

403.315 Presumptions regarding joint custody and equally shared parenting time in cases involving domestic violence and abuse.

- (1) When determining or modifying a custody order pursuant to KRS 403.270, 403.280, 403.340, or 403.740, the court shall consider the safety and well-being of the parties and of the children. If a domestic violence order is being or has been entered against a party by another party or on behalf of a child at issue in the custody hearing, the presumption that joint custody and equally shared parenting time is in the best interests of the child shall not apply as to the party against whom the domestic violence order is being or has been entered. The court shall weigh all factors set out in KRS 403.270 in determining the best interests of the child.
- (2) There shall be a presumption, rebuttable by a preponderance of the evidence, that joint custody and equally shared parenting time is not in the best interests of the child if the court finds that a party has committed two (2) or more acts of domestic violence and abuse as defined in KRS 403.270 against another party.
- (3) (a) The court shall not make an award of custody or grant unsupervised visitation with the child to a party who is found to have committed two (2) or more acts of domestic violence and abuse as defined in KRS 403.720 against another party unless that party has:
 1. Completed:
 - a. A batterer's intervention program provided by a certified provider pursuant to 920 KAR 5:020;
 - b. Parenting classes; and
 - c. Substance use and mental health assessments and any recommended corresponding treatments; and
 2. Participated in supervised visitation.
- (b) Following a party's completion of the requirements in paragraph (a) of this subsection, the court shall conduct an evidentiary hearing before ordering unsupervised visitation to that party and a second or subsequent hearing before awarding custodial rights to that party.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 92, sec. 5, effective July 15, 2026. -- Created 2018 Ky. Acts ch. 198, sec. 5, effective July 14, 2018.

Legislative Research Commission Note (7/15/2026). 2026 Ky. Acts ch. 92, sec. 5, which amended this statute, contains a citation to "920 KAR 5:020" in subsection (3)(a)1.a. of this statute, though no such administrative regulation exists. 922 KAR 5:020 appears to be on point, but it is not manifestly clear from the text of the Act.