

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1932. Factors in Determining Custody and Visitation.

(a) In addition to other factors that the Superior Court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding of domestic or family violence:

(1) The Superior Court shall consider as primary the safety and well-being of the child or children and of the parent who is the victim of domestic or family violence; and

(2) The court shall consider the perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault to another person.

(b) If a parent is absent or has relocated because of an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation.

Source: PL 12-19, § 2 (302).