpose: To make the language consistent with the change of terminology from custody to decision making; to simplify and streamline the statute by combining paragraph C into paragraph A; no substantive changes recommended.

25-403.01. Sole and joint ~~custody~~ parental decision making

A. ~~In awarding child custody,~~ The court may order sole parental decision making custody or joint custody parental decision making regarding the children in accordance with 25-403. This section does not create a presumption in favor of one custody arrangement over another. The court in determining custody shall not prefer a parent as custodian because of that parent's sex. The court may issue an order for sole or joint parental decision making of a child if both parents agree and the court finds such an order is in the best interests of the child. The court may order joint parental decision making without ordering a substantially equal parenting time plan.

B. The court may issue an order for joint decision making custody over the objection of one of the parents if the court makes specific written findings of why the order is in the child's best interests. In determining whether joint decision making custody is in the child's best interests, the court shall consider the factors prescribed in section 25-403, ~~subsection A~~ and all of the following:

1. The agreement or lack of an agreement by the parents regarding parental decision making joint custody.
 2. Whether a parent's lack of agreement is unreasonable or is influenced by an issue not related to the best interests of the child.
 3. The past, present and future abilities of the parents to cooperate in decision-making about the child to the extent required by the order of joint parental decision making custody.
 4. Whether the joint parental decision making custody arrangement is logistically possible.
- ~~C. The court may issue an order for joint custody of a child if both parents agree and submit a written parenting plan and the court finds such an order is in the best interests of the child. The court may order joint legal custody without ordering joint physical custody.~~