

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/11/19

A Bill

HOUSE BILL 1325

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CUSTODY OF A
9 CHILD; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING CUSTODY OF A
13 CHILD.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning the award of
20 custody of a child, is amended to add an additional subdivision to read as
21 follows:

22 (iv) There is a rebuttable presumption that joint
23 custody is in the best interest of the child.
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25 SECTION 2. Arkansas Code § 9-13-101(b), concerning an award of custody
26 of a child, is amended to read as follows:

27 (b)(1)(A)(i) When in the best interest of a child, custody shall be
28 awarded in such a way so as to assure the frequent and continuing contact of
29 the child with both parents consistent with subdivision (a)(1)(A) of this
30 section.

31 (ii) To this effect, the circuit court may consider
32 awarding joint custody of a child to the parents in making an order for
33 custody.

34 (iii) If, at any time, the circuit court finds by a
35 preponderance of the evidence that one (1) parent demonstrates a pattern of
36 willfully creating conflict in an attempt to disrupt a current or pending



1 joint-custody arrangement, the circuit court may deem such behavior as a
2 material change of circumstances and may change a joint custody order to an
3 order of primary custody to the nondisruptive parent.

4 (iv) In determining custody of the child, the court
5 shall consider the best interest of the child.

6 (v)(a) A parent who is not granted sole custody or
7 joint custody of the child is entitled to reasonable visitation with the
8 child unless the court finds after a hearing that visitation would seriously
9 endanger the physical, mental, moral, or emotional health of the child.

10 (b) At the request of either party, the court
11 shall issue an order that:

12 (1) Takes into consideration the
13 developmental age of the child; and

14 (2) Is specific as to the frequency,
15 timing, duration, condition, and method of scheduling visitation with the
16 parent who is not granted sole custody or joint custody with the child.

17 (vi) Child support under a joint custody order is
18 issued at the discretion of the court and shall:

19 (a) Be consistent with Administrative Order
20 No. 10 – ~~Arkansas~~ Child Support Guidelines; or

21 (b) Deviate from Administrative Order No. 10 –
22 ~~Arkansas~~ Child Support Guidelines as permitted by the rule.

23 (B) If a grandparent meets the requirements of subdivision
24 (a)(1) and subdivision (a)(2)(B) of this section and is a party to the
25 proceedings, the circuit court may consider the continuing contact between
26 the child and a grandparent who is a party, and the circuit court may
27 consider orders to assure the continuing contact between the grandparent and
28 the child.

29 (2) To this effect, in making an order for custody, the court
30 may consider, among other facts, which party is more likely to allow the
31 child or children frequent and continuing contact with the noncustodial
32 parent and the noncustodial grandparent who meets the requirements of
33 subdivision (a)(1) and subdivision (a)(2)(B) of this section.

34 (3) If a deviation from joint custody is warranted, the court
35 shall construct a parenting time schedule that:

36 (A) Is consistent with the best interest of the child; and

1 (B) Maximizes the amount of time that each parent has with
2 the child.

3 (4) There is a rebuttable presumption that joint custody is in
4 the best interest of the child if the court orders a modification of a child
5 custody decree.

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