

INTERIM STUDY PROPOSAL 2019-065

1  
2 State of Arkansas  
3 92nd General Assembly  
4 Regular Session, 2019

*As Engrossed: H3/11/19*

**A Bill**

HOUSE BILL 1325

5  
6 By: Representative Lowery

7 Filed with: House Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE LAW CONCERNING CUSTODY OF A  
11 CHILD; AND FOR OTHER PURPOSES.

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14 **Subtitle**

15 TO AMEND THE LAW CONCERNING CUSTODY OF A  
16 CHILD.

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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 of a child, is amended to add an additional subdivision to read as  
23 follows:

24 (iv) There is a rebuttable presumption that joint  
25 custody is in the best interest of the child.

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27 SECTION 2. Arkansas Code § 9-13-101(b), concerning an award of custody  
28 of a child, is amended to read as follows:

29 (b)(1)(A)(i) When in the best interest of a child, custody shall be  
30 awarded in such a way so as to assure the frequent and continuing contact of  
31 the child with both parents consistent with subdivision (a)(1)(A) of this  
32 section.

33 (ii) To this effect, the circuit court may consider  
34 awarding joint custody of a child to the parents in making an order for  
35 custody.

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

7 (iv) In determining custody of the child, the court  
 8 shall consider the best interest of the child.

9 (v)(a) A parent who is not granted sole custody or  
 10 joint custody of the child is entitled to reasonable visitation with the  
 11 child unless the court finds after a hearing that visitation would seriously  
 12 endanger the physical, mental, moral, or emotional health of the child.

13 (b) At the request of either party, the court  
 14 shall issue an order that:

15 (1) Takes into consideration the  
 16 developmental age of the child; and

17 (2) Is specific as to the frequency,  
 18 timing, duration, condition, and method of scheduling visitation with the  
 19 parent who is not granted sole custody or joint custody with the child.

20 (vi) Child support under a joint custody order is  
 21 issued at the discretion of the court and shall:

22 (a) Be consistent with Administrative Order  
 23 No. 10 – ~~Arkansas~~ Child Support Guidelines; or

24 (b) Deviate from Administrative Order No. 10 –  
 25 ~~Arkansas~~ Child Support Guidelines as permitted by the rule.

26 (B) If a grandparent meets the requirements of subdivision  
 27 (a)(1) and subdivision (a)(2)(B) of this section and is a party to the  
 28 proceedings, the circuit court may consider the continuing contact between  
 29 the child and a grandparent who is a party, and the circuit court may  
 30 consider orders to assure the continuing contact between the grandparent and  
 31 the child.

32 (2) To this effect, in making an order for custody, the court  
 33 may consider, among other facts, which party is more likely to allow the  
 34 child or children frequent and continuing contact with the noncustodial  
 35 parent and the noncustodial grandparent who meets the requirements of  
 36 subdivision (a)(1) and subdivision (a)(2)(B) of this section.

1           (3) If a deviation from joint custody is warranted, the court  
2 shall construct a parenting time schedule that:

3                   (A) Is consistent with the best interest of the child; and

4                   (B) Maximizes the amount of time that each parent has with  
5 the child.

6           (4) There is a rebuttable presumption that joint custody is in  
7 the best interest of the child if the court orders a modification of a child  
8 custody decree.

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*/s/Lowery*

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Referred requested by the Arkansas House of Representatives

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Prepared by: JNL/VJF

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