

1 State of Arkansas As Engrossed: S1/28/21 H3/22/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 18

4

5 By: Senators A. Clark, J. English, M. Johnson, Rapert, B. Ballinger, D. Sullivan, Irvin

6 By: Representatives Gazaway, Lowery, *Brown, Cloud, C. Cooper, Cozart, Crawford, M. Gray, Haak,*

7 *Hollowell, Magie, McNair, S. Berry, Christiansen, M. Davis*

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For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING CHILD CUSTODY AND

11 VISITATION; AND FOR OTHER PURPOSES.

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13

14

Subtitle

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TO AMEND THE LAW CONCERNING CHILD CUSTODY

16

AND VISITATION.

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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning the award of*
22 *custody, is amended to add an additional subdivision to read as follows:*

23 *(iv)(a) In an action concerning an original child*
24 *custody determination in a divorce or paternity matter, there is a rebuttable*
25 *presumption that joint custody is in the best interest of the child.*

26 *(b) The presumption that joint custody is in*
27 *the best interest of the child may be rebutted:*

28 *(1) If the court finds by clear and*
29 *convincing evidence that joint custody is not in the best interest of the*
30 *child;*

31 *(2) If the parties have reached an*
32 *agreement on all issues related to custody of the child;*

33 *(3) If one (1) of the parties does not*
34 *request sole, primary, or joint custody; or*

35 *(4) If a rebuttable presumption*
36 *described in subsection (c) or subsection (d) of this section is established*



1 by the evidence.

2 (c) The circuit court may enter an order to
3 reduce areas of conflict in a manner determined appropriate by the court.

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5 SECTION 2. Arkansas Code § 9-13-101(b)(1)(A)(ii) and (iii), concerning
6 the award of custody, are amended to read as follows:

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

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

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19 SECTION 3. Arkansas Code § 9-13-101(b)(1)(A), concerning the award of
20 custody, is amended to add additional subdivisions to read as follows:

21 (vi) A court shall consider the best interest of the
22 child when making a child custody determination.

23 (vii)(a) A parent who is not granted sole, primary,
24 or joint custody of his or her child is entitled to reasonable parenting time
25 with the child unless the court finds after a hearing that parenting time
26 between the parent and the child would seriously endanger the physical,
27 mental, or emotional health of the child.

28 (b) At the request of a party, a court shall
29 issue a written order that:

30 (1) Is specific as to the frequency,
31 timing, duration, condition, and method of scheduling parenting time with a
32 parent who is not granted sole, primary, or joint custody of his or her
33 child; and

34 (2) Takes into consideration the
35 developmental age of the child.

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1 SECTION 4. Arkansas Code § 9-13-101(b), concerning the award of
2 custody, is amended to add an additional subdivision to read as follows:

3 (3) After a hearing on the merits of a child custody action, if
4 a court determines that the presumption in subdivision (a)(1)(A)(iv)(a) of
5 this section is rebutted, the court shall enter a written order that includes
6 the following:

7 (A) Facts, findings, and conclusions of law concerning the
8 basis for the court’s determination; and

9 (B) A parenting time schedule that:

10 (i) Maximizes the amount of time that each parent
11 has with the child; and

12 (ii) Is consistent with the best interest of the
13 child.

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15 /s/A. Clark
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