

## Child Custody and Domestic Violence By State

2/2008

Child Custody Statute & Definition of DV	Best Interest Factors Include DV?	Rebuttable Presumption Against Custody to Batterer?	Best Interest Factors Include "Friendly Parent"?	Rebuttable Presumption of Joint Custody?	Representation for child?	Child Custody/ Support in CPO?	Can the court enter a CPO as to the child? Who can file?
<b>Alabama</b> ALA. CODE §30-3-1 ET SEQ (2007)  DV DEF. AT: §30-3-130 (by reference to criminal code)	<b>Yes</b>  §30-3-152	<b>Yes</b>  §30-3-131 §30-3-133	<b>Yes</b>  §30-3-152(a)(3)	<b>Yes</b>  §30-3-152 (only when joint custody is requested by both parties)	Statute is silent	<b>Yes/Yes</b>	<b>Yes</b>  Any adult relative, household member, guardian, or custodian on behalf of a minor  § 30-5-2(a)(5)
<b>Alaska</b> ALASKA STAT. §25.20.060 ET SEQ (2007)  DV DEF. AT: §18.66.990 (criminal code)	<b>Yes</b>  §25.24.150(c)(7) §25.20.090(8)	<b>Yes</b>  §25.24.150(g)	<b>Yes</b>  §25.24.150(c)(6) §25.20.090(6)(E)	<b>No</b>  §25.20.060(c)	<b>Yes</b>  §25.24.310 (attorney)	<b>Yes/Yes</b>	<b>Yes</b>  Parent/ guardian can file on behalf of child under 18 (abuser must have committed a crime of DV against child; must have household relationship between child and abuser).  §18.66.100(a)
<b>Arizona</b> ARIZ. REV. STAT. §25-401 ET SEQ. (2007)  DV DEF. AT: §13-3601(1) (criminal code)	<b>No</b>  But see §25-403.03(B) (The court shall consider evidence of domestic violence as being contrary to the best interests of the child)	<b>Yes</b>  §25-403.03(D)	<b>Yes</b>  §25-403 (A)(6)	<b>No</b>  §25-403.01	Statute is silent	<b>No/No</b>	<b>Yes</b> (if lives in the same household as abuser)  Parent, legal guardian, or person who has legal custody of the minor  §13-3602

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<b>Arkansas</b> ARK. CODE §9-13-101 ET SEQ. (2007)  DV DEF. AT: §9-15-103 (2)	<b>Yes</b>  §9-13-101(c)(1)	<b>Yes</b>  §9-15-215(c) §9-13-101(c)(2)	<b>Yes</b>  §9-13-101(b)(2)	<b>Yes</b>  §9-13-101(b)(1)(A)(i)	<b>Yes</b>  §9-13-106(a) (attorney)	<b>Yes/Yes</b>	<b>Yes</b>  Any adult on behalf of another family or household member, DV shelter worker or organization  §9-15-201(d)
<b>California</b> CAL. FAM. CODE §3000 ET SEQ. (2007)  DV DEF. AT: §3044, by reference to §6203 (CPO code)	<b>Yes</b>  §3011(b)	<b>Yes</b>  §3044  See also §3020	<b>Yes</b>  §3040  See also §3020	<b>Yes/No</b>  §3080 (when parents have agreed to joint custody)  §3040(b) (no presumption); but see §3040(a)(1) (est. a preference)	<b>Yes</b>  §3150 (attorney)	<b>Yes/Yes</b>	<b>Yes</b>  Parent or guardian may petition on behalf of a child; minor age 12 or over can appear in court without a guardian, counsel, or GAL to request a CPO.  §6211
<b>Colorado</b> COLO. REV. STAT. §14-10-101 ET SEQ. (2007)  DV DEF. AT: §14-10-124(4)	<b>Yes</b>  §14-10-124 (1.5) (a)(X)	<b>Yes</b>  §14-10-124(b)(V) (decision-making)	<b>Yes</b>  §14-10-124 (1.5)(a)(VI)	<b>No</b>	<b>Yes</b>  §14-10-116(1) (attorney)	<b>Yes, for 120 days max/ No</b>	<b>Yes</b>  Parent can file on behalf of minor child; mandated reporters may file  §13-14-101(2)

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<b>Connecticut</b> CONN. GEN. STAT. §46B-40 ET SEQ. (2007)  DV DEF. AT: Not defined in divorce/custody act	<b>Yes</b> §46b-56(c)(14)	<b>No</b>	<b>Yes</b> §46b-56(c)(6)	<b>Yes</b> §46b-56a(b) (where parents have agreed to joint custody)	<b>Yes</b> §46b-54(b) (attorney)	<b>Yes/No</b>	<b>Yes</b> Family or household member includes: children of D...[&] someone 16 or older who is living with D  §46b-38(a)
<b>Delaware</b> DEL. CODE TIT. 13 §721 ET SEQ. (2007)  DV DEF. AT: 13 §703A	<b>Yes</b> 13 §722 (a)(7)	<b>Yes</b> 13 §705A (a)	<b>Possibly</b> 13 §722 (a)(6), referring to 13 §701(a)	<b>No</b>	<b>Yes</b> 13 §721(c)	<b>Yes/Yes</b>	<b>Yes</b> 10 §901(12) 10 §1041(2)
<b>District of Columbia</b> D.C. CODE §16-914 ET SEQ. (2001)  DV DEF AT: §16-1001	<b>Yes</b> §16-914 (a)(3)(F)	<b>Yes</b> §16-914(a)(2)	<b>No</b>	<b>Yes</b> §16-914(a)(2)	<b>Yes</b> §16-914(g) (GAL and/or attorney)	<b>Yes/Yes</b>	<b>Yes</b> Any victim of DV related by blood or legal custody to D  §16-1001(1)

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<b>Florida</b> FLA. STAT. §61.13 ET SEQ. (2007)  DV DEF. AT: §741.28	Yes  §61.13(3)(l)	Yes  §61.13(2)(b)(2) (only if D has been convicted of a felony of the third degree or higher involving domestic violence)	Yes  §61.13(3)(a) §61.13(3)(j)  See also §16(2)(b)(1)	Yes  §61.13(2)(b)(2)	Yes  §61.401 (GAL and/or attorney)	Yes/Yes	Yes  Any person residing in the household who is or believes they are about to become a victim of DV, any person related by blood or marriage to D  § 741.28(3) §784.046(4)(b)(3)(c)
<b>Georgia</b> GA. CODE §19-9-1 ET SEQ. (2008)  DV DEF. AT: §19-13-1	Yes  §19-9-3(a)(3)(P) §19-9-3(a)(4)	No	Yes  §19-9-3 (a)(3)(N) (subject to best interest)	No  §19-9-3(a)(1)	Statute is silent	Yes/Yes	Yes  A person who is not a minor can file on behalf of a minor alleging acts of DV  § 19-13-3(a)
<b>Hawaii</b> HAW. REV. STAT. §571-46 ET SEQ. (2007)  DV DEF AT: §571-2	Yes  §571-46 (9)	Yes  §571-46(9)	Yes  § 571-46(1) (subject to best interest)	No	Yes  §571-46 (8) (GAL)	Yes/No	Yes  Any adult on behalf of a family or household member who is a minor; any state agency on behalf of a minor  § 586-3(b)(1)

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<b>Idaho</b> IDAHO CODE §32-717 ET SEQ.(2007)  DV DEF AT: §39-6303	<b>Yes</b>  §32-717 (1)(g)	<b>Yes</b>  §32-717B (5)	<b>No</b>	<b>Yes</b>  §32-717B (4)	<b>Yes</b>  §32-704 (4)	<b>Yes/No</b>	<b>Yes</b>  Parent or guardian may file on behalf of a minor child  § 39-6303(1)
<b>Illinois</b> 750 ILL. COMP. STAT. 5/601 ET SEQ. (2007)  DV DEF. AT: 60/103	<b>Yes</b>  5/602(a)(6) and (7)	<b>No</b>	<b>Yes</b>  5/602(a)(8)	<b>No</b>  5/602(c)	<b>Yes</b>  5/601(f) (GAL)	<b>Yes/Yes</b>	<b>Yes</b>  Any person on behalf of a minor child who has been abused by a household member  60/103(13)
<b>Indiana</b> IND. CODE §31-17-2-1 ET SEQ. (2007)  DV DEF. AT: §31-9-2-42	<b>Yes</b>  §31-17-2-8 (7)	<b>Yes</b>  §31-17-2-8.3 (parenting time must be supervised)	<b>No</b>  But see §31-17-2-15(2)	<b>No</b>  §31-17-2-8	<b>Yes</b>  §31-17-6-1 (GAL and/or CASA)	<b>Yes/Yes</b>	<b>Yes</b>  A parent, guardian, or other representative may file on behalf of a child against a family or household member  §34-26-5-2(a) and (b)

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<b>Iowa</b> IOWA CODE §598.41 ET SEQ. (2007)  DV DEF. AT: §236.2 (by reference to criminal code)	<b>Yes</b>  §598.41(2)(c) §598.41(3)(i) & (j) §598.1(1)  But see §598.41(4) (BI factors do not apply if parents agree to joint custody)	<b>Yes</b>  §598.41(1)(b)	<b>Yes; unless evidence of DV</b>  §598.41(1)(c) §598.41(3)(e)	<b>Yes; unless evidence of DV</b>  §598.41(1)(a) §598.41(2)(b)	<b>Yes</b>  §598.12 (attorney and/or GAL)	<b>Yes/Yes</b>	<b>Yes</b>  Parent or guardian on behalf of an unemancipated minor  §236.2(4) and (5A)
<b>Kansas</b> KAN. STAT. § 60-1610 ET SEQ. (2007)  DV DEF. AT: Not defined in divorce/ custody act	<b>Yes</b>  §60-1610(a)(3)(B)(vii)	<b>No</b>  (but see §60-1610 (3)(D))	<b>Yes</b>  §60-1610 (a)(3)(B)(vi)	<b>No</b>  But see §60-1610(4) (establishing a preference)	<b>Yes</b>  (GAL)	<b>Yes/Yes</b>	<b>Yes</b>  A parent or adult residing with a minor may file on behalf of the minor  §60-3104(a) and (b)
<b>Kentucky</b> KY. STAT. §403.270 ET SEQ. (2007)  DV DEF. AT: §403.720	<b>Yes</b>  §403.270(2)(f) & (i) §403.270(3) §403.320	<b>No</b>  (but see §403.325: rebuttable presumption against visitation to murderer of parent)	<b>No</b>  But see proposed §403.270(2)(j) at 2008 KY H.B. 32	<b>No</b>	<b>Statute is silent</b>	<b>Yes/Yes</b>	<b>Yes</b>  An adult family member may file on behalf of a minor  §403.720(2) and (3)

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<b>Louisiana</b> LA. REV. STAT. §9:335 ET SEQ. (2007)  LA. CIV. CODE ART. 131 ET SEQ. (2007)  DV DEF. AT: §9:362	<b>Unclear; probably not</b>  §9:361(possibly)  Art. 134 (no)	<b>Yes</b>  §9:364  Art. 137 (if child was conceived in rape, denial of all contact to felony parent)	<b>Yes</b>  Art. 134(10)	<b>Yes</b>  §9:335  Art. 132	<b>Yes</b>  §9:345 (attorney)	<b>Yes/Yes</b>	<b>Yes</b>  Any parent, adult household member, or district attorney may file on behalf of a minor  §46:2133(c)
<b>Maine</b> 19-A ME. REV. STAT. §1651 ET SEQ. (2007)  DV DEF. AT: 19-A §4002	<b>Yes</b>  §1653	<b>No</b>  (but see §1653(6)(A))	<b>Yes</b>  §1653(3)(H)	<b>Yes</b>  §1651 §1653(1)(c) §1653(2)(a)	<b>Yes</b>  §1507 (GAL)	<b>Yes/Yes</b>	<b>Yes</b>  A person responsible for the child or the Dep't of Human Services  19-A §4005(1)
<b>Maryland</b> MD. CODE, FAM. LAW §9-101 ET SEQ. (2007)  DV DEF. AT: §4-501	<b>No best interest factors</b>  But see §9-101.1(b) (court shall consider evidence of DV)	<b>No, but see...</b>  §9-101.1(c) (court shall make custody arrangements that best protect the child and victim)  §9-101.2(a) (rebuttable presumption against visitation to murderer of parent)	<b>No best interest factors</b>	<b>No</b>	<b>Statute is silent</b>	<b>Yes/Yes</b>	<b>Yes</b>  A person related to the child by blood, marriage, or adoption, an adult who resides in the home, the State's Attorney, or the Dept. of Social Services. Also, parent can petition for CPO for herself and her child even if the child is not being abused by D.  § 4-501(l) and (m)

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<b>Mass.</b> MASS. GEN. LAWS 208 §31A ET SEQ. (2007)  DV DEF. AT: 208 §31A 209 §38 209A §1 209C §10(e) 265 §13K	<b>Yes</b>  208 §31A 209 §38 209C §10(e) (evidence of past or present abuse toward a parent or child is a factor contrary to the best interest of the child)	<b>Yes</b>  208 §31A 209 §38 209A §3 209C §10(e)  See also 208 §28 (rebuttable presumption against visitation to 1 <sup>st</sup> degree murderer of parent)	<b>No</b>	<b>No</b>  208 §31 (There shall be no presumption either in favor of or against shared legal or physical custody at the time of the trial on the merits, except as provided for in §31A)	<b>Yes</b>  208 §31A(h) 209 §38(h) 209A §3(h) 209C §10(e)(h)  (GAL)	<b>Yes, temporary/ Yes</b>	<b>Unclear</b>  A person suffering from DV from an adult or minor family or household member may file  209A, § 1
<b>Michigan</b> MICH. COMP. LAWS §722.21 ET SEQ. (2007)  DV DEF. AT: §400.1501(d)  "CHILD" = Under 19 §722.22 (d)	<b>Yes</b>  §722.23(k)	<b>No</b>	<b>Yes</b>  §722.23 (j)	<b>Yes</b>  §722.26a(2) (if parents agree to joint custody, it shall be awarded unless it is not in the child's BI)	<b>Yes</b>  §722.22(c) (attorney)  §722.24 (GAL)	<b>No/No</b>	<b>Yes</b>  Parent on behalf of a minor if both are experiencing abuse.  §600.2950(1)
<b>Minnesota</b> MINN. STAT. §518.17 ET SEQ. (2007)  DV DEF. AT: §518B.01	<b>Yes</b>  §518.17 (1)(12)	<b>Yes</b>  §518.17 (Subd.2.)(d)	<b>Yes</b>  §518.17 (13) (This factor does not apply if DV exists)	<b>Yes</b>  §518.17 (Subd. 2) (Used upon request of either or both parties, unless DV occurred between the parties.)	<b>Yes</b>  §518.165 (GAL)	<b>Yes/Yes, but both are temporary orders</b>	<b>Yes</b>  Parent, family member, or guardian may petition on behalf of a minor; any reputable adult age 25 or older can petition on the minor's behalf if in the child's BI  § 518B.01, subd. (4)(a)

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<b>Mississippi</b> MISS. CODE §93-5-24 ET SEQ. (2007)  DV DEF. AT: §93-5-24(9)(a)(i) ("family violence")	<b>Yes</b>  §93-5-24(1)	<b>Yes</b>  §93-5-24 (9)(a)(i)	<b>No</b>	<b>Yes</b>  §93-5-24 (presumption exists when both parents have agreed to an award of joint custody)	Statute is silent	<b>Yes/Yes</b>	<b>Yes</b>  Any parent, adult household member, or next friend of the abused may file on behalf of a minor  § 93-21-3(e)
<b>Missouri</b> MO. STAT. §452.375 ET SEQ. (2007)  DV DEF. AT: §452.375(13) by reference to §455.010 & §455.501 (CPO code)	<b>Yes</b>  §452.375 (2.)(6)	<b>Yes</b>  §455.050 (5) (if the court issues a CPO)	<b>Yes</b>  §452.375(2)(4)	<b>No</b>  §452.375 (The child's interest in joint custody is a consideration, but not a presumption.)	<b>Yes</b>  § 452.423 (GAL and/or attorney for the child)	<b>Yes/Yes</b>	<b>No</b>  Statute is explicitly limited to adult petitioners  § 455.020(1) § 455.010(5)
<b>Montana</b> MONT. CODE §40-4-212 ET SEQ. (2007)  DV DEF. AT: Not defined in divorce/ custody act	<b>Yes</b>  §40-4-212 (1)(f)	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>  §40-4-205 (GAL)	<b>Yes/Yes</b>	<b>Yes</b>  Parent, guardian ad litem or other representative on behalf of a minor.  § 40-15-102(3)

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<b>Nebraska</b> NEB. REV. STAT. §42-364 ET SEQ. (2007)  DV DEF. AT: §42-364 (2)(d) by reference to §42-903 (CPO code)	<b>Yes</b> §42-364 (2)(d)	<b>No</b> §42-364(3) (no presumption shall exist that either parent is more fit or suitable than the other)	<b>No</b>	<b>No</b>	<b>Yes</b> §42-358 (The court may appoint an attorney to protect the interests of any minor children of the parties)	<b>Yes, up to 90 days/No</b>	<b>Probably</b> Any victim of DV can file a petition for a protective order § 42-903(3)
<b>Nevada</b> NEV. REV. STAT. §125.480 ET SEQ. (2007)  DV DEF. AT: §125.480(7) by reference to §33.018 (CPO code)	<b>Yes</b> §125.480 (4)(k)	<b>Yes</b> §125C.230 §125.480 (5) §125.480(6) (if both parties engaged in domestic violence the court should determine who was the primary aggressor)	<b>Yes</b> §125.480 (4)(c)	<b>Yes</b> §125.480(3)(a) §125.490 (presumed to be in the best interest of a child when parents have agreed to an award of joint custody or so agree in open court)	<b>Statute is silent</b>	<b>Yes/Yes</b>	<b>Yes</b> Parent or guardian on behalf of a child. §33.018(1)
<b>New Hampshire</b> N.H. REV. STAT. §461-A:6 ET SEQ. (2007)  DV DEF. AT: §461-A:6(l)(j) by reference to §173-B:1 (CPO code)	<b>Yes</b> §461-A:6(l)(j)	<b>No</b>	<b>Yes</b> §461-A:6(l)(e)-(i)	<b>Yes</b> §461-A:5 (overcome by presence of DV)	<b>Yes</b> §461-A:16 (GAL)	<b>Yes/Yes</b>	<b>Yes</b> A minor on his/her own. §173-B:3(II)

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<b>New Jersey</b> N.J. STAT. §9:2-4 ET SEQ. (2007)  DV DEF. AT: Not defined in custody act	<b>Yes</b>  §9:2-4 (c)	<b>No</b>	<b>Yes</b>  §9:2-4(c) (does not apply if DV exists)	<b>No</b>  §9:2-4 (there is a policy supporting joint custody)	<b>Yes</b>  §9:2-4(c) (GAL and/or attorney)	<b>Yes/Yes</b>	<b>Only if emancipated</b>  Teenager if the abuser is at least 18 years old.  §2C:25-19(3)(d)
<b>New Mexico</b> N.M. STAT. §40-4-9.1 ET SEQ. (2007)  DV DEF AT: §40-4-9.1(L)(3)	<b>Yes</b>  §40-4-9.1(B)(9)	<b>No</b>  (but see §40-4-9.1(B)(9): "if a determination is made that domestic abuse has occurred, the court shall set forth findings that the custody or visitation ordered by the court adequately protects the child, the abused parent or other household member.")	<b>Yes</b>  §40-4-9.1(B)	<b>Yes</b>  §40-4-9.1(A) (in an initial custody determination)	<b>Yes</b>  §40-4-8(A) (GAL)	<b>Yes, temporary/Yes</b>	<b>Yes</b>  § 40-13-2(D)
<b>New York</b> N.Y. DOM. REL. LAW §240 ET SEQ. (2007)  DV DEF AT: Not defined in divorce/ custody act	<b>Yes</b>  §240	<b>No</b>  (but see §240-1-c(a): no custody to murderer of a parent or sibling, unless murder was DV self-defense)	<b>No</b>	<b>No</b>	<b>Yes</b>  (GAL or CASA under some circumstances)	<b>Yes/Yes</b>	<b>Yes</b>  Child, or member of the same family or household as respondent; a duly authorized agency, association, society or institution on behalf of the victim; a peace officer or a police officer on behalf of the victim; a person on the court's own motion.  N.Y. FAM. CT. ACT § 822

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<b>North Carolina</b> N.C. GEN. STAT. §50-13.2 ET SEQ. (2007)  DV DEF AT: Not defined in divorce/ custody act	<b>Yes</b>  §50-13.2 (a)	<b>No</b>  (but see §50-13.2 (b): the court shall enter such orders that best protect the children and party who were the victims of domestic violence)	<b>No</b>	<b>No</b>	<b>Yes</b>  (GAL)	<b>Yes, temporary/Yes</b>	<b>Yes</b>  Parents can file for their children aged below 18 years if they reside together or if they have the child in their custody.  §50B -1(b)
<b>North Dakota</b> N.D. CENT. CODE §14-09 ET SEQ. (2007)  DV DEF AT: §14-07.1-01 (CPO Code)	<b>Yes</b>  §14-09-06.2 (j)	<b>Yes</b>  §14-09-06.2 (1)(j)	<b>No</b>	<b>No</b>	Statute is silent	<b>Yes, temporary/Yes</b>	<b>Yes</b>  § 14-07.1-01(4)
<b>Ohio</b> OHIO REV. CODE §3109.04 ET SEQ. (2007)  DV DEF AT: §2919.25 (criminal code)	<b>Yes</b>  §3109.04 (F)(1)(h) §3109.04 (F)(2)(c)	<b>No</b>	<b>Yes</b>  §3109.04 (F)(1)(f) §3109.04(F)(2)(b)	<b>Yes</b>  §3109.04(D)(1)(c)	Statute is silent	<b>Yes, temporary/Yes</b>	<b>Yes</b>  A parent or adult household member on behalf of any other family or household member.  §3113.31(A)(3) and (4)

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<b>Oklahoma</b> 43 OKLA. STAT. §109 ET SEQ. (2007)  DV DEF AT: according to case law, DV should be defined in accordance with 22 §60.1 (criminal code)	No	Yes 43 §112.2 43 §109.3 10 §21.1	No	Yes 43 § 110.1 (if requested by a parent)	Statute is silent	No/No	Yes  An adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent. A minor aged 16 or 17 can file for a protection order themselves.  §60.1(4))
<b>Oregon</b> OR. REV. STAT. §107.137 ET SEQ. (2007)  DV DEF AT: §107.705	Yes §107.137 (1)(f) §107.137 (2)	Yes §107.137 (2)	Yes §107.137(1)(f) (does not apply if DV exists)	Yes §107.169 (If both parents agree to terms and conditions, joint custody must be awarded. If not, the court shall not order joint custody.)	Yes (GAL)	Yes, temporary/No	Yes § 107.718
<b>Pennsylvania</b> 23 PA. CONS. STAT. §5303 ET SEQ. (2007)  DV DEF AT: 23 §6102	Yes 23 §5303	Not Explicitly  (but see 23 §5303 (A)(3): the court shall consider such criminal conduct and shall determine that the parent does not pose a threat of harm to the child before making an order of custody, partial custody or visitation to that parent)	Yes 23 §5303(a)(2)	No	Statute is silent	Yes, temporary/No	Yes  An adult or emancipated minor who is a victim of abuse. A parent, adult household member or guardian ad litem on behalf of a minor child or incompetent adult.  23 §6106

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<b>Rhode Island</b> R.I. GEN. LAWS 1956 §15-5-16 ET SEQ. (2007)  DV DEF AT: §15-5-16 (g)(4)	<b>Yes</b>  § 15-5-16 (g)	<b>Not Explicitly</b>  (but see §15-5-16 (g): visitation shall be arranged so as to best protect the child and the abused parent from further harm.)	<b>No</b>	<b>No</b>	Statute is silent	Yes/No	<b>Yes</b>  §8-8.1-1
<b>S. Carolina</b> S.C. CODE 1976 §20-3-160 ET SEQ. (2007)  DV DEF AT: §20-7-1530 §16-25-20 & 65	<b>Yes</b>  §20-7-1520	<b>Not Explicitly</b>  (but see §20-7-1535: visitation rights for an aggressor in a situation of DV can only be awarded if the court adequately provides for the safety of the child and victim)	<b>No</b>	<b>No</b>	<b>Sometimes</b>  §20-7-1545 (setting out limited circumstances for a GAL in private actions)	<b>Yes, temporary/Yes</b>	<b>Yes</b>  Any household member in need of protection or household member on behalf of a minor child.  §20-4-20(b)
<b>South Dakota</b> S.D. CODIFIED LAWS §25-4-45 ET SEQ. (2007)  DV DEF AT: §25-10-1	<b>No</b>	<b>Yes</b>  §25-4-45.5 §24-4-45.6	<b>No</b>	<b>No</b>	<b>Yes</b>  §25-4-45.4 (attorney)	<b>Yes, temporary/Yes</b>	<b>Yes</b>  Victim of abuse against any family or household member.  §25 -10-1(2)
<b>Tennessee</b> TENN. CODE §36-6-106 ET SEQ. (2007)  DV DEF AT: Not defined in divorce/custody act	<b>Yes</b>  §36-6-106 (a)(8)	<b>No</b>	<b>Yes</b>  §36-6-106 (a)(10)	<b>Yes</b>  § 36-6-101(a)(2)(A)(i) (only where parents have agreed to joint custody)	Statute is silent	<b>Yes, temporary/Yes</b>	<b>Yes</b>  Any victim of domestic abuse at the hands of an adult.  §36-3-601(11)

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<b>Texas</b> TEX. FAM. CODE §153.002 ET SEQ. (2007)  DV DEF AT: §101.0125 by reference to §71.004 (CPO)	<b>No</b>  (but see §153.004 incorporating DV into custody determinations)	<b>Yes</b>  §153.004 (b)	<b>Yes (limited capacity)</b>  §153.134 (a)(3) (considering "friendly parent" in determining whether to grant joint custody)	<b>Yes</b>  §153.131 ( but the presumption is automatically overcome by a finding of DV)	<b>Statute is silent.</b>	<b>Yes/Yes, for a period up to two years</b>	<b>Yes</b>  An adult to protect a child from family violence.  §82.002
<b>Utah</b> UTAH CODE 1953 §30-3-10 ET SEQ. (2007)  DV DEF AT: Not defined in divorce/ custody act	<b>Yes</b>  §30-3-10.2	<b>No</b>	<b>Yes</b>  §30-3-10 (1)(a)(ii) §30-3-10 (2) §30-3-10.2(2)(c)	<b>No</b>  §30-3-10 (5)	<b>Yes</b>  §30-3-11.2 (the court may appoint counsel to represent the child)	<b>Yes, temporary/Yes</b>	<b>No</b>  Victim or likely victim of abuse or domestic violence.  §30-6-1 (3)
<b>Vermont</b> 15 VT. STAT. §664 ET SEQ. (2007)  DV DEF AT: 15 §665 by reference to §1103 (CPO)	<b>Yes</b>  15 §665(b)(9)	<b>No</b>	<b>Yes, but...</b>  15 §650 15 §665 (b)(5) (except where there would be real harm to the child or parent)	<b>No</b>	<b>Yes</b>  §669 (GAL)	<b>Yes/Yes</b>	<b>Yes</b>  Any family or household member on behalf of his/her children.  15 §1103

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<b>Virginia</b> VA. CODE §20-124.3 ET SEQ. (2007)  DV DEF AT: §20-124.3 (9) by reference to §16.1-228 (CPO)	<b>Yes</b>  §20-124.3 (9)	<b>No</b>	<b>Yes, but...</b>  §20-124.3 (6) (except where there is a history of DV)	<b>No</b>	Statute is silent	<b>Yes/Yes</b>	<b>Yes</b>  Parent/cohabitant then residing in the same house with the abuser.  §16.1-279.1 §16.1-228
<b>Washington</b> WASH. REV. CODE §26.09.002 ET SEQ. (2007)  DV DEF AT: §26.09.191 by reference to §26.50.010 (CPO)	<b>No</b>  (but see a list of related factors in §26.09.191(3))	<b>No</b>  But see §26.09.191(2)(a), (b), (m), (n) limiting the custodial rights of batterer	<b>No</b>	<b>No</b>	<b>Yes</b>  §26.09.110 (attorney)	<b>Yes, temporary/No</b>	<b>Yes</b>  Victim of domestic violence on his/her behalf or on behalf of a minor family or household member; victim under 18 years but over 16.  §26.50.020
<b>West Virginia</b> W.V. CODE §48-9-201 ET SEQ. (2007)  DV DEF AT: §48-27-202	<b>No</b>	<b>No, but...</b>  But see §48-9-201(b) (If evidence of DV, a hearing is mandatory. If the court makes a finding of DV, appropriate protective measures shall be ordered.)  §48-9-209 (limiting the parental rights of the batterer if the court makes a finding of DV)	<b>No</b>	<b>Yes</b>  §48-9-207 (overcome by a showing of abuse)	Statute is silent	<b>Yes/Yes</b>	<b>Yes</b>  An adult family or household member on behalf of a minor child or a physically or mentally incapacitated family or household member; a person who reports or witnesses the domestic violence and has been abused, threatened, harassed or intimidated as a result. §48-27-305

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<b>Wisconsin</b> WIS. STAT. §767.41 ET SEQ. (2007)  DV DEF AT: §767.41(2)(b)(2)(c) by reference to §813.12 (am) (CPO Code)	<b>Yes</b>  §767.41(5)(12) §767.41(5)(12m) §767.41(5)(13)	<b>Yes</b>  §767.41(2)(d) §767.41(5)(12)	<b>Yes</b>  §767.41(5)(10) §767.41(5)(11)	<b>Yes</b>  §767.41(2)(am)	<b>Yes</b>  §767.407 (GAL)	<b>No/No</b>	<b>Yes</b>  Child victim or a parent, stepparent or legal guardian of the child.  § 813.12
<b>Wyoming</b> WYO. STAT. § 20-2-201 ET SEQ. (2007)  DV DEF AT: Not defined in divorce/custody act	<b>Yes</b>  §20-2-201 (c)	<b>No</b>	<b>Yes</b>  §20-2-201 (a)(vii)	<b>No</b>	<b>Statute is silent</b>	<b>Yes/Yes</b>	<b>Possibly</b>  A victim of domestic violence.  §35-21-103

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