

Charts*

Chart 1: Alimony/Spousal Support Factors

STATE	Statutory List**	Marital Fault Not Considered	Standard of Living	Status as Custodial Parent Considered
Alabama			x	
Alaska	x	x	x	x
Arizona	x	x	x	x
Arkansas		x		
California	x	x	x	
Colorado	x	x	x	x
Connecticut	x		x	x
Delaware	x	x	x	x
District of Columbia	x	x	x	
Florida	x		x	
Georgia	x		x	
Hawaii	x	x	x	x
Idaho	x			
Illinois	x	x	x	x
Indiana	x	x		
Iowa	x	x	x	x
Kansas		x		
Kentucky	x	x	x	
Louisiana	x			x
Maine	x	x		
Maryland	x		x	
Massachusetts	x		x	
Michigan			x	
Minnesota	x	x	x	x
Mississippi				
Missouri	x		x	x
Montana	x	x	x	x
Nebraska	x	x	x	x
Nevada		x	x	x
New Hampshire	x		x	x
New Jersey	x	x	x	x
New Mexico	x	x	x	
New York	x		x	x
North Carolina	x		x	
North Dakota				
Ohio	x	x	x	x
Oklahoma		x		x
Oregon	x	x	x	x
Pennsylvania	x		x	
Rhode Island	x		x	x
South Carolina	x		x	x
South Dakota			x	
Tennessee	x		x	x
Texas	x		x	x
Utah	x		x	x
Vermont	x	x	x	x
Virginia	x		x	
Washington	x	x	x	
West Virginia	x			
Wisconsin	x	x	x	x
Wyoming				

* These charts are a combination of reporter and law student work and reflect our best efforts to gather ever-changing information.

** Although there is a statutory list of factors, the judge may in its discretion consider other factors under the particular circumstances of the case.

Chart 2: Custody Criteria

STATE	Statutory Guidelines	Children's Wishes	Joint Custody*	Cooperative Parent	Domestic Violence	Health	Attorney or GAL
Alabama	x	x	x		x		
Alaska	x	x	x		x		x
Arizona	x	x	x	x	x	x	x
Arkansas					x		
California	x	x		x	x	x	x
Colorado	x	x	x ¹	x	x	x	x
Connecticut		x	x				x
Delaware	x	x	x		x	x	x
District of Columbia	x	x	x	x	x	x	x
Florida	x	x	x	x	x	x	x
Georgia	x	x	x		x		x
Hawaii	x ²	x ⁸	x ⁷		x		x ⁹
Idaho	x	x	x		x	x	
Illinois	x	x	x	x	x	x	x
Indiana	x	x	x	x	x	x	x
Iowa	x	x	x	x	x	x	x
Kansas	x	x	x	x	x	x	
Kentucky	x	x	x	x	x	x	x
Louisiana	x	x	x		x		
Maine	x	x	x		x		x
Maryland		x	x	x	x	x	x
Massachusetts			x		x		x
Michigan	x	x	x	x	x	x	x
Minnesota	x	x	x		x	x	x
Mississippi	x		x			x	x ²
Missouri	x	x	x	x	x	x	x
Montana	x	x	x		x		x
Nebraska	x	x	x		x	x	x
Nevada	x	x	x	x	x		x
New Hampshire	x	x	x		x		x
New Jersey	x	x	x	x	x	x	x
New Mexico	x	x	x	x	x	x	x
New York		x			x ²		x
North Carolina		x ²	x		x	x	
North Dakota	x	x	x	x ³	x	x	
Ohio	x ²	x	x ¹⁰		x	x	x
Oklahoma	x	x	x	x	x		x ⁴
Oregon	x	x	x	x	x		x ³
Pennsylvania	x	x	x	x	x	x	x
Rhode Island		x	x	x	x	x	x
South Carolina		x	x	x	x	x	x
South Dakota		x	x	x	x		
Tennessee	x	x ⁵	x ⁶	x	x		x
Texas	x	x	x	x	x	x	x
Utah	x	x	x	x			x
Vermont	x		x		x		x
Virginia	x	x ²	x	x	x	x	x ⁴
Washington	x	x			x	x	x
West Virginia	x	x	x		x		
Wisconsin	x	x	x	x	x	x	x
Wyoming	x	x	x	x	x	x	

* Court in the exercise of its sound discretion shall consider the best interests and welfare of the minor child.

- Now uses term "parental rights and responsibilities."
- Considered if child is old enough.
- By case law.
- Not mandatory.
- The court must listen to the reasonable preferences of a child age twelve or older, giving greater weight to the preferences of older children. The court may at its discretion hear the reasonable preference of children under the age of twelve.
- In divorce, courts no longer use "custody" terminology, instead, separately allocating between the parents (1) residential time and (2) parental responsibility in specific areas such as nonemergency health care, religion, education and extracurricular activities.
- Emphasizes "best interest of child."
- If child is of sufficient age and capacity to reason and form intelligent preference.
- Appointment of custody evaluators and guardians *ad litem* authorized by administrative rule.
- Now uses the term "shared parenting."

Chart 3: Child Support Guidelines

STATE	Income Share	Percent of Income	Extraordinary Medical Deduction	Child-care Deduction	College Support	Shared Parenting Time Offset
Alabama	x	x	x p	x m	x	
Alaska		x	x m	x	x	x
Arizona	x		x m	x p		
Arkansas		x	x d	x d		
California	x		x m	x m		x
Colorado	x		x m	x m		x
Connecticut	x		x d		x	
Delaware			x m	x m		x*
District of Columbia		x	x d	x	x	x
Florida	x		x p	x m		
Georgia		x	x p	x m		
Hawaii	x	x	x m ³	x	x	x
Idaho	x		x m	x p		x
Illinois		x			x	
Indiana	x		x p	x m	x	x
Iowa		x		x m	x	x
Kansas	x			x m		x
Kentucky	x		x m	x p		
Louisiana	x		x m	x m		
Maine	x		x m	x m		
Maryland	x		x m	x m		x
Massachusetts		x	x m	x	x	
Michigan	x		x m	x m	x	x
Minnesota		x		x m		x
Mississippi		x	x d	x d		
Missouri	x		x	x	x	x
Montana			x m	x m		
Nebraska	x		x d	x m		x
Nevada		x	x m	x d		x
New Hampshire		x	x d		x	
New Jersey	x		x m	x m	x	x
New Mexico	x		x p	x m		x
New York	x		x m	x m	x	
North Carolina	x		x p	x m		x
North Dakota		x		x d		
Ohio	x		x p	x m		x p
Oklahoma	x		x a	x m		x
Oregon	x		x p	x m	x	x
Pennsylvania	x		x m/d	x m		
Rhode Island	x		x d	x m		
South Carolina	x		x d	x m	x	
South Dakota	x		x d	x d		
Tennessee		x	x m		x ¹	x ²
Texas		x	x m	x d		
Utah	x		x m	x m/p		x
Vermont	x		x m	x m		x
Virginia	x		x a	x a		x
Washington	x		x m	x m	x	
West Virginia	x		x m	x m		x
Wisconsin		x	x m	x d		
Wyoming	x		x d	x d		x

* by case law

a mandatory add-ons

m mandatory deduction

p permissive deduction

d deviation factor

1. May be voluntarily agreed by the parties, in which case it is contractually enforceable thereafter, but otherwise may not be imposed by the court. However, an obligor parent may be required to contribute during a child's minority to an educational trust fund that would be used for college costs post-minority.

2. Support may be increased or decreased if the obligor spends more or less than 80 days (the putative normal amount of time) with a child.

3. Credit given for actual cost of health-care-insurance premium paid for children.

4. Starting January 1, 2004.

Chart 4: Grounds for Divorce and Residency Requirements

STATE	No Fault Sole Ground	No Fault Added to Traditional	Incompatibility	Living Separate and Apart	Judicial Separation	Durational Requirements
Alabama		x	x	2 years	x	6 months
Alaska	x	x	x	2 years	x	6 months
Arizona	x	x ¹			x	90 days
Arkansas		x		18 months	x	60 days
California	x				x	6 months*
Colorado	x				x	90 days
Connecticut		x		18 months	x	1 year
Delaware		x	x	6 months		6 months
District of Columbia	x			1 year	x	6 months
Florida	x					6 months
Georgia		x				6 months
Hawaii				2 years ³	x	6 months ⁴
Idaho		x			x	6 weeks
Illinois		x		2 years	x	90 days
Indiana			x		x	60 days
Iowa	x				x	1 year
Kansas			x		x	60 days
Kentucky	x			60 days	x	180 days
Louisiana		x ¹		6 months ²	x	6 months
Maine		x			x	6 months
Maryland		x		1 year	x	1 year
Massachusetts		x			x	None
Michigan	x				x	6 months
Minnesota	x				x	180 days
Mississippi		x				6 months
Missouri		x		1–2 years	x	90 days
Montana	x		x	180 days	x	90 days
Nebraska	x				x	1 year
Nevada			x	1 year	x	6 weeks
New Hampshire		x		2 years		1 year
New Jersey		x		18 months		1 year
New Mexico		x	x		x	6 months
New York		x		1 year	x	1 year
North Carolina		x		1 year	x	6 months
North Dakota		x			x	6 months
Ohio		x	x	1 year		6 months
Oklahoma			x		x	6 months
Oregon	x				x	6 months
Pennsylvania		x		2 years		6 months
Rhode Island		x		3 years	x	1 year
South Carolina		x		1 year	x	3 months (both residents)
South Dakota		x			x	None
Tennessee		x		2 years	x	6 months
Texas		x		3 years		6 months
Utah		x		3 years	x	90 days
Vermont		x		6 months		6 months
Virginia		x		1 year	x	6 months
Washington	x					1 year
West Virginia		x		1 year	x	1 year
Wisconsin	x				x	6 months
Wyoming		x	x		x	60 days

* California requires domicile as distinguished from residency for jurisdictional purposes.

1. Covenant marriage statutes establish specific grounds for divorce for covenant marriages.
2. Two years for covenant marriages.
3. Grounds are either marriage irretrievably broken or two years separation.
4. Six months in state and three months in circuit waiting for divorce itself, but can file as soon as residency established.

Chart 5: Property Division

STATE	Community Property	Only Marital Divided	Statutory List of Factors	Nonmonetary Contributions	Economic Misconduct	Contribution to Education
Alabama		x		x		x
Alaska	x ¹		x	x	x	
Arizona	x				x	x
Arkansas		x	x	x		
California	x		x	x	x	x
Colorado		x	x	x	x	
Connecticut			x	x	x	x
Delaware		x	x	x	x	x
District of Columbia		x	x	x	x	
Florida		x	x	x	x	x
Georgia		x				
Hawaii		x ⁴	x ⁵	x ²	x ³	
Idaho	x		x			
Illinois		x	x	x	x	
Indiana		x	x	x	x	x
Iowa			x	x	x	x
Kansas			x		x	
Kentucky		x	x	x	x	x
Louisiana	x					
Maine		x	x	x	x	
Maryland		x	x	x	x	
Massachusetts			x	x	x	x
Michigan		x		x	x	x
Minnesota		x	x	x	x	
Mississippi		x	x	x	x	x
Missouri		x	x	x	x	x
Montana			x	x	x	
Nebraska		x		x		
Nevada	x	x		x	x	x
New Hampshire			x	x	x	x
New Jersey		x	x	x	x	x
New Mexico	x					
New York		x	x	x	x	x
North Carolina		x	x	x	x	x
North Dakota				x	x	x
Ohio		x	x	x	x	x
Oklahoma		x		x	x	
Oregon				x	x	x
Pennsylvania		x	x	x	x	x
Rhode Island		x	x	x	x	x
South Carolina		x	x	x	x	x
South Dakota				x	x	
Tennessee		x	x	x	x	x
Texas	x				x	
Utah						
Vermont			x	x	x	x
Virginia		x	x	x	x	x
Washington	x		x			
West Virginia		x	x	x	x	x
Wisconsin	x	x	x	x	x	x
Wyoming		x	x	x		

1. The parties by contract can agree to make some or all of their martial property community property.
2. During marriage nonmonetary contributions do not affect property division nor does the lack of them.
3. No statutory provision apply; case law is mixed.
4. During marriage nonmonetary contributions do not affect property division, nor does the lack of them.
5. No statutory provisions; case law is mixed.

Chart 6: Third-Party Visitation

STATE	Stepparents	Grandparents— Death of their child	Grandparents— Child Divorce	Out of Wedlock	Any Interested Party
Alabama		x	x		
Alaska	x ⁴	x	x	x	
Arizona	x ¹	x	x	x	
Arkansas		x	x		
California	x	x	x		
Colorado		x	x	x	
Connecticut	x	x	x	x	
Delaware	x		x		
District of Columbia					
Florida		x	x	x	
Georgia		x	x		
Hawaii	x		x		
Idaho			x	x	
Illinois	x	x		x	
Indiana	x	x	x	x	
Iowa					
Kansas	x	x	x	x	
Kentucky		x	x	x	
Louisiana		x	x		
Maine	x	x	x	x	
Maryland		x	x		
Massachusetts		x	x		
Michigan	x	x	x		
Minnesota	x	x	x	x	
Mississippi		x	x		
Missouri		x	x	x	
Montana		x	x	x	
Nebraska	x	x	x		
Nevada		x	x	x	
New Hampshire	x	x	x	x	
New Jersey	x	x	x	x	
New Mexico	x	x	x	x	
New York	x	x	x	x	
North Carolina			x		
North Dakota	x	x	x		
Ohio	x	x	x	x	x ²
Oklahoma		x	x	x	
Oregon	x	x	x	x	
Pennsylvania		x	x		
Rhode Island		x	x		
South Carolina		x	x	x	
South Dakota		x	x	x	
Tennessee	x		x		
Texas	x	x	x	x	
Utah	x	x	x	x	
Vermont		x	x		
Virginia					x ³
Washington	x		x		
West Virginia		x	x	x	
Wisconsin		x	x		
Wyoming	x	x	x		x

1. Allows visitation and, in some cases, custody to those in *loco parentis*.
2. Extends only to relatives of minor child.
3. This includes any relative or a stepparent.
4. Only if stepparent is established as child's "psychological parent" under case law.

Chart 7: Appointment Laws in Adoption, Guardianship, Unmarried Parent and Divorce Cases*

STATE	Adoption	Guardianship	Unmarried Parent	Divorce: Role, When, Who
Alabama	Req'd if contested	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y
Alaska	Discretionary	Discretionary	No statute	Att'y or GAL - Discretionary - Att'y/Gov't Att'y
Arizona	Discretionary	Discretionary Req'd if to terminate guardianship	No statute	Att'y - Discretionary - Att'y
Arkansas	Discretionary	Discretionary	No statute	Att'y - Discretionary - Att'y
California	Discretionary	Req'd if abuse or neglect	Req'd if minor is a party	Hybrid - Discretionary - Att'y/Gov't Att'y
Colorado	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Connecticut	Discretionary	Req'd if abuse or neglect	Req'd if minor is a party	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Delaware	Discretionary	Required	Discretionary	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
District of Columbia	Discretionary	Discretionary	No statute	GAL - Discretionary - Att'y
Florida	Discretionary	Discretionary	Discretionary	Att'y or GAL req'd if abuse involved - GAL - Att'y/Certified Citizen
Georgia	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y
Hawaii	Discretionary	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y/ Gov't Att'y/Professional
Idaho	No statute	Required	No statute	Att'y - Discretionary - Att'y
Illinois	Required	Discretionary	Discretionary	Att'y - Hybrid or GAL - Discretionary - Att'y/Gov't Att'y
Indiana	Discretionary	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y/trained CASA
Iowa	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - Att'y
Kansas	Discretionary	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y
Kentucky	Req'd in some instances	Discretionary	Req'd if minor is a party	GAL - Discretionary - Att'y
Louisiana	Discretionary	Discretionary	No statute	Att'y - Req'd if abuse involved - Att'y
Maine	Discretionary	Discretionary	No statute	GAL - Discretionary - Att'y/Other Professional
Maryland	Req'd if minor over 10	Req'd if minor over 10	Required	GAL - Discretionary - Att'y
Massachusetts	Req'd if contested	Discretionary	Discretionary	Att'y or GAL - Discretionary - Att'y/Disinterested Person
Michigan	Discretionary	Discretionary	Discretionary	Hybrid - Discretionary - Att'y
Minnesota	Discretionary	Discretionary	Discretionary	GAL - Req'd if abuse involved - Att'y/Professional
Mississippi	Req'd if contested	Discretionary	Discretionary	GAL - Req'd if abuse involved - Att'y/Professional
Missouri	Req'd if contested	Discretionary	Required	GAL - Req'd if abuse - Att'y
Montana	Discretionary	Discretionary	Required	GAL - Discretionary - Att'y
Nebraska	Discretionary	Discretionary	Required	Att'y or GAL - Discretionary - Att'y
Nevada	No statute	Discretionary	Required	GAL - Discretionary - Att'y/Other Professional
New Hampshire	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y/Other Professional
New Jersey	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
New Mexico	Req'd if contested	Req'd if contested	Req'd if minor is a party	GAL - Discretionary - Att'y
New York	Required	Required	Required	Att'y or GAL - Discretionary - Att'y/Gov't Att'y
North Carolina	Discretionary	Discretionary	Required	GAL - Discretionary - Does not specify
North Dakota	Required	Discretionary	Required	GAL - Discretionary - Att'y
Ohio	Discretionary	Discretionary	Requires party's request	Att'y or GAL - Discretionary - GAL - Att'y/Other Prof.
Oklahoma	Req'd if contested	Discretionary	No statute	GAL - Discretionary - Att'y
Oregon	No statute	No statute	No statute	Att'y - Req'd if a minor requests - Att'y
Pennsylvania	Discretionary	Discretionary	No statute	Att'y or Hybrid - Discretionary - Att'y
Rhode Island	Discretionary	Discretionary	Discretionary	Att'y or GAL - Discretionary - Does not specify
South Carolina	Required	Discretionary	Req'd if action seeks to legitimize minor	GAL - Discretionary - Att'y/Other
South Dakota	No statute	Discretionary	No statute	Att'y - Discretionary - Att'y
Tennessee	Discretionary	Required	Discretionary	Att'y or GAL - Discretionary - Does not specify
Texas	Discretionary	Discretionary	Discretionary	Att'y or GAL or Att'y <i>Ad Litem</i> - Req'd if in best interest - GAL can be Att'y/Adult
Utah	Discretionary	Discretionary	Req'd if minor is a party	Att'y or GAL -Discretionary -GAL - Att'y/Gov't Att'y
Vermont	Req'd if contested	Discretionary	Req'd if minor is a party	Att'y req'd if minor is a witness - GAL is discretionary - Att'y
Virginia	Discretionary	Required	Req'd if minor is a party	Att'y or GAL - Req'd if abuse involved - Att'y
Washington	Discretionary	Discretionary	Discretionary	GAL - Discretionary - Att'y/Other
West Virginia	Discretionary	Discretionary	Req'd if father brings action	Att'y or GAL - Req'd if abuse involved - GAL does not specify
Wisconsin	Req'd if contested	Discretionary	Required	GAL - Req'd if contested - Att'y
Wyoming	Discretionary	Discretionary	Req'd if minor is a party	Hybrid - Req'd if abuse involved - Att'y

* Prepared by Linda Rio, Director of the ABA Child Custody Pro Bono Project.