

HOUSE BILL NO. 561

INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CHILD CUSTODY LAWS PERTAINING TO THE BEST
5 INTEREST OF A CHILD; ~~CREATING A REBUTTABLE PRESUMPTION THAT JOINT PHYSICAL CUSTODY~~
6 ~~IS IN THE BEST INTEREST OF A CHILD~~; REVISING THE PARENTING FACTORS THAT A COURT
7 CONSIDERS IN DETERMINING A PARENTING PLAN; AND AMENDING SECTION 40-4-212, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-4-212, MCA, is amended to read:

12 **"40-4-212. Best interest of child.** (1) The court shall determine the parenting plan in accordance with
13 the best interest of the child, and equal consideration must be given to each parent. The court shall consider all
14 relevant parenting factors, which may include but are not limited to:

- 15 (a) the wishes of the child's parent or parents;
- 16 (b) the wishes of the child, ~~with due consideration given to the influence a parent may have over the~~
17 child's wishes;
- 18 (c) the interaction and interrelationship of the child with the child's parent or parents and siblings and with
19 any other person who significantly affects the child's best interest;
- 20 ~~(d) the motivation of the adults participating in the parenting plan proceeding;~~
- 21 ~~(d)(e)(D)~~ the child's adjustment ~~and continuing proximity~~ to home, school, and community;
- 22 ~~(e)(f)(E)~~ the mental and physical health of all individuals involved;
- 23 ~~(f)(g)(F)~~ physical abuse or threat of physical abuse by one parent against the other parent or the child;
- 24 ~~(g)(h)(G)~~ chemical dependency, as defined in 53-24-103, or chemical abuse on the part of either parent;
- 25 ~~(h)(i)(H)~~ continuity and stability of care;
- 26 ~~(i)(j)(I)~~ developmental needs of the child;
- 27 ~~(j)(k)(J)~~ whether a parent has knowingly failed to pay birth-related costs that the parent is able to pay,
28 which is considered to be not in the child's best interests;
- 29 ~~(k)(L)~~ the likelihood a parent will allow the child frequent, meaningful, and continuing contact with the
30 other parent;



