

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1875 of the Regular Session

1 State of Arkansas

As Engrossed: H3/17/05 H3/24/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 2680

4
5 By: Representatives L. Smith, Adcock, Blair, Borhauer, Bradford, Elliott, J. Johnson, Mahony, *Pickett*,
6 *D. Creekmore, Key*

7 By: Senators Madison, Argue, Broadway, Horn, Salmon

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10 **For An Act To Be Entitled**

11 AN ACT TO AMEND DATING RELATIONSHIPS AND DOMESTIC
12 ABUSE LAWS; AND FOR OTHER PURPOSES.

13
14 **Subtitle**

15 AN ACT TO AMEND DATING RELATIONSHIPS AND
16 DOMESTIC ABUSE LAWS.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 9-15-103 is amended to read as follows:
22 9-15-103. Definitions.

23 As used in this chapter:

24 ~~(a)~~(1) "Domestic abuse" means:

25 ~~(1)~~(A) Physical harm, bodily injury, assault, or the
26 infliction of fear of imminent physical harm, bodily injury, or assault
27 between family or household members; or

28 ~~(2)~~(B) Any sexual conduct between family or household
29 members, whether minors or adults, which constitutes a crime under the laws
30 of this state;

31 ~~(b)~~(2) "Family or household members" means spouses, former
32 spouses, parents and children, persons related by blood within the fourth
33 degree of consanguinity, any children residing in the household, persons who
34 presently or in the past have resided or cohabited together, and persons who
35 have or have had a child in common, and persons who are presently or in the



1 past have been in a dating relationship together; and

2 (3)(A) "Dating relationship" means a romantic or intimate social
3 relationship between two (2) individuals which shall be determined by
4 examining the following factors:

5 (i) The length of the relationship;

6 (ii) The type of the relationship; and

7 (iii) The frequency of interaction between the two
8 (2) individuals involved in the relationship.

9 (B) "Dating relationship" shall not include a casual
10 relationship or ordinary fraternization between two (2) individuals in a
11 business or social context.

12
13 SECTION 2. Arkansas Code § 5-26-302 is amended to read as follows:

14 5-26-302. Definitions.

15 As used in this subchapter,:

16 (1) ~~family~~ Family or household member" or "family or household
17 members" means:

18 ~~(1)(A)~~ (A) Spouses;

19 ~~(2)(B)~~ (B) Former spouses;

20 ~~(3)(C)~~ (C) Parents;

21 ~~(4)(D)~~ (D) Children, including any minors residing in the
22 household;

23 ~~(5)(A)(E)(i)~~ (E)(i) Persons related by blood within the fourth
24 degree of consanguinity.

25 ~~(B)(ii)~~ (ii) Degrees of consanguinity shall be computed
26 pursuant to § 28-9-212;

27 ~~(6)(F)~~ (F) Persons who presently or in the past have resided
28 or cohabited together; ~~and~~

29 ~~(7)(G)~~ (G) Persons who have or have had a child in common; ~~or~~

30 (H) Persons who are presently or in the past have been in
31 a dating relationship together; and

32 (2)(A) "Dating relationship" means a romantic or intimate social
33 relationship between two (2) individuals which shall be determined by
34 examining the following factors:

35 (i) The length of the relationship;

36 (ii) The type of the relationship; and

1 (iii) The frequency of interaction between the two
2 (2) individuals involved in the relationship.

3 (B) "Dating relationship" shall not include a casual
4 relationship or ordinary fraternization between two (2) individuals in a
5 business or social context.

6
7 SECTION 3. Arkansas Code § 16-81-113(b) is amended to read as follows:

8 (b) As used in this section:

9 (1) "Domestic abuse" means:

10 (A) Physical harm, bodily injury, assault, or the
11 infliction of fear of imminent physical harm, bodily injury, or assault
12 between family or household members; or

13 (B) Any sexual conduct between family or household
14 members, whether minors or adults, which constitutes a crime under the laws
15 of this state; and

16 (2) "Family or household member" means spouses, former spouses,
17 parents and children, persons related by blood within the fourth degree of
18 consanguinity, any child residing in the household, persons who presently or
19 in the past have resided or cohabited together, and persons who have or have
20 had a child in common, ~~and persons who are presently or in the past have~~
21 been in a dating relationship together; and

22 (3)(A) "Dating relationship" means a romantic or intimate social
23 relationship between two (2) individuals which shall be determined by
24 examining the following factors:

25 (i) The length of the relationship;

26 (ii) The type of the relationship; and

27 (iii) The frequency of interaction between the two
28 (2) individuals involved in the relationship.

29 (B) "Dating relationship" shall not include a casual
30 relationship or ordinary fraternization between two (2) individuals in a
31 business or social context.

32
33 SECTION 4. Arkansas Code § 9-15-203(b), concerning the petition
34 for protection orders, is amended to read as follows:

35 (b) The petition may be in substantially the following form:
36

1 Petition for Order of Protection

2 Case No. _____

3 _____ Petitioner's home address:

4

5 Petitioner _____

6 _____

7

8 _____

9 ~~Social Security Number~~ Date of Birth

10

11 Petitioner's work address:

12 _____

13 vs.

14

15 _____ Respondent's home address:

16 Respondent _____

17 _____

18 _____

19 ~~Social Security Number~~ Date of Birth

20 if known

21 Respondent's work address:

22 _____

23 _____

24

25 ___ I am the petitioner and ___ at least 18 years of age ___ under 18 but
26 emancipated.

27 ___ I am filing on behalf of myself.

28 ___ I am filing on behalf of a family or household member who is:

29 ___ A minor(s): (list) _____

30 ___ An adjudicated incompetent person: (list) _____

31 ___ The respondent is ___ at least 18 years of age ___ under 18 but
32 emancipated.

33 ___ The respondent and petitioner (or victim if filling on behalf of a minor
34 or incompetent person): (check all that apply)

35 ___ Are spouses;

36 ___ Are related by blood;

- 1 ___ Are parent and child;
- 2 ___ Currently reside together or cohabitately;
- 3 ___ Are former spouses;
- 4 ___ Formerly resided together or cohabitated;
- 5 ___ Have or have had a child in common; or
- 6 ___ Are presently or in the past have been in a dating relationship.

7 If order of protection of children is requested:

8	Children	Date of Birth	Address	Relationship to Parties
9	_____	_____	_____	_____
10	_____	_____	_____	_____
11	_____	_____	_____	_____
12	_____	_____	_____	_____

13 The respondent has committed domestic abuse to the petitioner or victim by
14 the following acts: (describe)

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 I am afraid of the respondent and: (describe)

25 _____

26 _____

27 _____

28 _____

29 _____

30 _____

31 _____ (1) There is an immediate and present danger of domestic abuse
32 to me; or

33 _____ (2) The respondent is scheduled to be released from
34 incarceration within thirty (30) days and upon the respondent's release there
35 will be an immediate and present danger of domestic abuse to me.

36 The reasons are as follows: (describe)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

6 _____ Petitioner requests that the court issue an ex parte order of
 7 protection with the following provisions: (check all that apply)

8 _____ excluding the respondent from a shared residence or from the
 9 residence of the petitioner or victim. Address of residence:

10 _____

11 _____
 12 _____ excluding the respondent from the place of business, employment,
 13 school or other location of the petitioner or victim. Address of residence:

14 _____

15 _____ excluding the respondent from the place of business, employment,
 16 school or other location of the petitioner or victim. Address of:

17 place of business: _____

18 employment: _____

19 school: _____

20 other (identify): _____

21 Prohibiting the respondent, directly or through an agent, from
 22 contacting the petitioner or victim, except under the following conditions:

23 _____

24 _____

25 _____

26 _____ awarding temporary custody of minor children as follows:

Child's Name	Person to Receive Custody
--------------	---------------------------

28 _____

29 _____

30 _____

31 _____

32 _____

33 _____ requiring the respondent to pay child support in the amount of
 34 \$_____ per child per month

35 _____ requiring the respondent to pay spousal support in the amount of
 36 \$_____ per month

1 _____ excluding the petitioner's address from notice to the respondent

2 _____ It is further requested that upon hearing the court issue a full
3 order of protection with the following provisions: (check all that apply)

4 _____ excluding the respondent from the shared residence or from the
5 residence of the petitioner or victim. Address of the residence:

6 _____

7 _____ excluding the respondent from the place of business, employment,
8 school or other location of the petitioner or victim. Address of:

9 place of business: _____

10 employment: _____

11 school: _____

12 other (identify): _____

13 _____ awarding temporary custody of minor children as follows:

14 Child's Name Person to Receive Custody

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____ requiring the respondent to pay child support in the amount of
21 \$_____ per child per month

22 _____ requiring the respondent to pay spousal support in the amount of
23 \$_____ per month

24 _____ requiring the respondent to pay filing fees, service fees, court
25 costs and petitioner's attorney fees.

26 The petitioner under oath states that the facts stated in the above
27 petition are true according to the petitioner's best knowledge and belief.

28 _____

29 Date

Petitioner's signature

30 STATE OF ARKANSAS

31 COUNTY OF _____

32 Subscribed and sworn to before me this _____ day of _____,
33 20 __.

34 _____

Notary Public

36 My Commission Expires:

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/s/ L. Smith, et al

APPROVED: 04/08/2005

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