

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/14/19 H3/25/19
A Bill

HOUSE BILL 1759

By: Representatives Hawks, Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING JOINT CUSTODY AND
THE MODIFICATION OF A CHILD CUSTODY DECREE; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING JOINT CUSTODY
AND THE MODIFICATION OF A CHILD CUSTODY
DECREE.

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

SECTION 1. Arkansas Code § 9-13-101(b)(1)(A), concerning the award of custody, is amended to read as follows:

(b)(1)(A)(i) When in the best interest of a child, custody shall be awarded in such a way so as to assure the frequent and continuing contact of the child with both parents consistent with subdivision (a)(1)(A) of this section.

(ii) To this effect, the circuit court may consider awarding joint custody of a child to the parents in making an order for custody.

(iii) If, at any time, the circuit court finds by a preponderance of the evidence that one (1) parent demonstrates a pattern of willfully creating conflict in an attempt to disrupt a current or pending joint-custody arrangement, the circuit court may deem such behavior as a material change of circumstances and may change a joint custody order to an order of primary custody to the nondisruptive parent.



(iv) If a modification of a child custody decree is based on the active duty status of a parent as a member of the United States Armed Forces deployed outside of the United States or the federal active duty status of a parent as a member of a state National Guard or reserve component:

(a) Any modification of the child custody decree shall:

(1) Be temporary; and

(2) Revert back to the previous child custody decree at the end of the deployment or federal active duty unless both parties consent to a modification that continues after the deployment or federal active duty; and

(b) The deployment or federal active duty status shall be considered the equivalent of daily parental presence and parental involvement with the child.

~~(iv)~~(v) Child support under a joint custody order is issued at the discretion of the court and shall:

(a) Be consistent with Administrative Order No. 10 – Arkansas Child Support Guidelines; or

(b) Deviate from Administrative Order No. 10 – Arkansas Child Support Guidelines as permitted by the rule.

/s/Hawks

APPROVED: 4/11/19