

STATEMENT OF PURPOSE

RS24715

Idaho Code Section 32-717B governs joint custody orders in the event of separation or divorce, and grants courts the authority to award either joint physical custody or joint legal custody, or both, as between the parents. This legislation seeks to accomplish three things: (1) to clarify that the existing presumption that an award of joint custody is in the best interests of children, applies to both joint physical and joint legal custody; (2) to clarify that when a court declines to enter an order awarding both joint physical and joint legal custody, it must state the reasons in its decision; and (3) to clarify the current code definition of "joint physical custody," which is defined as an order awarding each of the parents significant periods of time in which the child resides with or is under the care and supervision of each of the parents. There is no clear statutory guidance as to what constitutes "significant periods of time." This legislation would clarify the law by defining "significant periods of time" to mean as near to equal as practicable, but does not necessarily mean the child's time with each parent should be exactly the same in length. This legislation keeps intact the court's discretion to determine the actual amount of time each parent shall have.

FISCAL NOTE

No fiscal impact on the General Fund.

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