

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 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H1/19/05

# A Bill

HOUSE BILL 1029

5 By: Representatives R. Green, Pyle, Walters, *Harris, J. Hutchinson, T. Hutchinson, McDaniel, Thyer,*  
6 *Wood*  
7  
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## For An Act To Be Entitled

10 AN ACT TO ALLOW THE COURT TO CONSIDER THE  
11 PREFERENCES OF THE CHILD WHEN AWARDING CHILD  
12 CUSTODY OR VISITATION PRIVILEGES IN A DIVORCE OR  
13 OTHER PROCEEDING; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO ALLOW THE COURT TO CONSIDER  
16 THE PREFERENCES OF THE CHILD WHEN  
17 AWARDING CHILD CUSTODY OR VISITATION  
18 PRIVILEGES IN A DIVORCE OR OTHER  
19 PROCEEDING.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 9-13-101(a)(1), pertaining to the  
26 determination of custody of a minor child, is amended to read as follows:

27 (a)(1)(A)(i) In an action for divorce, the award of custody of a child  
28 of the marriage shall be made without regard to the sex of a parent, but  
29 solely in accordance with the welfare and best interest of the child.

30 (ii) In determining the best interest of the child,  
31 the court may consider the preferences of the child if the child is of a  
32 sufficient age and capacity to reason, regardless of chronological age.

33 (B) When a court order holds that it is in the best interest of a  
34 child to award custody to a grandparent, the award of custody shall be made  
35 without regard to the sex of the grandparent.  
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1 SECTION 2. Arkansas Code Title 9, Chapter 13, Subchapter 1 is amended  
2 to add a new section to read as follows:

3 9-13-108. Visitation -- Preference of child.

4 In an action under this subchapter concerning a person's right to  
5 visitation with a minor child, the court may consider the preferences of the  
6 child if the child is of a sufficient age and capacity to reason, regardless  
7 of chronological age.

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10 /s/ R. Green, et al  
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