

1 State of Arkansas As Engrossed: S2/25/19 H3/18/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

SENATE BILL 83

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5 By: Senator A. Clark

6 By: Representative Capp

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## For An Act To Be Entitled

9 AN ACT TO AMEND THE REQUIREMENTS FOR UNSUPERVISED  
10 VISITATION; TO ADDRESS THE TIMELY ENTRY OF ORDERS  
11 UNDER THE ARKANSAS JUVENILE CODE OF 1989; AND FOR  
12 OTHER PURPOSES.

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### *Subtitle*

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TO AMEND THE REQUIREMENTS FOR  
17 UNSUPERVISED VISITATION; AND TO ADDRESS  
18 THE TIMELY ENTRY OF ORDERS UNDER THE  
19 ARKANSAS JUVENILE CODE OF 1989.

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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 § 9-27-325(p)(2)(A), concerning the  
25 petitioner's burden to prove that unsupervised visitation is not in the best  
26 interest of a child, is amended to read as follows:

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(2)(A) A petitioner has the burden of proving at every hearing  
28 that unsupervised visitation is not in the best interest of a child.

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30 SECTION 2. Arkansas Code § 9-27-325(p)(2), concerning a petitioner's  
31 burden to prove that unsupervised visitation is not in the best interest of a  
32 juvenile, is amended to add additional subdivisions to read as follows:

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(C)(i) A rebuttable presumption that unsupervised  
34 visitation is in the best interest of the juvenile applies at every hearing.

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(ii) The burden of proof to rebut the presumption is  
36 proof by a preponderance of the evidence.



1                    (D)(i) If the court orders supervised visitation, the  
2 parent from whom custody of the juvenile has been removed shall receive a  
3 minimum of four (4) hours of supervised visitation per week.

4                    (ii) The court may order less than four (4) hours of  
5 supervised visitation if the court determines that the supervised visitation:

6                    (a) Is not in the best interest of the  
7 juvenile; or

8                    (b) Will impose an extreme hardship on one (1)  
9 of the parties.

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11                    SECTION 3. Arkansas Code § 9-27-325, concerning hearings held under  
12 the Arkansas Juvenile Code of 1989, is amended to add an additional  
13 subsection to read as follows:

14                    (r)(1) A court shall set a hearing to address the entry of a written  
15 order if:

16                    (A) The written order is not provided to the court for  
17 entry within the time specified under this subchapter; and

18                    (B) A party files a motion for a hearing to address the  
19 entry of the written order.

20                    (2)(A) The court shall conduct a hearing to address the entry of  
21 the written order within thirty (30) days from the date on which the motion  
22 for a hearing to address the entry of the written order is filed.

23                    (B) A hearing to address the entry of a written order may  
24 be the next scheduled hearing in the proceeding if the hearing to address the  
25 entry of the written order is being held within thirty (30) days from the  
26 date on which the motion for a hearing to address the entry of the written  
27 order is filed.

28                    (C) The court is not required to conduct a hearing to  
29 address the entry of a written order if the written order is submitted to the  
30 court.

31                    (3) The court shall reassign the preparation of the written  
32 order as needed.

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35                    /s/A. Clark

36                    **APPROVED: 3/27/19**