

**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.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

**Act 1235 of 2001**  
HOUSE BILL 2173

5 By: Representatives Ledbetter, Salmon, Bond, Green, Borhauer, Shoffner, Judy, C. Johnson, Agee,  
6 King, Dees, W. Walker, J. Elliott, Bledsoe, Rodgers  
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## For An Act To Be Entitled

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10 AN ACT TO AMEND ARKANSAS CODE 9-13-101 AND 9-15-215 TO  
11 CREATE A REBUTTABLE PRESUMPTION THAT IT IS NOT IN THE  
12 BEST INTEREST OF A CHILD TO BE PLACED IN THE CUSTODY  
13 OF AN ABUSIVE PARENT; AND FOR OTHER PURPOSES.  
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## Subtitle

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16 TO CREATE A REBUTTABLE PRESUMPTION THAT  
17 IT IS NOT IN THE BEST INTEREST OF A  
18 CHILD TO BE PLACED IN THE CUSTODY OF AN  
19 ABUSIVE PARENT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 9-13-101(c), concerning awards of custody, is  
25 amended to read as follows:

26 (c)(1) Where a party to an action concerning custody of or a right to  
27 visitation with a child has committed an act of domestic violence against the  
28 party making the allegation or a family or household member of either party,  
29 and such allegations are proven by a preponderance of the evidence, the court  
30 must consider the effect of such domestic violence upon the best interests of  
31 the child, whether or not the child was physically injured or personally  
32 witnessed the abuse, together with such facts and circumstances as the court  
33 deems relevant in making a direction pursuant to this section.

34 (2) There shall be a rebuttable presumption that it is not in the  
35 best interest of the child to be placed in the custody of the abusive parent  
36 in cases where there is a finding, by a preponderance of the evidence, that

1 the parent has engaged in a pattern of domestic abuse.

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3 SECTION 2. Arkansas Code 9-15-215, concerning factors in determining  
4 custody, is amended to add an additional subsection to read as follows:

5 (c) There shall be a rebuttable presumption that it is not in the best  
6 interest of the child to be placed in the custody of the abusive parent in  
7 cases where there is a finding, by a preponderance of the evidence, that a  
8 pattern of abuse has occurred.

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11 APPROVED: 4/2/2001  
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