

## Support Recent Legislation To Improve the Family Court Response to Domestic Relations Cases

▲ In 2001, after much research and thoughtful debate, the WV Legislature moved the WV custody presumption from the “primary caretaker” model to the current “shared parenting” model following the “ALI Principles of Law of Family Dissolution.”

▲ In 2006, the WV Legislature heard the concerns of parents and domestic relations litigants and passed legislation to increase the number of Family Court Judges from 35 to 45 by 2009.

### Current custody presumptions with the addition of family court judges:

- ▲ Provides gender neutral joint decision-making while honoring parents caretaking roles;
- ▲ Maintains safety provisions when families experience domestic violence, sexual assault and child abuse/neglect;
- ▲ Preserves parents’ rights to make decisions with less state intervention; and
- ▲ Allows families to develop individualized parenting plans that address unique circumstances of each family.



## Children look to adults for protection



## Oppose the presumption of 50/50 Custody



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## **Automatic 50/50 Custody Presumptions Are Not In The Best Interest of Children**

**Consider What is Best For Children:** Studies show what is best for children is minimizing disruption to their lives during and after their parents' divorce. Current law helps to provide consistency and predictability in children's experience before, during and after a divorce by maintaining caretaking responsibilities carried on prior to parents' separation.

**Support Parents' Rights and Decision-Making:** Parents make choices about caretaking roles and responsibilities while the family was intact. The current law affirms parents' decision-making choices by allocating custody post-separation based on decisions made by parents prior to separation. Current law guarantees two important rights for every parent post-separation: equal decision-making with regards to the child, and preservation and continuation of whatever time with the child they spent before separation.

**Avoid a "One Size Fits All" Custody Determination:** The current law provides for flexibility to tailor specific family needs that provide for the best interests of children. A "one size fits all" approach custody determination, such as automatic 50/50 custody between all parents in all divorces, will never be in the best interests of children. Complex considerations must be taken into account by family court judges, demanding that judges have adequate time to carefully review and weigh all of the factors involved in a custody decision. West Virginia needs additional family court judges in order to make the best custody determinations for children.

**PROTECT the safe  
and just provisions  
in Current Law on  
Custody**

**Individual family lifestyles  
and caretaking patterns  
are considered.**

**Presumptions, parenting  
classes and mediation  
are available when  
parents cannot agree.**

**Protections are provided  
when domestic violence  
and child abuse are  
involved.**

**Decisions are made by  
parents with less state  
intervention.**