

"AN ACT TO AMEND ACT 665 OF 1981 [ARK. STAT. 34-718 ET SEQ.], TO ESTABLISH THAT LEGAL CUSTODY OF AN ILLEGITIMATE CHILD SHALL BE WITH THE WOMAN GIVING BIRTH TO SUCH CHILD ABSENT A COURT ORDER TO THE CONTRARY; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 665 of 1981, the same being Arkansas Statute 34-718, is hereby amended to read as follows:

"Section 1. (A) When a child is born to an unmarried woman, legal custody of that child shall be in the woman giving birth to such child until the child reaches the age of eighteen years unless a court of competent jurisdiction enters an order placing the child in the custody of another party.

(B) A biological father, provided he has established paternity in a court of competent jurisdiction, may petition the county court or other court of competent jurisdiction wherein the child resides for custody of the child. The court may award custody to the biological father upon a showing that:

- (1) He is a fit parent to raise the child;
- (2) He has assumed his responsibilities toward the child by providing care, supervision, protection and financial support for the child; and
- (3) It is in the best interest of the child to award custody to the biological father."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: April 6, 1987

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