

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1759

5 By: Representatives Hawks, Gazaway  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING JOINT CUSTODY AND  
9 THE MODIFICATION OF A CHILD CUSTODY DECREE; AND FOR  
10 OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AMEND THE LAW CONCERNING JOINT CUSTODY  
14 AND THE MODIFICATION OF A CHILD CUSTODY  
15 DECREE.  
16  
17  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 9-13-101(b)(1)(A), concerning the award of  
22 custody, is amended to read as follows:

23 (b)(1)(A)(i) When in the best interest of a child, custody shall be  
24 awarded in such a way so as to assure the frequent and continuing contact of  
25 the child with both parents consistent with subdivision (a)(1)(A) of this  
26 section.

27 (ii) ~~To this effect, the circuit court may consider~~  
28 ~~awarding joint custody of a child to the parents in making an order for~~  
29 ~~custody~~ If a deviation from joint custody is ordered, the court shall enter a  
30 written order that includes findings of fact and conclusions that detail the  
31 relevant factors that formed a basis for determining the best interest of the  
32 child and the denial of joint custody.

33 (iii) If a deviation from joint custody is  
34 warranted, the court shall construct a parenting time schedule that maximizes  
35 the time each parent or custodian has with the child and is consistent with  
36 ensuring the welfare of the child.



1                   ~~(iii)~~(iv) If, at any time, the circuit court finds  
 2 by a preponderance of the evidence that one (1) parent demonstrates a pattern  
 3 of willfully creating conflict in an attempt to disrupt a current or pending  
 4 joint-custody arrangement, the circuit court may deem such behavior as a  
 5 material change of circumstances and may change a joint custody order to an  
 6 order of primary custody to the nondisruptive parent.

7                   (v) If a modification of a child custody decree is  
 8 based, in whole or in part, on the active duty status of a parent as a member  
 9 of the United States Armed Forces deployed outside of the United States or  
 10 the federal active duty status of a parent as a member of a state National  
 11 Guard or reserve component then:

12                                   (a) Any modification of the child custody  
 13 decree shall:

14   (1) Be temporary; and

15   (2) Revert back to the previous child  
 16 custody decree at the end of the deployment or federal active duty unless  
 17 both parties consent to a modification that continues after the deployment or  
 18 federal active duty; and

19   (b) The deployment or federal active duty  
 20 status shall be considered the equivalent of daily parental presence and  
 21 parental involvement with the child.

22                   ~~(iv)~~(vi) Child support under a joint custody order  
 23 is issued at the discretion of the court and shall:

24   (a) Be consistent with Administrative Order  
 25 No. 10 – Arkansas Child Support Guidelines; or

26   (b) Deviate from Administrative Order No. 10 –  
 27 Arkansas Child Support Guidelines as permitted by the rule.