

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: H3/19/97

# A Bill

HOUSE BILL 2004

4  
5 By: Representatives Thomas and Shoffner  
6 By: Senator Webb

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 9-13-101 TO MAKE DOMESTIC  
10 ABUSE A FACTOR FOR THE COURT TO CONSIDER IN AN AWARD OF  
11 CUSTODY; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT TO AMEND ARKANSAS CODE § 9-13-  
15 101."

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

19 SECTION 1. Arkansas Code § 9-13-101 is amended to read as follows:  
20 "9-13-101. Award of custody.

21 (a) In an action for divorce, the award of custody of the children of  
22 the marriage shall be made without regard to the sex of the parent, but solely  
23 in accordance with the welfare and best interests of the children.

24 (b) Where a party to an action concerning custody of or a right to  
25 visitation with a child has committed an act of domestic violence against the  
26 party making the allegation or a family or household member of either party,  
27 and such allegations are proven by a preponderance of the evidence, the court  
28 must consider the effect of such domestic violence upon the best interests of  
29 the child, whether or not the child was physically injured or personally  
30 witnessed the abuse, together with such other facts and circumstances as the  
31 court deems relevant in making a direction pursuant to this section."

33 SECTION 2. All provisions of this act of a general and permanent  
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
35 Code Revision Commission shall incorporate the same in the Code.

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1 SECTION 3. If any provision of this act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not affect  
3 other provisions or applications of the act which can be given effect without  
4 the invalid provision or application, and to this end the provisions of this  
5 act are declared to be severable.

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7 SECTION 4. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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*/s/Rep. Thomas et al*

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