

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/21/13
A Bill

SENATE BILL 901

By: Senators J. Woods, J. English

By: Representatives Lowery, Alexander, Neal, *E. Armstrong, Baine, Ballinger*

For An Act To Be Entitled

AN ACT CONCERNING CHILD CUSTODY PRESUMPTIONS IN
DIVORCE CASES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING CHILD CUSTODY PRESUMPTIONS IN
DIVORCE CASES.

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

SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning awarding child custody, is amended to read as follows:

(a)(1)(A)(i) In an action for divorce, the award of custody of a child of the marriage shall be made without regard to the sex of a parent but solely in accordance with the welfare and best interest of the child.

(ii) In determining the best interest of the child, the court may consider the preferences of the child if the child is of a sufficient age and mental capacity to reason, regardless of chronological age.

(iii) In an action for divorce, an award of joint custody is favored in Arkansas.

SECTION 2. Arkansas Code § 9-13-101(a), concerning awarding child custody, is amended to add an additional subdivision to read as follows:

(5) As used in this section, "joint custody" means the approximate and reasonable equal division of time with the child by both parents individually as agreed to by the parents or as ordered by the court.



SECTION 3. Arkansas Code § 9-13-101(b)(1)(A), concerning joint custody, is amended to read as follows:

(b)(1)(A)(i) When in the best ~~interests~~ 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) 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 - Child Support Guidelines; or

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

/s/J. Woods