

Hall of the House of Representatives
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of House Bill 1434

TO AMEND THE LAW REGARDING THE PRESUMPTION THAT AN AWARD OF JOINT
CUSTODY BETWEEN PARENTS IS IN A CHILD'S BEST INTEREST WHEN THERE IS
DOMESTIC ABUSE OR COURSE OF CONTROL PRESENT.

Amendment No. 2 to House Bill 1434

Amend House Bill 1434 as engrossed H2/19/25 (version: 2/19/25 10:40:04 AM):

Page 1, delete lines 11 and 12, and substitute the following:

"A CHILD'S BEST INTEREST WHEN THERE IS
DOMESTIC ABUSE; AND FOR OTHER PURPOSES."

AND

Page 1, delete line 20, and substitute the following:

"ABUSE."

AND

Page 1, line 28, delete "abuse or" and substitute "abuse"

AND

Page 1, line 29, delete "course of control"

AND

Page 1, line 29, delete "under" and substitute "in"



AND

Page 1, delete line 32, and substitute the following:

"the evidence at a hearing on the merits, the circuit court ~~must~~ shall consider the effect of such domestic"

AND

Page 1, line 33, delete "or course of control"

AND

Page 2, delete lines 1 through 7, and substitute the following:

"(2) With regard to an award of custody:

(A) There is a rebuttable presumption that it is not in the best interest of the child to be placed in the sole, primary, or joint custody of ~~an abusive a parent in cases in which there is a finding by the preponderance of the evidence that the parent or other party has engaged in a pattern of domestic abuse.~~ or other party who has been found at a hearing on the merits to have engaged in a pattern of domestic abuse as defined in the Domestic Abuse Act of 1991, § 9-15-101 et seq."

AND

Page 2, line 9, delete "or course of control"

AND

Page 2, line 11, delete "or care"

AND

Page 2, line 12, delete "emotional and physical wellbeing" and substitute "physical, mental, or emotional health"

AND

Page 2, delete lines 13 through 16, and substitute the following:

"(3) With regard to an award of reasonable parenting time provided for in subdivision (b)(1)(A)(vii) of this section to a parent or other party who fails to rebut the presumption under subdivision (c)(2)(B) of this section, a court awarding unsupervised parenting time to that parent or other party:

(A) Shall, in addition to the facts, findings, and conclusions of law in the court's written order under subdivision (b)(3)(A) of this section, make findings as to:"

AND

Page 2, line 18, delete "physical and mental wellbeing" and substitute "physical, mental, or emotional health"

AND

Page 2, line 20, delete "or course of control"

AND

Page 2, line 24, delete "to protect the child"

The Amendment was read
By: Representative Hudson
LJH/LJH - 03-06-2025 02:23:53
LJH208

Chief Clerk