

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S3/24/99 S4/6/99

## A Bill

Act 1551 of 1999  
SENATE BILL 767

5 By: Senator Bradford  
6 By: Representative Ferrell  
7

### For An Act To Be Entitled

10 "AN ACT TO AMEND THE DOMESTIC ABUSE ACT OF 1991 TO  
11 FURTHER PROTECT VICTIMS OF DOMESTIC ABUSE. "

### Subtitle

14 "AN ACT TO PROTECT VICTIMS OF DOMESTIC  
15 ABUSE. "

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

20 SECTION 1. Arkansas Code 9-15-103(b) is amended to read as follows:

21 "(b) 'Family or household members' means spouses, former spouses,  
22 parents and children, persons related by blood within the fourth degree of  
23 consanguinity, any child residing in the household, and persons who are  
24 presently or in the past have resided or ~~cohabitated~~ cohabited together."

26 SECTION 2. Arkansas Code 9-15-205 is amended to read as follows:

27 "9-15-205. Relief generally - Duration.

28 (a) At the hearing on the petition, the court may provide the following  
29 relief:

30 (1) Exclude the abusing party from the dwelling which the parties  
31 share or from the residence of the petitioner or victim;

32 (2) Exclude the abusing party from the place of business or  
33 employment, school, or other location of the petitioner or victim;

34 (3) Award temporary custody or establish temporary visitation  
35 rights with regard to minor children of the parties;

36 (4) Order temporary support for minor children or a spouse, with

1 such support to be enforced in the manner prescribed by law for other child  
2 support and alimony awards;

3 (5) Allow the prevailing party a reasonable attorney's fee as  
4 part of the costs; and

5 (6) Order such other relief as the court deems necessary or  
6 appropriate for the protection of a family or household member. Such relief  
7 may include, but not be limited to, enjoining and restraining the abusing  
8 party from doing, attempting to do, or threatening to do any act injuring,  
9 mistreating, molesting, or harassing the petitioner.

10 (b) Any relief granted by the court for protection under the provisions  
11 of this chapter shall be for a fixed period of time not less than ninety (90)  
12 days nor more than ~~one (1) year~~ two (2) years in duration, and may be renewed  
13 at a subsequent hearing upon proof and a finding by the court that the threat  
14 of domestic abuse still exists."

15  
16 SECTION 3. Arkansas Code 9-15-206 is amended to add the following  
17 subsections:

18 "(f) Incarceration or imprisonment of the abusing party shall not bar  
19 the court from issuing an Order of Protection.

20 (g) A petitioner may omit his or her home or business address from all  
21 documents filed with the court. If a petitioner omits his or her address, the  
22 petitioner must provide the court with a mailing address. If disclosure of  
23 petitioner's address is necessary to determine jurisdiction or consider venue,  
24 the court may order the disclosure be made:

25 (1) After receiving the petitioner's consent; or

26 (2) Orally and in chambers, out of presence of the respondent and  
27 sealed record to be made; or

28 (3) After a hearing, if the court takes into consideration the  
29 safety of the petitioner and finds such disclosure in the interest of  
30 justice."

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32 SECTION 4. Arkansas Code 9-15-207 is amended to add the following  
33 subsection:

34 "(d) In the final order of protection, the petitioner's home or  
35 business address may specifically be excluded from notice to the respondent. A  
36 court shall also order that the petitioner's copy of the order of protection

1 be excluded from any address where the respondent happens to reside.

2 (e) When a law enforcement officer has probable cause to believe that a  
3 respondent has violated an order of protection, and has been presented  
4 verification of the existence of the order, the officer may, without a  
5 warrant, arrest the apparent violator whether the violation was in or outside  
6 the presence of the officer, if the order was obtained according to this act  
7 and with the Rules of Criminal Procedure."

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9 SECTION 5. Arkansas Code 9-15-208 is amended to read as follows:

10 "9-15-208. Law enforcement assistance.

11 When an order is issued under this chapter, upon request of the  
12 petitioner the court may order a law enforcement officer with jurisdiction to  
13 accompany the petitioner and assist in placing the petitioner in possession of  
14 the dwelling or residence or to otherwise assist in execution or service of  
15 the order of protection. The court may also order a law enforcement officer to  
16 assist petitioner in returning to the residence and getting personal effects."

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18 SECTION 6. Title 9, Chapter 15, Subchapter 2 of the Arkansas Code is  
19 amended to add the following section to be appropriately numbered by the  
20 Arkansas Code Revision Commission:

21 "All law enforcement officers shall follow the same procedures as  
22 outlined in Arkansas Code 16-90-1107."

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24 SECTION 7. Title 9, Chapter 15, Subchapter 2 of the Arkansas Code is  
25 amended to add the following section to be appropriately numbered by the  
26 Arkansas Code Revision Commission:

27 "Denial of Relief Prohibited.

28 The court shall not deny a petitioner relief solely because the act of  
29 domestic or family violence and the filing of the petition did not occur  
30 within 120 days."

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32 SECTION 8. Title 9, Chapter 15, Subchapter 2 of the Arkansas Code is  
33 amended to add the following section to be appropriately numbered by the  
34 Arkansas Code Revision Commission:

35 "Factors in determining custody and visitation.

36 In addition to other factors that a court shall consider in a proceeding

1 in which the temporary custody of a child or temporary visitation by a parent  
2 is at issue and in which the court has made a finding of domestic or family  
3 violence:

4 (a) The court shall consider as primary the safety and well-being of  
5 the child and of the parent who is the plaintiff of domestic or family  
6 violence.

7 (b) The court shall consider the defendant's history of causing  
8 physical harm, bodily injury, assault, or causing reasonable fear of physical  
9 harm, bodily injury, or assault to another person. If a parent is absent or  
10 relocates because of an act of domestic or family violence by the other  
11 parent, the absence or relocation is not a factor that weighs against the  
12 parent in determining custody or visitation."

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14 SECTION 9. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 10. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24 SECTION 11. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

26 */s/ Bradford*

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29 APPROVED: 4/15/1999