

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

A Bill

HOUSE BILL 1848

5 By: Representatives Hudson, K. Moore, McCullough, Eubanks
6 By: Senator Irvin
7

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 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.
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)(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
29 against the party making the allegation or a family or household member of
30 either party and such allegations are proven by a preponderance of the
31 evidence at a hearing on the merits, the circuit court ~~must~~ shall consider
32 the effect of such domestic violence upon the best ~~interests~~ interest of the
33 child, whether or not the child was physically injured or personally
34 witnessed the abuse, together with such facts and circumstances as the
35 circuit court deems relevant in making a directive pursuant to this section.

36 (2) For purposes of this section, "domestic abuse" means:



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

4 (B) Any sexual conduct between family or household
 5 members, whether minors or adults, that constitutes an offense under the laws
 6 of this state.

7 ~~(2)~~(3) With regard to an award of custody:

8 (A) There is a rebuttable presumption that it is not in
 9 the best interest of the child to be placed in the sole custody or care of an
 10 abusive parent a parent in cases in which there is a finding by a
 11 preponderance of the evidence that the parent has engaged in a pattern of
 12 domestic abuse or other party who has been found at a hearing on the merits
 13 to have engaged in a pattern of domestic abuse.

14 (B) The parent or other party that has been found to have
 15 committed domestic abuse has the burden of rebutting the presumption under
 16 subdivision (c)(3)(A) of this section by proving by a preponderance of the
 17 evidence that having custody or care of the child will not endanger the child
 18 as set forth in subdivision (b)(1)(A)(vii) of this section.

19 (4) With regard to an award of reasonable parenting time
 20 provided for in subdivision (b)(1)(A)(vii) of this section to a parent or
 21 other party who fails to rebut the presumption under subdivision (c)(3)(B) of
 22 this section, a court awarding unsupervised parenting time to that parent or
 23 other party:

24 (A) Shall, in addition to the facts, findings, and
 25 conclusions of law in the court's written order under subdivision (b)(3)(A)
 26 of this section, make findings as to:

27 (i) Whether the parent or other party poses an
 28 ongoing risk of harm to the child; and

29 (ii) Why the parent or other party who committed the
 30 domestic abuse does not present a risk of harm to the child; and

31 (B) May order safety conditions and completion of a
 32 certified domestic violence intervention program for the parent or other
 33 party's visits with the child.

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