

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2680

4
5 By: Representatives L. Smith, Adcock, Blair, Borhauer, Bradford, Elliott, J. Johnson, Mahony
6 By: Senators Madison, Argue, Broadway, Horn, Salmon

For An Act To Be Entitled

7
8
9
10 AN ACT TO AMEND DATING RELATIONSHIPS AND DOMESTIC
11 ABUSE LAWS; AND FOR OTHER PURPOSES.

Subtitle

12
13
14 AN ACT TO AMEND DATING RELATIONSHIPS AND
15 DOMESTIC ABUSE LAWS.

16
17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code § 9-15-103 is amended to read as follows:
21 9-15-103. Definitions.

As used in this chapter:

22
23 ~~(a)~~(1) "Domestic abuse" means:

24 ~~(1)~~(A) Physical harm, bodily injury, assault, or the
25 infliction of fear of imminent physical harm, bodily injury, or assault
26 between family or household members; or

27 ~~(2)~~(B) Any sexual conduct between family or household
28 members, whether minors or adults, which constitutes a crime under the laws
29 of this state;

30 ~~(b)~~(2) "Family or household members" means spouses, former
31 spouses, parents and children, persons related by blood within the fourth
32 degree of consanguinity, any children residing in the household, persons who
33 presently or in the past have resided or cohabited together, and persons who
34 have or have had a child in common, and persons who are presently or in the

35 past have been in a dating relationship together; and
36 (3)(A) "Dating relationship" means an association primarily



1 characterized by the expectation of affection or sexual involvement.

2 (B) "Dating relationship" shall not include a casual
3 relationship or an ordinary association between persons in a business or
4 social context.

5
6 SECTION 2. Arkansas Code § 5-26-302 is amended to read as follows:

7 5-26-302. Definitions.

8 As used in this subchapter:

9 (1) ~~"family~~ Family or household member" or "family or household
10 members" means:

11 ~~(1)(A)~~ Spouses;

12 ~~(2)(B)~~ Former spouses;

13 ~~(3)(C)~~ Parents;

14 ~~(4)(D)~~ Children, including any minors residing in the
15 household;

16 ~~(5)(A)(E)(i)~~ Persons related by blood within the fourth
17 degree of consanguinity.

18 ~~(B)(ii)~~ Degrees of consanguinity shall be computed
19 pursuant to § 28-9-212;

20 ~~(6)(F)~~ Persons who presently or in the past have resided
21 or cohabited together; ~~and~~

22 ~~(7)(G)~~ Persons who have or have had a child in common; ~~or~~

23 (H) Persons who are presently or in the past have been in
24 a dating relationship together; and

25 (2)(A) "Dating relationship" means an association primarily
26 characterized by the expectation of affection or sexual involvement.

27 (B) "Dating relationship" shall not include a casual
28 relationship or an ordinary association between persons in a business or
29 social context.

30
31 SECTION 3. Arkansas Code § 16-81-113(b) is amended to read as follows:

32 (b) As used in this section:

33 (1) "Domestic abuse" means:

34 (A) Physical harm, bodily injury, assault, or the
35 infliction of fear of imminent physical harm, bodily injury, or assault
36 between family or household members; or

1 (B) Any sexual conduct between family or household
2 members, whether minors or adults, which constitutes a crime under the laws
3 of this state; and

4 (2) "Family or household member" means spouses, former spouses,
5 parents and children, persons related by blood within the fourth degree of
6 consanguinity, any child residing in the household, persons who presently or
7 in the past have resided or cohabited together, and persons who have or have
8 had a child in common, and persons who are presently or in the past have
9 been in a dating relationship together; and

10 (3)(A) "Dating relationship" means an association primarily
11 characterized by the expectation of affection or sexual involvement.

12 (B) "Dating relationship" shall not include a casual
13 relationship or an ordinary association between persons in a business or
14 social context.

15
16 SECTION 4. Arkansas Code § 9-15-203(b), concerning the petition
17 for protection orders, is amended to read as follows:

18 (b) The petition may be in substantially the following form:

19
20 Petition for Order of Protection

21 Case No. _____

22 _____ Petitioner's home address:

23
24 Petitioner _____

25 _____

26 _____

27 _____

28 ~~Social Security Number~~ Date of Birth

29
30 Petitioner's work address:

31 _____

32 vs.

33
34 _____ Respondent's home address:

35 Respondent _____

36 _____

1 _____

2 ~~Social Security Number~~ Date of Birth

3 if known

4 Respondent's work address:

5 _____

6 _____

7

8 ___ I am the petitioner and ___ at least 18 years of age ___ under 18 but
9 emancipated.

10 ___ I am filing on behalf of myself.

11 ___ I am filing on behalf of a family or household member who is:

12 ___ A minor(s): (list) _____

13 ___ An adjudicated incompetent person: (list) _____

14 ___ The respondent is ___ at least 18 years of age ___ under 18 but
15 emancipated.

16 ___ The respondent and petitioner (or victim if filling on behalf of a minor
17 or incompetent person): (check all that apply)

18 ___ Are spouses;

19 ___ Are related by blood;

20 ___ Are parent and child;

21 ___ Currently reside together or cohabituate;

22 ___ Are former spouses;

23 ___ Formerly resided together or cohabitated;

24 ___ Have or have had a child in common; or

25 ___ Are presently or in the past have been in a dating relationship.

26 If order of protection of children is requested:

27 Children Date of Birth Address Relationship to Parties

28 _____

29 _____

30 _____

31 _____

32 The respondent has committed domestic abuse to the petitioner or victim by
33 the following acts: (describe)

34 _____

35 _____

36 _____

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____

7 I am afraid of the respondent and: (describe)

8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____

14 _____ (1) There is an immediate and present danger of domestic abuse
 15 to me; or

16 _____ (2) The respondent is scheduled to be released from
 17 incarceration within thirty (30) days and upon the respondent's release there
 18 will be an immediate and present danger of domestic abuse to me.

19 The reasons are as follows: (describe)

20 _____
 21 _____
 22 _____
 23 _____
 24 _____

25 _____ Petitioner requests that the court issue an ex parte order of
 26 protection with the following provisions: (check all that apply)

27 _____ excluding the respondent from a shared residence or from the
 28 residence of the petitioner or victim. Address of residence:

29 _____
 30 _____

31 _____ excluding the respondent from the place of business, employment,
 32 school or other location of the petitioner or victim. Address of residence:

33 _____
 34 _____

35 _____ excluding the respondent from the place of business, employment,
 36 school or other location of the petitioner or victim. Address of:
 place of business: _____

1 employment: _____

2 school: _____

3 other (identify): _____

4 Prohibiting the respondent, directly or through an agent, from
5 contacting the petitioner or victim, except under the following conditions:

6 _____
7 _____
8 _____

9 _____ awarding temporary custody of minor children as follows:

10	Child's Name	Person to Receive Custody
11	_____	_____
12	_____	_____
13	_____	_____
14	_____	_____
15	_____	_____

16 _____ requiring the respondent to pay child support in the amount of
17 \$_____ per child per month

18 _____ requiring the respondent to pay spousal support in the amount of
19 \$_____ per month

20 _____ excluding the petitioner's address from notice to the respondent

21 _____ It is further requested that upon hearing the court issue a full
22 order of protection with the following provisions: (check all that apply)

23 _____ excluding the respondent from the shared residence or from the
24 residence of the petitioner or victim. Address of the residence:

25 _____

26 _____ excluding the respondent from the place of business, employment,
27 school or other location of the petitioner or victim. Address of:

28 place of business: _____

29 employment: _____

30 school: _____

31 other (identify): _____

32 _____ awarding temporary custody of minor children as follows:

33	Child's Name	Person to Receive Custody
34	_____	_____
35	_____	_____
36	_____	_____

