

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2173

4
5 By: Representatives Ledbetter, Salmon, Bond, Green, Borhauer, Shoffner, Judy, C. Johnson, Agee,
6 King, Dees, W. Walker, J. Elliott, Bledsoe, Rodgers

For An Act To Be Entitled

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10 AN ACT TO AMEND ARKANSAS CODE 9-13-101 AND 9-15-215 TO
11 CREATE A REBUTTABLE PRESUMPTION THAT IT IS NOT IN THE
12 BEST INTEREST OF A CHILD TO BE PLACED IN THE CUSTODY
13 OF AN ABUSIVE PARENT; AND FOR OTHER PURPOSES.

Subtitle

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16 TO CREATE A REBUTTABLE PRESUMPTION THAT
17 IT IS NOT IN THE BEST INTEREST OF A
18 CHILD TO BE PLACED IN THE CUSTODY OF AN
19 ABUSIVE PARENT.

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

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24 SECTION 1. Arkansas Code 9-13-101(c), concerning awards of custody, is
25 amended to read as follows:

26 (c) (1) Where a party to an action concerning custody of or a right to
27 visitation with a child has committed an act of domestic violence against the
28 party making the allegation or a family or household member of either party,
29 and such allegations are proven by a preponderance of the evidence, the court
30 must consider the effect of such domestic violence upon the best interests of
31 the child, whether or not the child was physically injured or personally
32 witnessed the abuse, together with such facts and circumstances as the court
33 deems relevant in making a direction pursuant to this section.

34 (2) There shall be a rebuttable presumption that it is not in the
35 best interest of the child to be placed in the custody of the abusive parent
36 in cases where there is a finding, by a preponderance of the evidence, that

1 the parent has engaged in a pattern of domestic abuse.

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3 SECTION 2. Arkansas Code 9-15-215, concerning factors in determining
4 custody, is amended to add an additional subsection to read as follows:

5 (c) There shall be a rebuttable presumption that it is not in the best
6 interest of the child to be placed in the custody of the abusive parent in
7 cases where there is a finding, by a preponderance of the evidence, that a
8 pattern of abuse has occurred.