1	State of Arkansas As Engrossed: H2/19/25	
2	95th General Assembly <b>A Bill</b>	
3	Regular Session, 2025HOUSE BILL 14	34
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5	By: Representatives Hudson, K. Moore, McCullough	
6	By: Senator Irvin	
7		
8	For An Act To Be Entitled	
9	AN ACT TO AMEND THE LAW REGARDING THE PRESUMPTION	
10	THAT AN AWARD OF JOINT CUSTODY BETWEEN PARENTS IS IN	
11	A CHILD'S BEST INTEREST WHEN THERE IS DOMESTIC ABUSE	
12	OR COURSE OF CONTROL PRESENT; AND FOR OTHER PURPOSES.	
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15	Subtitle	
16	TO AMEND THE LAW REGARDING THE	
17	PRESUMPTION THAT AN AWARD OF JOINT	
18	CUSTODY BETWEEN PARENTS IS IN A CHILD'S	
19	BEST INTEREST WHEN THERE IS DOMESTIC	
20	ABUSE OR COURSE OF CONTROL PRESENT.	
21		
22	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
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24	SECTION 1. Arkansas Code § 9-13-101(c), concerning the award of	
25	custody in a case concerning child custody or visitation when a party has	
26	committed an act of domestic violence, is amended to read as follows:	
27	(c)(l) If a party to an action concerning custody of or a right to	
28	visitation with a child has committed an act of domestic <del>violence</del> <u>abuse or</u>	
29	course of control as defined under the Domestic Abuse Act of 1991, § 9-15-10	1
30	$\underline{et \ seq.}$ against the party making the allegation or a family or household	
31	member of either party and such allegations are proven by a preponderance of	:
32	the evidence, the circuit court must consider the effect of such domestic	
33	violence abuse or course of control upon the best interests of the child,	
34	whether or not the child was physically injured or personally witnessed the	
35	abuse, together with such facts and circumstances as the circuit court deems	;
36	relevant in making a directive pursuant to this section.	



1	(2)(A) There is a rebuttable presumption that it is not in the
2	best interest of the child to be placed in the custody <u>or care</u> of <del>an abusive</del>
3	parent a parent or other party who has been found to have committed domestic
4	abuse or course of control, as defined under the Domestic Abuse Act of 1991,
5	§ 9-15-101 et seq., in cases in which there is a finding by a preponderance
6	of the evidence that the parent <u>or other party</u> has engaged in <del>a pattern of</del>
7	domestic abuse or a pattern of course of control.
8	(B) The parent or other party that has been found to have
9	committed domestic abuse or course of control has the burden of rebutting the
10	presumption under subdivision (c)(2)(A) of this section by proving by $a$
11	preponderance of the evidence that having custody or care of the child will
12	not endanger the emotional and physical wellbeing of the child.
13	(3) If the court grants unsupervised visitation to a parent or other
14	party who has been found to have committed an act of domestic abuse or
15	course of control, the court:
16	(A) Shall make findings as to:
17	(i) Whether the parent or other party poses an
18	ongoing risk of harm to the child's physical and mental wellbeing; and
19	(ii) Why the parent or other party who committed the
20	domestic abuse or course of control does not present a risk of harm to the
21	child; and
22	(B) May order safety conditions and completion of a
23	certified domestic violence intervention program for the parent or other
24	party's visits with the child to protect the child.
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26	/s/Hudson
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