

DOMESTIC VIOLENCE AND CUSTODY

Senate Bill 718

This bill is supported by:

Covenant with North Carolina's Children

Domestic Violence Commission

North Carolina Coalition Against Domestic Violence

Purpose: Enhance the safety of children by providing for a rebuttable presumption against awarding custody to a perpetrator of family violence.

Talking Points

- This recommendation comes from the **Child Well-Being and Domestic Violence Task Force**, co-chaired by Chief Justice I. Beverly Lake and Secretary Carmen Hooker Odom. Over 40 members, including legislators, judges, law enforcement, children's advocates, domestic violence advocates, DSS, and other state agencies looked at the overlap of child abuse and domestic violence, as well as the effects of domestic violence on children.
- Studies show that child abuse occurs in **30-60%** of domestic violence cases that involve families with children.
- In North Carolina, more than **7,500 children** stayed in domestic violence shelters across the state in fiscal year 2001-02.
- The National Council of Juvenile and Family Court Judges released a **Model Code on Domestic and Family Violence** in 1994 which recommends that a determination by the court that domestic or family violence has occurred raises a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence.
- Congress passed a resolution in 1990 to encourage states to pass statutes establishing such a presumption, stating that "credible evidence of physical abuse of one's spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse."

Keep children safe. Please support Senate Bill 718!

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