

1 INTERIM STUDY PROPOSAL 2009-189

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3 REQUESTING THE SENATE COMMITTEE ON JUDICIARY AND THE HOUSE
4 COMMITTEE ON JUDICIARY TO STUDY THE BARRIERS FATHERS FACE WHEN
5 SEEKING JOINT PHYSICAL CUSTODY OF THEIR CHILDREN IN DIVORCE AND
6 CHILD CUSTODY PROCEEDINGS.
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9 WHEREAS, today it is common for both the mother and father of children
10 to work outside of the home and for parental duties to be equally divided
11 between mothers and fathers; and
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13 WHEREAS, joint physical custody is an option in divorce and child
14 custody proceedings that recognizes this reality and increases contact
15 between children and their fathers, making the children's lives more similar
16 to the lives they had before their parents divorced; and
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18 WHEREAS, however, it has been reported that during divorce and child
19 custody proceedings, courts are not awarding joint physical custody of
20 children to the parents if the parents cannot agree to this arrangement; and
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22 WHEREAS, a parent who is likely to obtain sole physical custody of his
23 or her children may not agree to joint physical custody of his or her
24 children for financial reasons, namely to ensure an award of child support;
25 and
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27 WHEREAS, the reasons often given for the decision to not award joint
28 physical custody of the children to both parents when there is not an
29 agreement between the parents is so the court avoids having to resolve
30 disputes between parents because the parents will not cooperate with each
31 other and the court prevents the use of its resources to resolve the parents'
32 anticipated disputes; and
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34 WHEREAS, these decisions by courts create insurmountable barriers for
35 fathers who want to take a more active and participating role in their
36 children's lives and who are denied the opportunity to establish that they

1 can cooperate with their ex-spouses in regards to child-rearing issues,

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3 NOW THEREFORE,

4 BE IT PROPOSED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-SEVENTH
5 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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7 THAT the Senate Committee on Judiciary and the House Committee on
8 Judiciary study the barriers fathers face when seeking joint physical custody
9 of their children in divorce and child custody proceedings.

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12 Respectfully submitted,

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16 Senator Jimmy Jeffress
17 District 24

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21 Senator Gilbert Baker
22 District 30

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