

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S4/4/01
A Bill

HOUSE BILL 2174

5 By: Representatives Ledbetter, Bond, Green, Judy, Dees, C. Johnson, Borhauer, Agee, King, Bledsoe, J.
6 Elliott, Shoffner, W. Walker, Rodgers
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND VARIOUS LAWS TO FURTHER PROTECT
11 VICTIMS OF DOMESTIC ABUSE; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT TO PROTECT VICTIMS OF DOMESTIC
15 ABUSE.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

21 9-15-103. Definitions.

22 As used in this chapter:

23 (a) "Domestic abuse" means:

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

27 (2) Any sexual conduct between family or household members,
28 whether minors, or adults which constitutes a crime under the laws of this
29 state;

30 (b) "Family or household members" means spouses, former spouses,
31 parents and children, persons related by blood within the fourth degree of
32 consanguinity, any child residing in the household, ~~and~~ persons who presently
33 or in the past have resided or cohabited together, persons who have or have
34 had a child in common.
35

36 SECTION 2. Arkansas Code 5-26-302 is amended to read as follows:

1 5-26-302. Definitions.

2 As used in this subchapter:

3 (1) "~~Family~~ Family or household member" means:

4 ~~(1)(A)~~ Spouses;

5 ~~(2)(B)~~ Former spouses;

6 ~~(3)(C)~~ Parents;

7 ~~(4)(D)~~ Children, including any minors residing in the household;

8 ~~(5)(A)~~ (E)(i) Persons related by blood within the fourth degree of
9 consanguinity.

10 ~~(B)(ii)~~ Degrees of consanguinity shall be computed pursuant
11 to § 28-9-212; ~~and~~

12 ~~(6)(F)~~ Persons who are presently ~~residing or cohabitating~~ or in
13 the past have resided or cohabited *together; and*

14 (G) Persons who have or have had a child in common.

15
16 SECTION 3. Arkansas Code 16-81-113(b) is amended to read as follows:

17 (b) As used in this section:

18 (1) "Domestic abuse" means:

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

22 (B) Any sexual conduct between family or household members,
23 whether minors or adults, which constitutes a crime under the laws of this
24 state; ~~and~~

25 (2) "Family or household member" means spouses, former spouses,
26 parents and children, persons related by blood within the fourth degree of
27 consanguinity, ~~and any child residing in the household,~~ persons who are
28 *presently or in the past resided or cohabited together and persons who have or*
29 *have had a child in common.*

30
31 SECTION 4. Arkansas Code 9-15-203(b), concerning the petition form for
32 protection orders, is amended to read as follows:

33 (b) The petition may be in substantially the following form:

34 Petition for Order of Protection

35 Case No. _____

36 _____ Petitioner's home address:

1 Petitioner
 2 _____
 3 _____

4 Social Security Number
 5 Petitioner's work address:
 6 _____

7 vs.
 8
 9 _____ Respondent's home address:

10 Respondent
 11 _____

12 Social Security Number
 13 if known Respondent's work address:
 14 _____

15 ___ I am the petitioner and ___ at least 18 years of age ___ under 18 but
 16 emancipated.

17 ___ I am filing on behalf of myself.

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

19 ___ a minor(s): (list) _____

20 ___ an adjudicated incompetent person: (list) _____

21 ___ The respondent is ___ at least 18 years of age ___ under 18 but
 22 emancipated.

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

25 ___ are spouses ___ are related by blood

26 ___ are parent and child ___ currently reside together or cohabitate

27 ___ are former spouses ___ formerly resided together or cohabitated

28 ___ have or have had a child in common

29 If order of protection of children is requested:

| 30 | Children | Date of Birth | Address | Relationship to Parties |
|----|----------|---------------|---------|-------------------------|
| 31 | _____ | _____ | _____ | _____ |
| 32 | _____ | _____ | _____ | _____ |
| 33 | _____ | _____ | _____ | _____ |
| 34 | _____ | _____ | _____ | _____ |

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

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____

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

11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____

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

19 _____ (2) The respondent is scheduled to be released from incarceration
 20 within thirty (30) days and upon the respondent's release there will be an
 21 immediate and present danger of domestic abuse to me.

22 The reasons are as follows: (describe)

23 _____
 24 _____
 25 _____
 26 _____
 27 _____

28 ___ Petitioner requests that the court issue an ex parte order of protection
 29 with the following provisions: (check all that apply)

30 ___ excluding the respondent from a shared residence or from the residence
 31 of the petitioner or victim. Address of residence:

32 _____

33 ___ excluding the respondent from the place of business, employment, school
 34 or other location of the petitioner or victim. Address of residence:

35 _____

36 ___ excluding the respondent from the place of business, employment, school

1 or other location of the petitioner or victim. Address of:
 2 place of business: _____
 3 employment: _____
 4 school: _____
 5 other (identify): _____

6 Prohibiting the respondent, directly or through an agent, from contacting
 7 the petitioner or victim, except under the following conditions:

8 _____
 9 _____
 10 _____

11 ___ awarding temporary custody of minor children as follows:

| Child's Name | Person to Receive Custody |
|--------------|---------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

18 ___ requiring the respondent to pay child support in the amount of \$_____
 19 per child per month

20 ___ requiring the respondent to pay spousal support in the amount of \$_____
 21 per month

22 ___ excluding the petitioner's address from notice to the respondent

23 ___ It is further requested that upon hearing the court issue a full order of
 24 protection with the following provisions: (check all that apply)

25 ___ excluding the respondent from the shared residence or from the residence
 26 of the petitioner or victim. Address of the residence:

27 _____

28 ___ excluding the respondent from the place of business, employment, school
 29 or other location of the petitioner or victim. Address of:

30 place of business: _____
 31 employment: _____
 32 school: _____
 33 other (identify): _____

34 ___ awarding temporary custody of minor children as follows:

| Child's Name | Person to Receive Custody |
|--------------|---------------------------|
| _____ | _____ |

1 _____
 2 _____
 3 _____
 4 _____

5 ___ requiring the respondent to pay child support in the amount of \$_____ per child per month

7 ___ requiring the respondent to pay spousal support in the amount of \$_____ per month

9 ___ requiring the respondent to pay filing fees, service fees, court costs and petitioner's attorney fees.

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

13 _____
 14 Date Petitioner's signature

15 STATE OF ARKANSAS
 16 COUNTY OF _____

17 Subscribed and sworn to before me this _____ day of _____,
 18 ~~1920~~_____.

20 _____
 21 Notary Public

22 My Commission Expires:
 23 _____

24 /s/ Ledbetter

25
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