

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

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

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Subtitle

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TO AMEND THE REQUIREMENTS FOR UNSUPERVISED VISITATION; AND TO ADDRESS THE TIMELY ENTRY OF ORDERS UNDER THE 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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SECTION 1. Arkansas Code § 9-27-325(p)(2)(A), concerning the petitioner's burden to prove that unsupervised visitation is not in the best 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 that unsupervised visitation is not in the best interest of a child.

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

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(C)(i) A rebuttable presumption that unsupervised 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 proof by a preponderance of the evidence.

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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
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