1	State of Arkansas As Engrossed: H2/19/25 H3/10/25 95th General Assembly As Engrossed: H2/19/25 H3/10/25
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3	Regular Session, 2025HOUSE BILL 1434
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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	AND FOR OTHER PURPOSES.
12	AND FOR OTHER FORTOBES.
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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.
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 $\frac{violence}{violence}$ as
29	defined in the Domestic Abuse Act of 1991, § 9-15-101 et seq., against the
30	party making the allegation or a family or household member of either party
31	and such allegations are proven by a preponderance of the evidence <u>at a</u>
32	hearing on the merits, the circuit court must shall consider the effect of
33	such domestic violence abuse upon the best interests of the child, whether
34	or not the child was physically injured or personally witnessed the abuse,
35	together with such facts and circumstances as the circuit court deems
36	relevant in making a directive pursuant to this section.



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1	(2) With regard to an award of custody:
2	(A) There is a rebuttable presumption that it is not in
3	the best interest of the child to be placed in the sole, primary, or joint
4	custody of an abusive <u>a</u> parent in cases in which there is a finding by the
5	preponderance of the evidence that the parent or other party has engaged in a
6	pattern of domestic abuse. or other party who has been found at a hearing on
7	the merits to have engaged in a pattern of domestic abuse as defined in the
8	Domestic Abuse Act of 1991, § 9-15-101 et seq.
9	(B) The parent or other party that has been found to have
10	committed domestic abuse has the burden of rebutting the presumption under
11	subdivision (c)(2)(A) of this section by proving by a preponderance of the
12	evidence that having custody of the child will not endanger the physical,
13	mental, or emotional health of the child.
14	(3) With regard to an award of reasonable parenting time provided for
15	in subdivision (b)(l)(A)(vii) of this section to a parent or other party who
16	fails to rebut the presumption under subdivision $(c)(2)(B)$ of this section, a
17	court awarding unsupervised parenting time to that parent or other party:
18	(A) Shall, in addition to the facts, findings, and
19	conclusions of law in the court's written order under subdivision (b)(3)(A)
20	of this section, make findings as to:
21	(i) Whether the parent or other party poses an
22	ongoing risk of harm to the child's physical, mental, or emotional health;
23	and
24	(ii) Why the parent or other party who committed the
25	domestic abuse does not present a risk of harm to the child; and
26	(B) May order safety conditions and completion of a
27	certified domestic violence intervention program for the parent or other
28	party's visits with the child.
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30	/s/Hudson
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