

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1434

5 By: Representatives Hudson, K. Moore, McCullough
6 By: Senator Irvin
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For An Act To Be Entitled

8
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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Subtitle

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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:
23

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)(1) If a party to an action concerning custody of or a right to
28 visitation with a child has committed an act of domestic ~~violence~~ abuse or
29 course of control as defined under the Domestic Abuse Act of 1991, § 9-15-101
30 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 or care of an abusive
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 or other party has engaged in a pattern of
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 child.

13 (3) If the court grants unsupervised visitation to a parent or
14 other party who has been found to have committed an act of domestic abuse or
15 course of control, the court shall:

16 (A) 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) Order safety conditions and completion of a domestic
23 violence intervention program for the parent or other party's visits with the
24 child to protect the child.

25 (4) If the court orders supervised or unsupervised visitation in
26 a case involving a parent or other party who has been found to have committed
27 an act of domestic abuse or course of control, the court shall, no less than
28 one (1) time per year until the child reaches eighteen (18) years of age,
29 continue to review the:

30 (A) Risk of harm to the child; and

31 (B) Need to modify or supervise the visitation.