

INTERIM STUDY PROPOSAL 2009-189

REQUESTING THE SENATE COMMITTEE ON JUDICIARY AND THE HOUSE
COMMITTEE ON JUDICIARY TO STUDY THE BARRIERS FATHERS FACE WHEN
SEEKING JOINT PHYSICAL CUSTODY OF THEIR CHILDREN IN DIVORCE AND
CHILD CUSTODY PROCEEDINGS.

WHEREAS, today it is common for both the mother and father of children
to work outside of the home and for parental duties to be equally divided
between mothers and fathers; and

WHEREAS, joint physical custody is an option in divorce and child
custody proceedings that recognizes this reality and increases contact
between children and their fathers, making the children's lives more similar
to the lives they had before their parents divorced; and

WHEREAS, however, it has been reported that during divorce and child
custody proceedings, courts are not awarding joint physical custody of
children to the parents if the parents cannot agree to this arrangement; and

WHEREAS, a parent who is likely to obtain sole physical custody of his
or her children may not agree to joint physical custody of his or her
children for financial reasons, namely to ensure an award of child support;
and

WHEREAS, the reasons often given for the decision to not award joint
physical custody of the children to both parents when there is not an
agreement between the parents is so the court avoids having to resolve
disputes between parents because the parents will not cooperate with each
other and the court prevents the use of its resources to resolve the parents'
anticipated disputes; and

WHEREAS, these decisions by courts create insurmountable barriers for
fathers who want to take a more active and participating role in their
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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36 Filed Date: 10/13/2009 By: JSE/jse