

INTERIM STUDY PROPOSAL 2025-052

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A Bill

HOUSE BILL 1829

By: Representatives Dalby, Evans
By: Senator A. Clark

Filed with: House Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND THE DOMESTIC ABUSE ACT OF 1991; TO
PROVIDE FOR REMOTE TESTIMONY IN CERTAIN INSTANCES IN
A HEARING UNDER THE DOMESTIC ABUSE ACT OF 1991; TO
AMEND REQUIREMENTS REGARDING SERVICE OF PLEADINGS OR
FILINGS UNDER AN ORDER OF PROTECTION MATTER; TO
PROVIDE OVERSIGHT FOR A DOMESTIC VIOLENCE
INTERVENTION PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DOMESTIC ABUSE ACT OF 1991;
TO PROVIDE FOR REMOTE TESTIMONY IN
CERTAIN INSTANCES IN A HEARING UNDER THE
DOMESTIC ABUSE ACT OF 1991; AND TO
PROVIDE OVERSIGHT FOR A DOMESTIC
VIOLENCE INTERVENTION PROGRAM.

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

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

As used in this chapter:

- (1) "Commercial mobile radio service" means commercial mobile service as defined in 47 U.S.C. § 332, as it existed on January 1, 2025;
- (2) "County where the petitioner resides" means the county in which the petitioner

physically resides at the time the petition is filed and may include a county where the petitioner is located for a short-term stay in a domestic violence shelter;

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

- (i) The length of the relationship;
- (ii) The type of the relationship; and
- (iii) The frequency of interaction between the two (2) individuals involved in the relationship.

(B) "Dating relationship" does not include a casual relationship or ordinary fraternization between two (2) individuals in a business or social context;

(4) "Domestic abuse" means:

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

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

(C)(i) A pattern of behavior that in purpose or effect unreasonably interferes with the free will and personal liberty of a person, also known as "course of control".

(ii) As used in subdivision (4)(C)(i) of this section, "course of control" means a pattern of behavior that in purpose or effect unreasonably interferes with the free will and personal liberty of a person and includes without limitation the unreasonable:

(a) Isolation of a person from his or her friends, relatives, or other sources of support;

(b) Deprivation of a person's basic necessities;

(c) Control, regulation, or monitoring of a person's movements, communications, daily behavior, finances, economic resources, or access to resources; or

(d) Compelling of a person by intimidation, force, threat of force, or threat based on actual or suspected immigration status to engage in conduct from which the person has a right to abstain or to abstain from conduct in which the person has a right to engage; or

(D)(i) A pattern of behavior that unreasonably destroys the mental or emotional calm of a family or household member based on the totality of the circumstances, also known as "disturbing the peace".

(ii) As used in subdivision (4)(D)(i) of this section, "disturbing the peace" means a pattern of behavior that unreasonably destroys the mental or emotional calm of a family or household member based on the totality of the circumstances and includes without

1 limitation:

2 (a) Molesting the other party;

3 (b) Attacking the other party;

4 (c) Striking the other party;

5 (d) Stalking the other party;

6 (e) Threatening the other party;

7 (f) Sexually assaulting the other party;

8 (g) Battering the other party;

9 (h) Credibly impersonating the other party;

10 (i) Falsely impersonating the other party;

11 (j) Harassing the other party;

12 (k) Telephoning the other party with the intent to harass the

13 other party;

14 (l) Destroying the personal property of the other party;

15 (m) Directly or indirectly contacting the other party with the

16 intent to harass the other party;

17 (n) Coming within a specified distance of the other party;

18 (o) Disturbing the peace of the other party;

19 (p) Disturbing the peace of a family member or household

20 member of the other party; or

21 (q) Any other act that the court determines should be

22 enjoined;

23 (5) "Family or household members" means spouses, former spouses, parents and
24 children, persons related by blood within the fourth degree of consanguinity, in-laws, any children
25 residing in the household, persons who presently or in the past have resided or cohabited together,
26 persons who have or have had a child in common, and persons who are presently or in the past
27 have been in a dating relationship together;

28 (6) "In-laws" means persons related by marriage within the second degree of
29 consanguinity; and

30 (7) "Wireless telephone service provider" means a commercial mobile radio service
31 provider or reseller.

33 SECTION 2. Arkansas Code § 9-15-201 is amended to read as follows:

34 9-15-201. Petition — Requirements generally.

35 (a) All petitions under this chapter shall be verified.

36 (b) The petition shall be filed with the circuit clerk in the county where the petitioner

resides, where the alleged incident of abuse occurred, or where the respondent may be served.

~~(c)(1) A petition for relief under this chapter may be filed in the circuit court.~~

~~(2) A petition for relief under this chapter may be filed in a pilot district court if the jurisdiction is established by the Supreme Court under Arkansas Constitution, Amendment 80, § 7, and if the cases are assigned to the pilot district court through the administrative plan under Supreme Court Administrative Order No. 14.~~

~~(d)~~ A petition may be filed by:

(1) Any adult family or household member on behalf of himself or herself;

(2) Any adult family or household member on behalf of another family or household member who is a minor, including a married minor;

(3) Any adult family or household member on behalf of another family or household member who has been adjudicated an incompetent; or

(4) An employee or volunteer of a domestic-violence shelter or program on behalf of a minor, including a married minor.

~~(e)(d)~~(1) A petition for relief shall:

(A) Allege the existence of domestic abuse;

(B) Disclose the existence of any pending litigation between the parties; and

(C) Disclose any prior filings of a petition for an order of protection under this chapter.

(2) The petition shall be accompanied by an affidavit made under oath that states the specific facts and circumstances of the domestic abuse and the specific relief sought.

~~(f)(e)~~ The petition may be filed regardless of whether there is any pending litigation between the parties.

~~(g)(f)~~ A person's right to file a petition; or obtain relief hereunder under this section shall not be affected by his or her leaving the residence or household to avoid abuse.

SECTION 3. Arkansas Code § 9-15-203 is amended to read as follows:

9-15-203. Petition — Form.

(a) The circuit clerk shall provide simplified forms and clerical assistance to help petitioners with the writing and filing of a petition under this chapter if the petitioner is not represented by counsel.

(b)(1) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall develop an informational pamphlet that provides information on domestic violence resources in consultation with experts on domestic abuse prevention and intervention.

(2) The circuit clerk shall provide the informational pamphlet developed under subdivision (b)(1) of this section.

~~(b)(c)~~ The petition form shall not require or suggest that a petitioner include his or her Social Security number or the Social Security number of the respondent in the petition.

~~(e)(d)(1)(A)~~ A petitioner may omit his or her home address or business address from all documents filed with the court.

(B) If a petitioner omits his or her home address, the petitioner shall provide the court with a mailing address.

(2) If disclosure of a petitioner's home address is necessary to determine jurisdiction or consider venue, the court may order the disclosure of the petitioner's home address:

(A) After receiving the petitioner's consent;

(B) Orally and in chambers, out of the presence of the respondent, and a sealed record to be made; or

(C) After a hearing, if the court takes into consideration the safety of the petitioner and finds the disclosure in the interest of justice.

~~(d)(e)~~ The petition may be in substantially the following form:

“Petition for Order of Protection

Case No. _____

Petitioner

Petitioner's home address:

Date of Birth

Petitioner's work address:

vs.

Respondent

Respondent's home address:

Date of Birth,
if known

Respondent's work address:

_____ I am the petitioner and _____ at least 18 years of age _____ under 18 but emancipated.

_____ I am filing on behalf of myself.

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

1 _____ a minor(s): (list) _____

2 _____ an adjudicated incompetent person: (list) _____

3 _____ The respondent is _____ at least 18 years of age _____ under 18 but emancipated.

4 _____ I am an employee or volunteer of a domestic violence shelter or program, and I am filing on
5 behalf of a minor.

6 The respondent and petitioner (or victim if filing on behalf of a minor or incompetent person):
7 (check all that apply)

8 _____ Are spouses; _____ Are related by blood;

9 _____ Are parent and child; _____ Currently reside together
10 or cohabit;

11 _____ Are former spouses; _____ Formerly resided together or
12 cohabitated;

13 _____ Have or have had a child in common;

14 or _____ Are presently or in the past
15 have been in a dating relationship.

16 If order of protection of children is requested:

17 Children Date of Birth Address Relationship to Parties

18 _____
19 _____
20 _____
21 _____

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

24 _____
25 _____
26 _____
27 _____
28 _____
29 _____
30 _____
31 _____
32 _____

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

34 _____
35 _____
36 _____

1 _____

2 _____

3 _____

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

5 _____ (2) The respondent is scheduled to be released from incarceration within thirty (30)

6 days and upon the respondent's release there will be an immediate and present danger of domestic

7 abuse to me.

8 The reasons are as follows: (describe)

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____ Petitioner requests that the court issue an ex parte order of protection with the following

15 provisions: (check all that apply)

16 _____ Excluding the respondent from a shared residence or from the residence of the petitioner or

17 victim. Address of residence:

18 _____

19 _____ Excluding the respondent from the place of business, employment, school, or other location

20 of the petitioner or victim. Address of residence:

21 _____

22 _____ Excluding the respondent from the place of business, employment, school, or other

23 location of the petitioner or victim. Address of:

24 Place of business: _____

25 Employment: _____

26 School: _____

27 Other (identify): _____

28 Prohibiting the respondent, directly or through an agent, from contacting the petitioner or victim,

29 except under the following conditions:

30 _____

31 _____

32 _____ Awarding temporary custody of minor

33 children as follows:

34 Child's Name and Name of Person to Receive Custody

35 _____

36 _____

1 _____
2 _____
3 _____ Requiring the respondent to pay child support in the amount of \$_____ per child per
4 month
5 _____ Requiring the respondent to pay spousal support in the amount of \$_____ per month
6 _____ Excluding the petitioner's address from notice to the respondent
7 _____ It is further requested that upon hearing, the court issue a full order of protection with the
8 following provisions: (check all that apply)
9 _____ Excluding the respondent from the shared residence or from the residence of the
10 petitioner or victim. Address of the
11 residence: _____
12 _____ Excluding the respondent from the place of business, employment, school, or other location
13 of the petitioner or victim. Address of:
14 Place of business: _____
15 Employment: _____
16 School: _____
17 Other (identify): _____
18 _____ Awarding temporary custody of minor children as follows:
19 Child's Name and Name of Person to Receive Custody
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____ Requiring the respondent to pay child support in the amount of \$_____ per child per
26 month
27 _____ Requiring the respondent to pay spousal support in the amount of \$_____ per month
28 _____ Requiring the respondent to pay filing fees, service fees, court costs and petitioner's
29 attorney fees.
30 _____ I am involved in pending litigation with the respondent in the case of:
31 Case No.: _____
32 Circuit or District Judge: _____
33 County or City: _____
34 _____ I have previously filed a petition for an order of protection against the respondent in the
35 following case or cases:
36 Case No.: _____

1 Circuit Judge: _____

2 County: _____

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

5 _____

6 Date

7 _____

8 _____

9 Petitioner's signature

10
11 STATE OF ARKANSAS

12 COUNTY OF _____

13 Subscribed and sworn to before me this _____ day of _____, 20____.

14
15 _____

16 Notary Public

17 My Commission Expires:

18 _____".

19
20 SECTION 4. Arkansas Code § 9-15-205(a), concerning the relief that a
21 court may order upon a hearing for a petition for an order of protection
22 under the Domestic Abuse Act of 1991, is amended to read as follows:

23 (a) At the hearing on the petition filed under this chapter, upon a finding of domestic abuse
24 as defined in § 9-15-103, the court may provide the following relief:

25 (1) Exclude the abusing party from the dwelling that the parties share or from the
26 residence of the petitioner or victim;

27 (2) Exclude the abusing party from the place of business or employment, school, or
28 other location of the petitioner or victim;

29 (3)(A) Award temporary custody or establish temporary visitation rights with regard
30 to minor children of the parties.

31 (B)(i) If a previous child custody or visitation determination has been made
32 by another court with continuing jurisdiction with regard to the minor children of the parties, a
33 temporary child custody or visitation determination may be made under subdivision (a)(3)(A) of this
34 section.

35 (ii) The order shall remain in effect until the court with original
36 jurisdiction enters a subsequent order regarding the children;

(4) Order temporary support for minor children or a spouse, with such support to be enforced in the manner prescribed by law for other child support and alimony awards;

(5) Allow the prevailing party a reasonable attorney's fee as part of the costs;

(6) Prohibit the abusing party directly or through an agent from contacting the petitioner or victim except under specific conditions named in the order;

(7) Direct the exclusive care, possession, custody, or control of any pet animal owned, possessed, leased, kept, or held by: ~~either party residing in the household; and~~

(A) The petitioner;

(B) The respondent; or

(C) A minor residing in the residence or household of either the petitioner or the respondent;

(8)(A) The court may order the respondent to refrain from:

(i) Coming into contact with the animal; or

(ii) Taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or disposing of the animal;

(B) Subdivision (8)(A) of this section does not limit any other remedy available to a petitioner by another provision of law;

(9) Prohibit the respondent from taking any action that could result in the termination of any necessary utility service or another necessary service related to the family dwelling or the dwelling of the petitioner;

(10) Prohibit the respondent from taking any action that could result in the cancellation or change of coverage or change of beneficiary of any health, automobile, or homeowner's insurance policy to the detriment of the petitioner or a dependent child in common of the petitioner and respondent;

(11) Prohibit the respondent from transferring, encumbering, concealing, or disposing of specified property owned or leased by the petitioner;

(12) Provide the petitioner with temporary possession of an automobile, debit card, credit card, checkbook, documentation related to financial accounts, documentation related to the petitioner's health, documentation related to automobile or homeowner's insurance, documentation related to proving identity, a key, or other necessary specified personal effects;

(13) Order the respondent to complete a domestic violence intervention program;

(14) Order the appointment of an attorney ad litem under Admin. Order No. 15.1 to represent any minor child or children; or

~~(8)(15)~~(A) Order other relief as the court deems necessary or appropriate for the protection of a family or household member.

(B) The relief may include, but not be limited to, without limitation enjoining

and restraining the abusing party from doing, attempting to do, or threatening to do any act injuring, mistreating, molesting, or harassing the petitioner.

SECTION 5. Arkansas Code § 9-15-219 is repealed.

~~9-15-219. Order of protection — Course of control — Definitions.~~

~~(a) As used in this section:~~

~~(1)(A) "Course of control" means a pattern of behavior that in purpose or effect unreasonably interferes with the free will and personal liberty of a person.~~

~~(B) "Course of control" includes without limitation the following:~~

~~(i) Unreasonably isolating a person from his or her friends, relatives, or other sources of support;~~

~~(ii) Unreasonably depriving a person of basic necessities;~~

~~(iii) Unreasonably controlling, regulating, or monitoring a person's movements, communications, daily behavior, finances, economic resources, or access to resources; and~~

~~(iv) Unreasonably compelling a person by intimidation, force, threat of force, or threat based on actual or suspected immigration status to engage in conduct from which the person has a right to abstain or to abstain from conduct in which the person has a right to engage; and~~

~~(2)(A) "Disturbing the peace" means a pattern of behavior that unreasonably destroys the mental or emotional calm of a family or household member based on the totality of the circumstances.~~

~~(B) "Disturbing the peace" includes without limitation course of control.~~

~~(b) A court may enter an ex parte order enjoining a party from engaging in course of control or disturbing the peace, including without limitation through one (1) or more of the following acts:~~

~~(1) Molesting the other party;~~

~~(2) Attacking the other party;~~

~~(3) Striking the other party;~~

~~(4) Stalking the other party;~~

~~(5) Threatening the other party;~~

~~(6) Sexually assaulting the other party;~~

~~(7) Battering the other party;~~

~~(8) Credibly impersonating the other party;~~

~~(9) Falsely impersonating the other party;~~

~~(10) Harassing the other party;~~

~~(11) Telephoning the other party with the intent to harass the other party;~~

- (12) Destroying the personal property of the other party;
- (13) Directly or indirectly contacting the other party with the intent to harass the other party;
- (14) Coming within a specified distance of the other party;
- (15) Disturbing the peace of the other party;
- (16) Disturbing the peace of a family member or household member of the other party; or
- (17) Any other act that the court determines should be enjoined.

(c)(1) Upon a showing of good cause, an order of protection may include an order granting the petitioner the exclusive care, possession, or control of an animal owned, possessed, leased, kept, or held by:

- (A) The petitioner;
- (B) The respondent; or
- (C) A minor residing in the residence or household of either the petitioner or respondent.

- (2) The court may order the respondent to refrain from:
 - (A) Coming into contact with the animal; or
 - (B) Taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.
- (d) This section does not limit any other remedy available to a petitioner by another provision of law.

SECTION 6. Arkansas Code Title 9, Chapter 15, Subchapter 2, is amended to add additional sections to read as follows:

9-15-220. Hearing – Ability of party or child to appear outside the physical presence of the other party.

(a) The court may allow the testimony of a party or a child who is the subject of a proceeding under this chapter to be taken outside the physical presence of any other party.

(b) This section does not limit any party's right to cross-examine a witness whose testimony is taken in a room other than the courtroom in accordance with an order made under this section.

9-15-221. Sheriff's office – Duties.

(a) The sheriff's office in every county in the state shall designate at least one (1) officer to serve petitions, notices of hearing, ex parte orders of protection, and final orders of protection on a

respondent under this subchapter.

(b)(1) The designated officer shall:

(A) Attempt to serve the respondent within two (2) hours of receiving the document;

(B) Keep a record of every attempt made to serve the respondent;

(C) Maintain a log detailing each attempt to serve the respondent, including without limitation the date, time, and address related to each attempt made.

(2) If the respondent is in a county other than the county where the petition was filed, the designated officer in the county where the respondent is located shall perform the duties included listed in subdivision (b)(1) of this section.

(c) The circuit clerk shall immediately provide the petition, ex parte temporary order, if granted, and notice of hearing to the designated officer.

(d)(1) The county sheriff shall immediately enter or cause to be entered any orders and subsequent modifications or cancellations made under this subchapter into the registry of orders of protection and temporary orders of protection order under § 12-12-215.

(2) If the county sheriff does not have a center terminal and entries are made by another agency that does have a center terminal, the agency with the center terminal shall make such entries immediately upon receipt of information from the county sheriff.

9-15-222. Violation of order of protection — Expedited hearing.

(a) An expedited hearing shall be scheduled when a motion for contempt is filed that alleges a violation of an order of protection.

(b) A request for relief under this section shall not preclude a party from seeking any other civil or criminal relief.

9-15-223. Domestic violence intervention programs — Definition — Purpose.

(a) As used in this section, "batterer intervention program or a domestic violence intervention program" means a certified intervention program that:

(1) Provides classes to individuals who commit acts of domestic violence or abuse; and

(2) Offers nonviolent strategies and values that promote respect and equality in a dating relationship.

(b) The purpose of a batterer intervention program or a domestic violence intervention program is to:

(1) Hold batterers accountable;

(2) Promote safety for victims;

(3) Interrupt, avoid, and end domestic violence and abuse; and

(4) Recognize that a participant in a batterer intervention program or a domestic violence intervention program may need additional services for mental health treatment, drug and alcohol treatment, parenting education, or other issues, and aid that participant in the connection to those services.

(c) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall be responsible for certification of a batterer intervention program or a domestic violence intervention program.

(d) A batterer intervention program or a domestic violence intervention program shall operate within a framework of the following fundamental tenets:

(1) Battery or domestic abuse is a pattern of behavior and not a singular event;

(2) While battery or domestic abuse is not an addiction or disease and not caused by alcohol or substance abuse, alcohol or substance abuse can be an aggravating factor and should be addressed;

(3) A batterer or a domestic abuser is solely responsible for his or her actions and must be held accountable for his or her violence and abuse;

(4) A batterer intervention program or a domestic violence intervention program service provider may provide factual information, but he or she shall not participate as an advocate for a batterer or a domestic abuser in a court setting; and

(5) Family reunification services to address behavior that constitutes battery or domestic abuse are:

(A) Inappropriate as the primary intervention; and

(B) Should not be used in the beginning stages of the batterer intervention program or a domestic violence intervention program or while violence is still occurring.

/s/Dalby

Referred requested by the Arkansas House of Representatives

Prepared by: LJH/AMS