

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

SENATE BILL 18

4  
5 By: Senator A. Clark  
6 By: Representatives Gazaway, Lowery

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CHILD CUSTODY AND  
10 VISITATION; AND FOR OTHER PURPOSES.

### Subtitle

14 TO AMEND THE LAW CONCERNING CHILD CUSTODY  
15 AND VISITATION.

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17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning the award of  
21 custody, is amended to add an additional subdivision to read as follows:

22 (iv)(a) In an action for divorce or an action to  
23 modify a child custody order, there is a rebuttable presumption that joint  
24 custody is in the best interest of the child.

25 (b) The presumption that joint custody is in  
26 the best interest of the child may be rebutted:

27 (1) If the court finds by clear and  
28 convincing evidence that joint custody is not in the best interest of the  
29 child; or

30 (2) If the parties to the action for  
31 divorce or petition to modify a child custody decree have reached an  
32 agreement on all issues related to custody of the child.

33 (c) In determining whether a party has  
34 rebutted the presumption in subdivision (a)(1)(A)(iv)(a) of this section by  
35 clear and convincing evidence, a court may consider all relevant factors  
36 concerning the best interest of the child, including without limitation the



1 factors and rebuttable presumptions listed in subdivision (b)(2) and  
2 subsections (c) and (d) of this section.

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4 SECTION 2. Arkansas Code § 9-13-101(b)(1)(A), concerning the award of  
5 custody, is amended to add additional subdivisions to read as follows:

6 (vi) A court shall consider the best interest of the  
7 child when making a child custody determination.

8 (vii)(a) A parent who is not granted sole, primary,  
9 or joint custody of his or her child is entitled to reasonable parenting time  
10 with the child unless the court finds after a hearing that parenting time  
11 between the parent and the child would seriously endanger the physical,  
12 mental, or emotional health of the child.

13 (b) At the request of a party, a court shall  
14 issue a written order that:

15 (1) Is specific as to the frequency,  
16 timing, duration, condition, and method of scheduling parenting time with a  
17 parent who is not granted sole, primary, or joint custody of his or her  
18 child; and

19 (2) Takes into consideration the  
20 developmental age of the child.

21  
22 SECTION 3. Arkansas Code § 9-13-101(b), concerning the award of  
23 custody, is amended to add an additional subdivision to read as follows:

24 (3) After a hearing on the merits of a child custody action, if  
25 a court determines that the presumption in subdivision (a)(1)(A)(iv)(a) of  
26 this section is rebutted by clear and convincing evidence, the court shall  
27 enter a written order that includes the following:

28 (A) Facts, findings, and conclusions of law concerning the  
29 basis for the court's determination; and

30 (B) A parenting time schedule that:

31 (i) Maximizes the amount of time that each parent  
32 has with the child; and

33 (ii) Is consistent with the best interest of the  
34 child.