

9-102-

(A)--DURING--THE--PENDENCY--OF--ANY--PROCEEDING--IN--WHICH--THE--CUSTODY--OF--A--MINOR--CHILD--IS--AT--ISSUE--OR--AT--ANY--TIME--THEREAFTER,--THE--COURT--MAY--MAKE--SUCH--ORDER--FOR--THE--CUSTODY--OF--THE--CHILD--DURING--MINORITY--AS--IT--MAY--DEEM--NECESSARY--OR--PROPER.

(B)--THE--COURT--SHALL--AWARD--CUSTODY--IN--THE--FOLLOWING--ORDER--OF--PREFERENCE,--ACCORDING--TO--THE--BEST--INTERESTS--OF--THE--CHILD:

(1)--TO--BOTH--PARENTS--JOINTLY,--IN--WHICH--CASE--THE--COURT--MAY--REQUIRE--THE--PARENTS--TO--SUBMIT--A--PLAN--FOR--IMPLEMENTATION--OF--THE--CUSTODY--ORDER,--OR--THE--PARENTS--ACTING--INDIVIDUALLY--OR--IN--CONCERT--MAY--SUBMIT--A--CUSTODY--IMPLEMENTATION--PLAN--TO--THE--COURT--PRIOR--TO--ISSUANCE--OF--A--CUSTODY--DECREE;

(2)--TO--EITHER--PARENT,--IN--WHICH--CASE:

(i)--IN--MAKING--AN--ORDER--FOR--CUSTODY--TO--EITHER--PARENT,--THE--COURT--SHALL--CONSIDER,--AMONG--OTHER--FACTORS,--WHICH--PARENT--IS--MORE--LIKELY--TO--ALLOW--THE--CHILD--OR--CHILDREN--FREQUENT--AND--CONTINUING--CONTACT--WITH--THE--NONCUSTODIAL--PARENT,--AND--MAY--NOT--PREFER--A--PARENT--AS--CUSTODIAN--BECAUSE--OF--THAT--PARENT'S--SEX,--AND

(ii)--THE--BURDEN--OF--PROOF--THAT--JOINT--CUSTODY--WOULD--NOT--BE--IN--A--CHILD'S--BEST--INTEREST--SHALL--BE--UPON--THE--PARENT--REQUESTING--SOLE--CUSTODY--UNDER--THIS--PARAGRAPH;

(3)--IF--TO--NEITHER--PARENT,--THEN--TO--THE--PERSON--IN--WHOSE--HOME--THE--CHILD--HAS--BEEN--LIVING--IN--A--WHOLESOME--AND--STABLE--ENVIRONMENT,--AND

(4)--TO--ANY--OTHER--PERSON--DEEMED--BY--THE--COURT--TO--BE--SUITABLE--AND--ABLE--TO--PROVIDE--AN--ADEQUATE--AND--STABLE--ENVIRONMENT.

(C)--(1)--BEFORE--THE--COURT--MAKES--ANY--ORDER--AWARDING--CUSTODY--TO--A--PERSON--OTHER--THAN--A--PARENT,--IT--SHALL--FIND--THAT--AN--AWARD--OF--CUSTODY--TO--A--PARENT--WOULD--BE--DETRIMENTAL--TO--THE--CHILD--AND--THAT--AN--AWARD--TO--A--NONPARENT--SERVES--THE--BEST--INTERESTS--OF--THE--CHILD.

(2)--THE--COURT--MAY--EXCLUDE--THE--PUBLIC--FROM--THE--HEARING--ON--THE--CUSTODY--ISSUE.

9-103-

(A)--THERE--IS--A--REBUTTABLE--PRESUMPTION--OF--JOINT--CUSTODY--UNLESS:

(1)--THE--PARENTS--HAVE--AGREED--TO--AN--AWARD--OF--CUSTODY--TO--ONE--PARENT,--OR

(2)--THE--COURT--DETERMINES--THAT--JOINT--CUSTODY--WOULD--BE--DETRIMENTAL--TO--THE--CHILD.