

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

As Engrossed: H3/14/19

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.
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Subtitle

13 TO AMEND THE LAW CONCERNING JOINT CUSTODY
14 AND THE MODIFICATION OF A CHILD CUSTODY
15 DECREE.
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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.*

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31 *(iii) If, at any time, the circuit court finds by a*
32 *preponderance of the evidence that one (1) parent demonstrates a pattern of*
33 *willfully creating conflict in an attempt to disrupt a current or pending*
34 *joint-custody arrangement, the circuit court may deem such behavior as a*
35 *material change of circumstances and may change a joint custody order to an*
36 *order of primary custody to the nondisruptive parent.*



1 (iv) If a modification of a child custody decree is
2 based, in whole or in part, on the active duty status of a parent as a member
3 of the United States Armed Forces deployed outside of the United States or
4 the federal active duty status of a parent as a member of a state National
5 Guard or reserve component:

6 (a) Any modification of the child custody
7 decree shall:

8 (1) Be temporary; and

9 (2) Revert back to the previous child
10 custody decree at the end of the deployment or federal active duty unless
11 both parties consent to a modification that continues after the deployment or
12 federal active duty; and

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

16 ~~(iv)~~(v) Child support under a joint custody order is
17 issued at the discretion of the court and shall:

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

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

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23 /s/Hawks
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