

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: H3/17/05

A Bill

HOUSE BILL 2680

5 By: Representatives L. Smith, Adcock, Blair, Borhauer, Bradford, Elliott, J. Johnson, Mahony
6 By: Senators Madison, Argue, Broadway, Horn, Salmon
7

For An Act To Be Entitled

10 AN ACT TO AMEND DATING RELATIONSHIPS AND DOMESTIC
11 ABUSE LAWS; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO AMEND DATING RELATIONSHIPS AND
15 DOMESTIC ABUSE LAWS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 9-15-103 is amended to read as follows:
21 9-15-103. Definitions.

22 As used in this chapter:

23 ~~(a)~~(1) "Domestic abuse" means:

24 ~~(1)~~(A) Physical harm, bodily injury, assault, or the
25 infliction of fear of imminent physical harm, bodily injury, or assault
26 between family or household members; or

27 ~~(2)~~(B) Any sexual conduct between family or household
28 members, whether minors or adults, which constitutes a crime under the laws
29 of this state;

30 ~~(b)~~(2) "Family or household members" means spouses, former
31 spouses, parents and children, persons related by blood within the fourth
32 degree of consanguinity, any children residing in the household, persons who
33 presently or in the past have resided or cohabited together, and persons who
34 have or have had a child in common, and persons who are presently or in the
35 past have been in a dating relationship together; and

36 (3)(A) "Dating relationship" means a romantic or intimate social



1 relationship between two (2) individuals which shall be determined by
2 examining the following factors:

3 (i) The length of the relationship;

4 (ii) The type of the relationship; and

5 (iii) The frequency of interaction between the two
6 (2) individuals involved in the relationship.

7 (B) "Dating relationship" shall not include a casual
8 relationship or ordinary fraternization between two (2) individuals in a
9 business or social context.

10
11 SECTION 2. Arkansas Code § 5-26-302 is amended to read as follows:
12 5-26-302. Definitions.

13 As used in this subchapter,:

14 (1) ~~Family~~ Family or household member" or "family or household
15 members" means:

16 ~~(1)(A)~~ (A) Spouses;

17 ~~(2)(B)~~ (B) Former spouses;

18 ~~(3)(C)~~ (C) Parents;

19 ~~(4)(D)~~ (D) Children, including any minors residing in the
20 household;

21 ~~(5)(A)(E)(i)~~ (E)(i) Persons related by blood within the fourth
22 degree of consanguinity.

23 ~~(B)(ii)~~ (ii) Degrees of consanguinity shall be computed
24 pursuant to § 28-9-212;

25 ~~(6)(F)~~ (F) Persons who presently or in the past have resided
26 or cohabited together; ~~and~~

27 ~~(7)(G)~~ (G) Persons who have or have had a child in common; ~~or~~

28 (H) Persons who are presently or in the past have been in
29 a dating relationship together; and

30 (2)(A) "Dating relationship" means a romantic or intimate social
31 relationship between two (2) individuals which shall be determined by
32 examining the following factors:

33 (i) The length of the relationship;

34 (ii) The type of the relationship; and

35 (iii) The frequency of interaction between the two
36 (2) individuals involved in the relationship.

1 (B) "Dating relationship" shall not include a casual
2 relationship or ordinary fraternization between two (2) individuals in a
3 business or social context.

4
5 SECTION 3. Arkansas Code § 16-81-113(b) is amended to read as follows:

6 (b) As used in this section:

7 (1) "Domestic abuse" means:

8 (A) Physical harm, bodily injury, assault, or the
9 infliction of fear of imminent physical harm, bodily injury, or assault
10 between family or household members; or

11 (B) Any sexual conduct between family or household
12 members, whether minors or adults, which constitutes a crime under the laws
13 of this state; and

14 (2) "Family or household member" means spouses, former spouses,
15 parents and children, persons related by blood within the fourth degree of
16 consanguinity, any child residing in the household, persons who presently or
17 in the past have resided or cohabited together, and persons who have or have
18 had a child in common, and persons who are presently or in the past have
19 been in a dating relationship together; and

20 (3)(A) "Dating relationship" means a romantic or intimate social
21 relationship between two (2) individuals which shall be determined by
22 examining the following factors:

23 (i) The length of the relationship;

24 (ii) The type of the relationship; and

25 (iii) The frequency of interaction between the two
26 (2) individuals involved in the relationship.

27 (B) "Dating relationship" shall not include a casual
28 relationship or ordinary fraternization between two (2) individuals in a
29 business or social context.

30
31 SECTION 4. Arkansas Code § 9-15-203(b), concerning the petition
32 for protection orders, is amended to read as follows:

33 (b) The petition may be in substantially the following form:

34
35 Petition for Order of Protection

36 Case No. _____

1 _____ Petitioner's home address:

2

3 Petitioner _____
4 _____

5

6 _____

7 ~~Social Security Number~~ Date of Birth

8

9 Petitioner's work address:

10 _____

11 vs.

12

13 _____ Respondent's home address:

14 Respondent _____
15 _____

16 _____

17 ~~Social Security Number~~ Date of Birth

18 if known

19 Respondent's work address:

20 _____

21 _____

22

23 ___ I am the petitioner and ___ at least 18 years of age ___ under 18 but
24 emancipated.

25 ___ I am filing on behalf of myself.

26 ___ I am filing on behalf of a family or household member who is:

27 ___ A minor(s): (list) _____

28 ___ An adjudicated incompetent person: (list) _____

29 ___ The respondent is ___ at least 18 years of age ___ under 18 but
30 emancipated.

31 ___ The respondent and petitioner (or victim if filling on behalf of a minor
32 or incompetent person): (check all that apply)

33 ___ Are spouses;

34 ___ Are related by blood;

35 ___ Are parent and child;

36 ___ Currently reside together or cohabitate;

- 1 ___ Are former spouses;
- 2 ___ Formerly resided together or cohabitated;
- 3 ___ Have or have had a child in common; or
- 4 ___ Are presently or in the past have been in a dating relationship.

5 If order of protection of children is requested:

6	Children	Date of Birth	Address	Relationship to Parties
7	_____	_____	_____	_____
8	_____	_____	_____	_____
9	_____	_____	_____	_____
10	_____	_____	_____	_____

11 The respondent has committed domestic abuse to the petitioner or victim by
12 the following acts: (describe)

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 I am afraid of the respondent and: (describe)

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

29 _____ (1) There is an immediate and present danger of domestic abuse
30 to me; or

31 _____ (2) The respondent is scheduled to be released from
32 incarceration within thirty (30) days and upon the respondent's release there
33 will be an immediate and present danger of domestic abuse to me.

34 The reasons are as follows: (describe)

35 _____

36 _____

1 _____
 2 _____
 3 _____

4 _____ Petitioner requests that the court issue an ex parte order of
 5 protection with the following provisions: (check all that apply)

6 _____ excluding the respondent from a shared residence or from the
 7 residence of the petitioner or victim. Address of residence:

8 _____
 9 _____

10 _____ excluding the respondent from the place of business, employment,
 11 school or other location of the petitioner or victim. Address of residence:

12 _____

13 _____ excluding the respondent from the place of business, employment,
 14 school or other location of the petitioner or victim. Address of:

15 place of business: _____

16 employment: _____

17 school: _____

18 other (identify): _____

19 Prohibiting the respondent, directly or through an agent, from
 20 contacting the petitioner or victim, except under the following conditions:

21 _____
 22 _____
 23 _____

24 _____ awarding temporary custody of minor children as follows:

25 Child's Name	Person to Receive Custody
26 _____	_____
27 _____	_____
28 _____	_____
29 _____	_____
30 _____	_____

31 _____ requiring the respondent to pay child support in the amount of
 32 \$_____ per child per month

33 _____ requiring the respondent to pay spousal support in the amount of
 34 \$_____ per month

35 _____ excluding the petitioner's address from notice to the respondent

36 _____ It is further requested that upon hearing the court issue a full

1 order of protection with the following provisions: (check all that apply)
2 _____ excluding the respondent from the shared residence or from the
3 residence of the petitioner or victim. Address of the residence:

4 _____

5 _____ excluding the respondent from the place of business, employment,
6 school or other location of the petitioner or victim. Address of:

7 place of business: _____

8 employment: _____

9 school: _____

10 other (identify): _____

11 _____ awarding temporary custody of minor children as follows:

Child's Name	Person to Receive Custody
--------------	---------------------------

13 _____
 14 _____
 15 _____
 16 _____
 17 _____

18 _____ requiring the respondent to pay child support in the amount of
19 \$_____ per child per month

20 _____ requiring the respondent to pay spousal support in the amount of
21 \$_____ per month

22 _____ requiring the respondent to pay filing fees, service fees, court
23 costs and petitioner's attorney fees.

24 The petitioner under oath states that the facts stated in the above
25 petition are true according to the petitioner's best knowledge and belief.

26 _____

27 Date

Petitioner's signature

28 STATE OF ARKANSAS

29 COUNTY OF _____

30 Subscribed and sworn to before me this _____ day of _____,
31 20 __.

32 _____
33 Notary Public

34 My Commission Expires:

35 _____
36

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/s/ L. Smith, et al