EXHIBIT E9

State of Arkansas

As Engrossed: H3/11/19

A Bill

92nd General Assembly

Regular Session, 2019

HOUSE BILL 1325

By: Representative Lowery

Filed with: House Committee on Judiciary

pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING CUSTODY OF A
CHILD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning the award of
custody of a child, is amended to add an additional subdivision to read as
follows:

(iv) There is a rebuttable presumption that joint
custody is in the best interest of the child.

SECTION 2. Arkansas Code § 9-13-101(b), concerning an award of custody
of a child, is amended to read as follows:
(b)(1)(A)(i) When in the best interest of a child, custody shall be
awarded in such a way so as to assure the frequent and continuing contact of
the child with both parents consistent with subdivision (a)(1)(A) of this
section.

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

1   (iii) If, at any time, the circuit court finds by a

2   preponderance of the evidence that one (1) parent demonstrates a pattern of

3   willfully creating conflict in an attempt to disrupt a current or pending

4   joint-custody arrangement, the circuit court may deem such behavior as a

5   material change of circumstances and may change a joint custody order to an

6   order of primary custody to the nondisruptive parent.

7   *(iv) In determining custody of the child, the court*

8   *shall consider the best interest of the child.*

9   (v)(a) A parent who is not granted sole custody or

10   joint custody of the child is entitled to reasonable visitation with the

11   child unless the court finds after a hearing that visitation would seriously

12   endanger the physical, mental, moral, or emotional health of the child.

13   (b) At the request of either party, the court

14   shall issue an order that:

15   (1) Takes into consideration the

16   developmental age of the child; and

17   (2) Is specific as to the frequency,

18   timing, duration, condition, and method of scheduling visitation with the

19   parent who is not granted sole custody or joint custody with the child.

20   (vi) Child support under a joint custody order is

21   issued at the discretion of the court and shall:

22   (a) Be consistent with Administrative Order

23   No. 10 — ~~Arkansas~~ Child Support Guidelines; or

24   (b) Deviate from Administrative Order No. 10 —

25   ~~Arkansas~~ Child Support Guidelines as permitted by the rule.

26   (B) If a grandparent meets the requirements of subdivision

27   (a)(1) and subdivision (a)(2)(B) of this section and is a party to the

28   proceedings, the circuit court may consider the continuing contact between

29   the child and a grandparent who is a party, and the circuit court may

30   consider orders to assure the continuing contact between the grandparent and

31   the child.

32   (2) To this effect, in making an order for custody, the court

33   may consider, among other facts, which party is more likely to allow the

34   child or children frequent and continuing contact with the noncustodial

35   parent and the noncustodial grandparent who meets the requirements of

36   subdivision (a)(1) and subdivision (a)(2)(B) of this section.

1   (3) If a deviation from joint custody is warranted, the court

2   shall construct a parenting time schedule that:

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

4   (B) Maximizes the amount of time that each parent has with

5   the child.

6   (4) There is a rebuttable presumption that joint custody is in

7   the best interest of the child if the court orders a modification of a child

8   custody decree.

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11   /s/Lowery

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14   Referred requested by the Arkansas House of Representatives

15   Prepared by: JNL/VJF

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