

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/21/13

A Bill

SENATE BILL 901

5 By: Senators J. Woods, J. English
6 By: Representatives Lowery, Alexander, Neal, *E. Armstrong, Baine, Ballinger*
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For An Act To Be Entitled

8
9 AN ACT CONCERNING CHILD CUSTODY PRESUMPTIONS IN
10 DIVORCE CASES; AND FOR OTHER PURPOSES.
11

Subtitle

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13 CONCERNING CHILD CUSTODY PRESUMPTIONS IN
14 DIVORCE CASES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning awarding
21 child custody, is amended to read as follows:

22 (a)(1)(A)(i) In an action for divorce, the award of custody of a child
23 of the marriage shall be made without regard to the sex of a parent but
24 solely in accordance with the welfare and best interest of the child.

25 (ii) In determining the best interest of the child,
26 the court may consider the preferences of the child if the child is of a
27 sufficient age and mental capacity to reason, regardless of chronological
28 age.

29 (iii) In an action for divorce, an award of joint
30 custody is favored in Arkansas.
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32 SECTION 2. Arkansas Code § 9-13-101(a), concerning awarding child
33 custody, is amended to add an additional subdivision to read as follows:

34 (5) As used in this section, "joint custody" means the
35 approximate and reasonable equal division of time with the child by both
36 parents individually as agreed to by the parents or as ordered by the court.



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2 SECTION 3. Arkansas Code § 9-13-101(b)(1)(A), concerning joint
3 custody, is amended to read as follows:

4 (b)(1)(A)(i) When in the best ~~interests~~ interest of a child, custody
5 shall be awarded in such a way so as to assure the frequent and continuing
6 contact of the child with both parents consistent with subdivision (a)(1)(A)
7 of this section.

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

11 (iii) If, at any time, the circuit court finds
12 by a preponderance of the evidence that one (1) parent demonstrates a pattern
13 of willfully creating conflict in an attempt to disrupt a current or pending
14 joint-custody arrangement, the circuit court may deem such behavior as a
15 material change of circumstances and may change a joint custody order to
16 an order of primary custody to the nondisruptive parent.

17 (iv) 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 - Child Support Guidelines; or

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

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24 /s/J. Woods

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27 **APPROVED: 04/11/2013**
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