

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2484

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

12 **SECTION 1.** Section 93-5-24, Mississippi Code of 1972, is
13 amended as follows:

14 93-5-24. (1) Custody shall be awarded as follows according
15 to the best interests of the child:

16 (a) Physical and legal custody to both parents jointly
17 pursuant to subsections (2) through (7).

18 (b) Physical custody to both parents jointly pursuant
19 to subsections (2) through (7) and legal custody to either parent.

20 (c) Legal custody to both parents jointly pursuant to
21 subsections (2) through (7) and physical custody to either parent.



22 (d) Physical and legal custody to either parent
23 pursuant to subsections (2) through (7).

24 (e) Upon a finding by the court that both of the
25 parents of the child have abandoned or deserted such child or that
26 both such parents are mentally, morally or otherwise unfit to rear
27 and train the child the court may award physical and legal custody
28 to:

29 (i) The person in whose home the child has been
30 living in a wholesome and stable environment; or

31 (ii) Physical and legal custody to any other
32 person deemed by the court to be suitable and able to provide
33 adequate and proper care and guidance for the child.

34 In making an order for custody to either parent or to both
35 parents jointly, the court, in its discretion, may require the
36 parents to submit to the court a plan for the implementation of
37 the custody order.

38 (2) * * * (a) (i) There shall be a rebuttable presumption
39 that joint custody and equally shared parenting time is in the
40 best interest of the child. If the court grants joint custody and
41 equally shared parenting time, the court shall construct a
42 parenting time schedule which maximizes the time each parent has
43 with the child and ensures the best interest of the child is met.

44 (ii) The presumption created in subparagraph (i)
45 of this paragraph shall be rebuttable by a preponderance of the
46 evidence. A court that does not award joint custody with equally



47 shared parenting time shall document the reasons for deviating
48 from the presumption.

49 (b) To calculate child support for joint custody with
50 equally shared parenting time, unless the court determines a
51 deviation from this paragraph is in the best interest of the
52 child, the court shall:

53 (i) Calculate a child-support award under the
54 guidelines of Section 43-19-101 for each parent as if each parent
55 was the obligor;

56 (ii) Calculate the difference in the two (2)
57 awards by subtracting the lesser award from the larger award; and

58 (iii) Order the difference in the two (2) awards
59 to be paid by the parent who has the higher adjusted gross income
60 to the parent with the lower adjusted gross income.

61 (c) Upon petition of both parents, the court may grant
62 legal and/or physical custody to one (1) parent without
63 documenting a reason for deviation.

64 * * *

65 (* * *3) (a) For the purposes of this section, "joint
66 custody" means joint physical and legal custody.

67 (b) For the purposes of this section, "physical
68 custody" means those periods of time in which a child resides with
69 or is under the care and supervision of one (1) of the parents.

70 (c) For the purposes of this section, "joint physical
71 custody" means that each of the parents shall have significant



72 periods of physical custody. Joint physical custody shall be
73 shared by the parents in such a way so as to assure a child * * *
74 frequent and continuing contact with both parents.

75 (d) For the purposes of this section, "legal custody"
76 means the decision-making rights, the responsibilities and the
77 authority relating to the health, education and welfare of a
78 child.

79 (e) For the purposes of this section, "joint legal
80 custody" means that the parents or parties share the
81 decision-making rights, the responsibilities and the authority
82 relating to the health, education and welfare of a child. An
83 award of joint legal custody obligates the parties to exchange
84 information concerning the health, education and welfare of the
85 minor child, and to confer with one another in the exercise of
86 decision-making rights, responsibilities and authority.

87 An award of joint physical and legal custody obligates the
88 parties to exchange information concerning the health, education
89 and welfare of the minor child, and unless allocated, apportioned
90 or decreed, the parents or parties shall confer with one another
91 in the exercise of decision-making rights, responsibilities and
92 authority.

93 (* * *4) Any order for joint custody may be modified or
94 terminated upon the petition of both parents or upon the petition
95 of one (1) parent showing that a material change in circumstances
96 has occurred.



97 (* * *5) There shall be no presumption that it is in the
98 best interest of a child that a mother be awarded either legal or
99 physical custody.

100 (* * *6) Notwithstanding any other provision of law, access
101 to records and information pertaining to a minor child, including,
102 but not limited to, medical, dental and school records, shall not
103 be denied to a parent because the parent is not the child's
104 custodial parent.

105 (* * *7) (a) (i) In every proceeding where the custody of
106 a child is in dispute, there shall be a rebuttable presumption
107 that it is detrimental to the child and not in the best interest
108 of the child to be placed in sole custody, joint legal custody or
109 joint physical custody of a parent who has a history of
110 perpetrating family violence. The court may find a history of
111 perpetrating family violence if the court finds, by a
112 preponderance of the evidence, one (1) incident of family violence
113 that has resulted in serious bodily injury to, or a pattern of
114 family violence against, the party making the allegation or a
115 family household member of either party. The court shall make
116 written findings to document how and why the presumption was or
117 was not triggered.

118 (ii) This presumption may only be rebutted by a
119 preponderance of the evidence.



120 (iii) In determining whether the presumption set
121 forth in this subsection * * * has been overcome, the court shall
122 consider all of the following factors:

123 1. Whether the perpetrator of family violence
124 has demonstrated that giving sole or joint physical or legal
125 custody of a child to the perpetrator is in the best interest of
126 the child because of the other parent's absence, mental illness,
127 substance abuse or such other circumstances which affect the best
128 interest of the child or children;

129 2. Whether the perpetrator has successfully
130 completed a batterer's treatment program;

131 3. Whether the perpetrator has successfully
132 completed a program of alcohol or drug abuse counseling if the
133 court determines that counseling is appropriate;

134 4. Whether the perpetrator has successfully
135 completed a parenting class if the court determines the class to
136 be appropriate;

137 5. If the perpetrator is on probation or
138 parole, whether he or she is restrained by a protective order
139 granted after a hearing, and whether he or she has complied with
140 its terms and conditions; and

141 6. Whether the perpetrator of domestic
142 violence has committed any further acts of domestic violence.

143 (iv) The court shall make written findings to
144 document how and why the presumption was or was not rebutted.



145 (b) (i) If custody is awarded to a suitable third
146 person, it shall not be until the natural grandparents of the
147 child have been excluded and such person shall not allow access to
148 a violent parent except as ordered by the court.

149 (ii) If the court finds that both parents have a
150 history of perpetrating family violence, but the court finds that
151 parental custody would be in the best interest of the child,
152 custody may be awarded solely to the parent less likely to
153 continue to perpetrate family violence. In such a case, the court
154 may mandate completion of a treatment program by the custodial
155 parent.

156 (c) If the court finds that the allegations of domestic
157 violence are completely unfounded, the chancery court shall order
158 the alleging party to pay all court costs and reasonable
159 attorney's fees incurred by the defending party in responding to
160 such allegations.

161 (d) (i) A court may award visitation by a parent who
162 committed domestic or family violence only if the court finds that
163 adequate provision for the safety of the child and the parent who
164 is a victim of domestic or family violence can be made.

165 (ii) In a visitation order, a court may take any
166 of the following actions:

167 1. Order an exchange of the child to occur in
168 a protected setting;



169 2. Order visitation supervised in a manner to
170 be determined by the court;

171 3. Order the perpetrator of domestic or
172 family violence to attend and complete to the satisfaction of the
173 court a program of intervention for perpetrators or other
174 designated counseling as a condition of visitation;

175 4. Order the perpetrator of domestic or
176 family violence to abstain from possession or consumption of
177 alcohol or controlled substances during the visitation and for
178 twenty-four (24) hours preceding the visitation;

179 5. Order the perpetrator of domestic or
180 family violence to pay a fee to defray the cost of supervised
181 visitation;

182 6. Prohibit overnight visitation;

183 7. Require a bond from the perpetrator of
184 domestic or family violence for the return and safety of the
185 child; or

186 8. Impose any other condition that is deemed
187 necessary to provide for the safety of the child, the victim of
188 family or domestic violence, or other family or household member.

189 (iii) Whether or not visitation is allowed, the
190 court may order the address of the child or the victim of family
191 or domestic violence to be kept confidential.

192 (e) The court may refer but shall not order an adult
193 who is a victim of family or domestic violence to attend



194 counseling relating to the victim's status or behavior as a
195 victim, individually or with the perpetrator of domestic or family
196 violence, as a condition of receiving custody of a child or as a
197 condition of visitation.

198 (f) If a court allows a family or household member to
199 supervise visitation, the court shall establish conditions to be
200 followed during visitation.

201 (8) This section shall apply to all custody determinations
202 regardless of whether or not the parents of the child or children
203 involved have ever been married.

204 **SECTION 2.** This act shall take effect and be in force from
205 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 93-5-24, MISSISSIPPI CODE OF 1972, TO
2 CREATE A REBUTTABLE PRESUMPTION IN FAVOR OF JOINT CUSTODY WITH
3 EQUAL PARENTING TIME IN ALL CUSTODY MATTERS; TO PROVIDE THAT THE
4 PRESUMPTION SHALL BE REBUTTABLE BY A PREPONDERANCE OF THE
5 EVIDENCE; TO PROVIDE FOR THE CALCULATION OF CHILD SUPPORT WHERE
6 THE COURT AWARDS JOINT CUSTODY WITH EQUALLY SHARED PARENTING TIME;
7 TO REQUIRE A COURT TO DOCUMENT THE REASONS FROM DEVIATING FROM THE
8 PRESUMPTION UNLESS BOTH PARENTS PETITION FOR A DEVIATION; TO
9 CLARIFY THAT THIS SECTION SHALL APPLY TO ALL CUSTODY
10 DETERMINATIONS; AND FOR RELATED PURPOSES.

