

1 INTERIM STUDY PROPOSAL 2025-052

2
3 State of Arkansas
4 95th General Assembly
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A Bill

HOUSE BILL 1829

6
7 By: Representatives Dalby, Evans

8 By: Senator A. Clark

9 Filed with: House Committee on Judiciary
10 pursuant to A.C.A. §10-3-217.

11 **For An Act To Be Entitled**

12 AN ACT TO AMEND THE DOMESTIC ABUSE ACT OF 1991; TO
13 PROVIDE FOR REMOTE TESTIMONY IN CERTAIN INSTANCES IN
14 A HEARING UNDER THE DOMESTIC ABUSE ACT OF 1991; TO
15 AMEND REQUIREMENTS REGARDING SERVICE OF PLEADINGS OR
16 FILINGS UNDER AN ORDER OF PROTECTION MATTER; TO
17 PROVIDE OVERSIGHT FOR A DOMESTIC VIOLENCE
18 INTERVENTION PROGRAM; AND FOR OTHER PURPOSES.

19
20
21 **Subtitle**

22 TO AMEND THE DOMESTIC ABUSE ACT OF 1991;
23 TO PROVIDE FOR REMOTE TESTIMONY IN
24 CERTAIN INSTANCES IN A HEARING UNDER THE
25 DOMESTIC ABUSE ACT OF 1991; AND TO
26 PROVIDE OVERSIGHT FOR A DOMESTIC
27 VIOLENCE INTERVENTION PROGRAM.

28
29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

30
31 SECTION 1. Arkansas Code § 9-15-103 is amended to read as follows:
32 9-15-103. Definitions.

33 As used in this chapter:

34 (1) "Commercial mobile radio service" means commercial mobile
35 service as defined in 47 U.S.C. § 332, as it existed on January 1, 2025;

36 (2) "County where the petitioner resides" means the county in

1 which the petitioner physically resides at the time the petition is filed and
2 may include a county where the petitioner is located for a short-term stay in
3 a domestic violence shelter;

4 (3)(A) "Dating relationship" means a romantic or intimate social
5 relationship between two (2) individuals that shall be determined by
6 examining the following factors:

- 7 (i) The length of the relationship;
- 8 (ii) The type of the relationship; and
- 9 (iii) The frequency of interaction between the two
10 (2) individuals involved in the relationship.

11 (B) "Dating relationship" does not include a casual
12 relationship or ordinary fraternization between two (2) individuals in a
13 business or social context;

14 (4) "Domestic abuse" means:

15 (A) Physical harm, bodily injury, assault, or the
16 infliction of fear of imminent physical harm, bodily injury, or assault
17 between family or household members; ~~or~~

18 (B) Any sexual conduct between family or household
19 members, whether minors or adults, that constitutes a crime under the laws of
20 this state;

21 (C)(i) A pattern of behavior that in purpose or effect
22 unreasonably interferes with the free will and personal liberty of a person,
23 also known as "course of control".

24 (ii) As used in subdivision (4)(C)(i) of this
25 section, "course of control" means a pattern of behavior that in purpose or
26 effect unreasonably interferes with the free will and personal liberty of a
27 person and includes without limitation the unreasonable:

28 (a) Isolation of a person from his or her
29 friends, relatives, or other sources of support;

30 (b) Deprivation of a person's basic
31 necessities;

32 (c) Control, regulation, or monitoring of a
33 person's movements, communications, daily behavior, finances, economic
34 resources, or access to resources; or

35 (d) Compelling of a person by intimidation,
36 force, threat of force, or threat based on actual or suspected immigration

1 status to engage in conduct from which the person has a right to abstain or
2 to abstain from conduct in which the person has a right to engage; or

3 (D)(i) A pattern of behavior that unreasonably destroys
4 the mental or emotional calm of a family or household member based on the
5 totality of the circumstances, also known as "disturbing the peace".

6 (ii) As used in subdivision (4)(D)(i) of this
7 section, "disturbing the peace" means a pattern of behavior that unreasonably
8 destroys the mental or emotional calm of a family or household member based
9 on the totality of the circumstances and includes without limitation:

10 (a) Molesting the other party;

11 (b) Attacking the other party;

12 (c) Striking the other party;

13 (d) Stalking the other party;

14 (e) Threatening the other party;

15 (f) Sexually assaulting the other party;

16 (g) Battering the other party;

17 (h) Credibly impersonating the other party;

18 (i) Falsely impersonating the other party;

19 (j) Harassing the other party;

20 (k) Telephoning the other party with the
21 intent to harass the other party;

22 (l) Destroying the personal property of the
23 other party;

24 (m) Directly or indirectly contacting the
25 other party with the intent to harass the other party;

26 (n) Coming within a specified distance of the
27 other party;

28 (o) Disturbing the peace of the other party;

29 (p) Disturbing the peace of a family member or
30 household member of the other party; or

31 (q) Any other act that the court determines
32 should be enjoined;

33 (5) "Family or household members" means spouses, former spouses,
34 parents and children, persons related by blood within the fourth degree of
35 consanguinity, in-laws, any children residing in the household, persons who
36 presently or in the past have resided or cohabited together, persons who have

1 or have had a child in common, and persons who are presently or in the past
2 have been in a dating relationship together;

3 (6) "In-laws" means persons related by marriage within the
4 second degree of consanguinity; and

5 (7) "Wireless telephone service provider" means a commercial
6 mobile radio service provider or reseller.

7
8 SECTION 2. Arkansas Code § 9-15-201 is amended to read as follows:
9 9-15-201. Petition – Requirements generally.

10 (a) All petitions under this chapter shall be verified.

11 (b) The petition shall be filed with the circuit clerk in the county
12 where the petitioner resides, where the alleged incident of abuse occurred,
13 or where the respondent may be served.

14 ~~(c)(1) A petition for relief under this chapter may be filed in the~~
15 ~~circuit court.~~

16 ~~(2) A petition for relief under this chapter may be filed in a~~
17 ~~pilot district court if the jurisdiction is established by the Supreme Court~~
18 ~~under Arkansas Constitution, Amendment 80, § 7, and if the cases are assigned~~
19 ~~to the pilot district court through the administrative plan under Supreme~~
20 ~~Court Administrative Order No. 14.~~

21 ~~(d)~~ A petition may be filed by:

22 (1) Any adult family or household member on behalf of himself or
23 herself;

24 (2) Any adult family or household member on behalf of another
25 family or household member who is a minor, including a married minor;

26 (3) Any adult family or household member on behalf of another
27 family or household member who has been adjudicated an incompetent; or

28 (4) An employee or volunteer of a domestic-violence shelter or
29 program on behalf of a minor, including a married minor.

30 ~~(e)~~(d)(1) A petition for relief shall:

31 (A) Allege the existence of domestic abuse;

32 (B) Disclose the existence of any pending litigation
33 between the parties; and

34 (C) Disclose any prior filings of a petition for an order
35 of protection under this chapter.

36 (2) The petition shall be accompanied by an affidavit made under

1 oath that states the specific facts and circumstances of the domestic abuse
2 and the specific relief sought.

3 ~~(f)~~(e) The petition may be filed regardless of whether there is any
4 pending litigation between the parties.

5 ~~(g)~~(f) A person's right to file a petition, or obtain relief ~~hereunder~~
6 under this section shall not be affected by his or her leaving the residence
7 or household to avoid abuse.

8
9 SECTION 3. Arkansas Code § 9-15-203 is amended to read as follows:
10 9-15-203. Petition – Form.

11 (a) The circuit clerk shall provide simplified forms and clerical
12 assistance to help petitioners with the writing and filing of a petition
13 under this chapter if the petitioner is not represented by counsel.

14 (b)(1) The Arkansas Child Abuse/Rape/Domestic Violence Commission
15 shall develop an informational pamphlet that provides information on domestic
16 violence resources in consultation with experts on domestic abuse prevention
17 and intervention.

18 (2) The circuit clerk shall provide the informational pamphlet
19 developed under subdivision (b)(1) of this section.

20 ~~(b)~~(c) The petition form shall not require or suggest that a
21 petitioner include his or her Social Security number or the Social Security
22 number of the respondent in the petition.

23 ~~(e)~~(d)(1)(A) A petitioner may omit his or her home address or business
24 address from all documents filed with the court.

25 (B) If a petitioner omits his or her home address, the
26 petitioner shall provide the court with a mailing address.

27 (2) If disclosure of a petitioner's home address is necessary to
28 determine jurisdiction or consider venue, the court may order the disclosure
29 of the petitioner's home address:

30 (A) After receiving the petitioner's consent;

31 (B) Orally and in chambers, out of the presence of the
32 respondent, and a sealed record to be made; or

33 (C) After a hearing, if the court takes into consideration
34 the safety of the petitioner and finds the disclosure in the interest of
35 justice.

36 ~~(d)~~(e) The petition may be in substantially the following form:

1 _____ Have or have had a child in common;
2 or _____ Are presently or in the past
3 have been in a dating relationship.

4 If order of protection of children is requested:

5 Children	Date of Birth	Address	Relationship to Parties
6			
7			
8			
9			

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

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

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

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

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

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

33 The reasons are as follows: (describe)

34 _____

35 _____

36 _____

1 _____

2 _____

3 _____ Petitioner requests that the court issue an ex parte order of
4 protection with the following provisions: (check all that apply)

5 _____ Excluding the respondent from a shared residence or from the residence
6 of the petitioner or victim. Address of residence:

7 _____

8 _____ Excluding the respondent from the place of business, employment,
9 school, or other location of the petitioner or victim. Address of residence:

10 _____

11 _____ Excluding the respondent from the place of business, employment,
12 school, or other location of the petitioner or victim. Address of:

13 Place of business: _____

14 Employment: _____

15 School: _____

16 Other (identify): _____

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

19 _____

20 _____

21 _____

22 _____ Awarding temporary custody of minor children as follows:

23 Child's Name and Name of Person to Receive Custody

24 _____

25 _____

26 _____

27 _____

28 _____ Requiring the respondent to pay child support in the amount of

29 \$_____ per child per month

30 _____ Requiring the respondent to pay spousal support in the amount of

31 \$_____ per month

32 _____ Excluding the petitioner's address from notice to the respondent

33 _____ It is further requested that upon hearing, the court issue a full
34 order of protection with the following provisions: (check all that apply)

35 _____ Excluding the respondent from the shared residence or from the
36 residence of the petitioner or victim. Address of the

1 residence: _____

2 _____ Excluding the respondent from the place of business, employment,
3 school, or other location of the petitioner or victim. Address of:

4 Place of business: _____

5 Employment: _____

6 School: _____

7 Other (identify): _____

8 _____ Awarding temporary custody of minor children as follows:

9 Child's Name and Name of Person to Receive Custody

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____ Requiring the respondent to pay child support in the amount of
16 \$_____ per child per month

17 _____ Requiring the respondent to pay spousal support in the amount of
18 \$_____ per month

19 _____ Requiring the respondent to pay filing fees, service fees, court costs
20 and petitioner's attorney fees.

21 _____ I am involved in pending litigation with the respondent in the case
22 of:

23 Case No.: _____

24 Circuit or District Judge: _____

25 County or City: _____

26 _____ I have previously filed a petition for an order of protection against
27 the respondent in the following case or cases:

28 Case No.: _____

29 Circuit Judge: _____

30 County: _____

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

33 _____

34 Date

35 _____

36 _____

1 Petitioner's signature

2

3 STATE OF ARKANSAS

4 COUNTY OF _____

5 Subscribed and sworn to before me this _____ day of

6 _____, 20____.

7

8 _____

9 Notary Public

10 My Commission Expires:

11 _____".

12

13 SECTION 4. Arkansas Code § 9-15-205(a), concerning the relief that a
14 court may order upon a hearing for a petition for an order of protection
15 under the Domestic Abuse Act of 1991, is amended to read as follows:

16 (a) At the hearing on the petition filed under this chapter, upon a
17 finding of domestic abuse as defined in § 9-15-103, the court may provide the
18 following relief:

19 (1) Exclude the abusing party from the dwelling that the parties
20 share or from the residence of the petitioner or victim;

21 (2) Exclude the abusing party from the place of business or
22 employment, school, or other location of the petitioner or victim;

23 (3)(A) Award temporary custody or establish temporary visitation
24 rights with regard to minor children of the parties.

25 (B)(i) If a previous child custody or visitation
26 determination has been made by another court with continuing jurisdiction
27 with regard to the minor children of the parties, a temporary child custody
28 or visitation determination may be made under subdivision (a)(3)(A) of this
29 section.

30 (ii) The order shall remain in effect until the court
31 with original jurisdiction enters a subsequent order regarding the children;

32 (4) Order temporary support for minor children or a spouse, with
33 such support to be enforced in the manner prescribed by law for other child
34 support and alimony awards;

35 (5) Allow the prevailing party a reasonable attorney's fee as
36 part of the costs;

1 (6) Prohibit the abusing party directly or through an agent from
2 contacting the petitioner or victim except under specific conditions named in
3 the order;

4 (7) Direct the exclusive care, possession, custody, or control
5 of any ~~pet~~ animal owned, possessed, leased, kept, or held by: ~~either party~~
6 ~~residing in the household; and~~

7 (A) The petitioner;

8 (B) The respondent; or

9 (C) A minor residing in the residence or household of
10 either the petitioner or the respondent;

11 (8)(A) The court may order the respondent to refrain from:

12 (i) Coming into contact with the animal; or

13 (ii) Taking, transferring, encumbering, concealing,
14 molesting, attacking, striking, threatening, harming, or disposing of the
15 animal;

16 (B) Subdivision (8)(A) of this section does not limit any
17 other remedy available to a petitioner by another provision of law;

18 (9) Prohibit the respondent from taking any action that could
19 result in the termination of any necessary utility service or another
20 necessary service related to the family dwelling or the dwelling of the
21 petitioner;

22 (10) Prohibit the respondent from taking any action that could
23 result in the cancellation or change of coverage or change of beneficiary of
24 any health, automobile, or homeowner's insurance policy to the detriment of
25 the petitioner or a dependent child in common of the petitioner and
26 respondent;

27 (11) Prohibit the respondent from transferring, encumbering,
28 concealing, or disposing of specified property owned or leased by the
29 petitioner;

30 (12) Provide the petitioner with temporary possession of an
31 automobile, debit card, credit card, checkbook, documentation related to
32 financial accounts, documentation related to the petitioner's health,
33 documentation related to automobile or homeowner's insurance, documentation
34 related to proving identity, a key, or other necessary specified personal
35 effects;

36 (13) Order the respondent to complete a domestic violence

1 intervention program;

2 (14) Order the appointment of an attorney ad litem under Admin.
3 Order No. 15.1 to represent any minor child or children; or

4 ~~(8)(15)~~(A) Order other relief as the court deems necessary or
5 appropriate for the protection of a family or household member.

6 (B) The relief may include, ~~but not be limited to,~~ without
7 limitation enjoining and restraining the abusing party from doing, attempting
8 to do, or threatening to do any act injuring, mistreating, molesting, or
9 harassing the petitioner.

10

11 SECTION 5. Arkansas Code § 9-15-219 is repealed.

12 ~~9-15-219. Order of protection — Course of control — Definitions.~~

13 ~~(a) As used in this section:~~

14 ~~(1)(A) “Course of control” means a pattern of behavior that in~~
15 ~~purpose or effect unreasonably interferes with the free will and personal~~
16 ~~liberty of a person.~~

17 ~~(B) “Course of control” includes without limitation the~~
18 ~~following:~~

19 ~~(i) Unreasonably isolating a person from his or her~~
20 ~~friends, relatives, or other sources of support;~~

21 ~~(ii) Unreasonably depriving a person of basic~~
22 ~~necessities;~~

23 ~~(iii) Unreasonably controlling, regulating, or~~
24 ~~monitoring a person’s movements, communications, daily behavior, finances,~~
25 ~~economic resources, or access to resources; and~~

26 ~~(iv) Unreasonably compelling a person by~~
27 ~~intimidation, force, threat of force, or threat based on actual or suspected~~
28 ~~immigration status to engage in conduct from which the person has a right to~~
29 ~~abstain or to abstain from conduct in which the person has a right to engage;~~
30 ~~and~~

31 ~~(2)(A) “Disturbing the peace” means a pattern of behavior that~~
32 ~~unreasonably destroys the mental or emotional calm of a family or household~~
33 ~~member based on the totality of the circumstances.~~

34 ~~(B) “Disturbing the peace” includes without limitation~~
35 ~~course of control.~~

36 ~~(b) A court may enter an ex parte order enjoining a party from~~

1 ~~engaging in course of control or disturbing the peace, including without~~
2 ~~limitation through one (1) or more of the following acts:~~

- 3 ~~(1) Molesting the other party;~~
- 4 ~~(2) Attacking the other party;~~
- 5 ~~(3) Striking the other party;~~
- 6 ~~(4) Stalking the other party;~~
- 7 ~~(5) Threatening the other party;~~
- 8 ~~(6) Sexually assaulting the other party;~~
- 9 ~~(7) Battering the other party;~~
- 10 ~~(8) Credibly impersonating the other party;~~
- 11 ~~(9) Falsely impersonating the other party;~~
- 12 ~~(10) Harassing the other party;~~
- 13 ~~(11) Telephoning the other party with the intent to harass the~~
14 ~~other party;~~
- 15 ~~(12) Destroying the personal property of the other party;~~
- 16 ~~(13) Directly or indirectly contacting the other party with the~~
17 ~~intent to harass the other party;~~
- 18 ~~(14) Coming within a specified distance of the other party;~~
- 19 ~~(15) Disturbing the peace of the other party;~~
- 20 ~~(16) Disturbing the peace of a family member or household member~~
21 ~~of the other party; or~~
- 22 ~~(17) Any other act that the court determines should be enjoined.~~

23 ~~(c)(1) Upon a showing of good cause, an order of protection may~~
24 ~~include an order granting the petitioner the exclusive care, possession, or~~
25 ~~control of an animal owned, possessed, leased, kept, or held by:~~

- 26 ~~(A) The petitioner;~~
- 27 ~~(B) The respondent; or~~
- 28 ~~(C) A minor residing in the residence or household of~~

29 ~~either the petitioner or respondent.~~

30 ~~(2) The court may order the respondent to refrain from:~~

- 31 ~~(A) Coming into contact with the animal; or~~
- 32 ~~(B) Taking, transferring, encumbering, concealing,~~

33 ~~molesting, attacking, striking, threatening, harming, or otherwise disposing~~
34 ~~of the animal.~~

35 ~~(d) This section does not limit any other remedy available to a~~
36 ~~petitioner by another provision of law.~~

1
2 SECTION 6. Arkansas Code Title 9, Chapter 15, Subchapter 2, is amended
3 to add additional sections to read as follows:

4 9-15-220. Hearing – Ability of party or child to appear outside the
5 physical presence of the other party.

6 (a) The court may allow the testimony of a party or a child who is the
7 subject of a proceeding under this chapter to be taken outside the physical
8 presence of any other party.

9 (b) This section does not limit any party’s right to cross-examine a
10 witness whose testimony is taken in a room other than the courtroom in
11 accordance with an order made under this section.

12
13 9-15-221. Sheriff’s office – Duties.

14 (a) The sheriff’s office in every county in the state shall designate
15 at least one (1) officer to serve petitions, notices of hearing, ex parte
16 orders of protection, and final orders of protection on a respondent under
17 this subchapter.

18 (b)(1) The designated officer shall:

19 (A) Attempt to serve the respondent within two (2) hours
20 of receiving the document;

21 (B) Keep a record of every attempt made to serve the
22 respondent;

23 (C) Maintain a log detailing each attempt to serve the
24 respondent, including without limitation the date, time, and address related
25 to each attempt made.

26 (2) If the respondent is in a county other than the county where
27 the petition was filed, the designated officer in the county where the
28 respondent is located shall perform the duties included listed in subdivision
29 (b)(1) of this section.

30 (c) The circuit clerk shall immediately provide the petition, ex parte
31 temporary order, if granted, and notice of hearing to the designated officer.

32 (d)(1) The county sheriff shall immediately enter or cause to be
33 entered any orders and subsequent modifications or cancellations made under
34 this subchapter into the registry of orders of protection and temporary
35 orders of protection order under § 12-12-215.

36 (2) If the county sheriff does not have a center terminal and

1 entries are made by another agency that does have a center terminal, the
2 agency with the center terminal shall make such entries immediately upon
3 receipt of information from the county sheriff.

4
5 9-15-222. Violation of order of protection – Expedited hearing.

6 (a) An expedited hearing shall be scheduled when a motion for contempt
7 is filed that alleges a violation of an order of protection.

8 (b) A request for relief under this section shall not preclude a party
9 from seeking any other civil or criminal relief.

10
11 9-15-223. Domestic violence intervention programs – Definition –
12 Purpose.

13 (a) As used in this section, "batterer intervention program or a
14 domestic violence intervention program" means a certified intervention
15 program that:

16 (1) Provides classes to individuals who commit acts of domestic
17 violence or abuse; and

18 (2) Offers nonviolent strategies and values that promote respect
19 and equality in a dating relationship.

20 (b) The purpose of a batterer intervention program or a domestic
21 violence intervention program is to:

22 (1) Hold batterers accountable;

23 (2) Promote safety for victims;

24 (3) Interrupt, avoid, and end domestic violence and abuse; and

25 (4) Recognize that a participant in a batterer intervention
26 program or a domestic violence intervention program may need additional
27 services for mental health treatment, drug and alcohol treatment, parenting
28 education, or other issues, and aid that participant in the connection to
29 those services.

30 (c) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall
31 be responsible for certification of a batterer intervention program or a
32 domestic violence intervention program.

33 (d) A batterer intervention program or a domestic violence
34 intervention program shall operate within a framework of the following
35 fundamental tenets:

36 (1) Battery or domestic abuse is a pattern of behavior and not a

1 singular event;

2 (2) While battery or domestic abuse is not an addiction or
3 disease and not caused by alcohol or substance abuse, alcohol or substance
4 abuse can be an aggravating factor and should be addressed;

5 (3) A batterer or a domestic abuser is solely responsible for
6 his or her actions and must be held accountable for his or her violence and
7 abuse;

8 (4) A batterer intervention program or a domestic violence
9 intervention program service provider may provide factual information, but he
10 or she shall not participate as an advocate for a batterer or a domestic
11 abuser in a court setting; and

12 (5) Family reunification services to address behavior that
13 constitutes battery or domestic abuse are:

14 (A) Inappropriate as the primary intervention; and

15 (B) Should not be used in the beginning stages of the
16 batterer intervention program or a domestic violence intervention program or
17 while violence is still occurring.

18

19 */s/Dalby*

20

21

22 Referred requested by the Arkansas House of Representatives

23 Prepared by: LJH/AMS

24

25