

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/11/19  
**A Bill**

HOUSE BILL 1325

By: Representative Lowery

### **For An Act To Be Entitled**

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

### **Subtitle**

TO AMEND THE LAW CONCERNING CUSTODY OF A  
CHILD.

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

SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning the award of custody of a child, is amended to add an additional subdivision to read as follows:

(iv) There is a rebuttable presumption that joint custody is in the best interest of the child.

SECTION 2. Arkansas Code § 9-13-101(b), concerning an award of custody of a child, 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) In determining custody of the child, the court shall consider the best interest of the child.

(v)(a) A parent who is not granted sole custody or joint custody of the child is entitled to reasonable visitation with the child unless the court finds after a hearing that visitation would seriously endanger the physical, mental, moral, or emotional health of the child.

(b) At the request of either party, the court shall issue an order that:

(1) Takes into consideration the developmental age of the child; and

(2) Is specific as to the frequency, timing, duration, condition, and method of scheduling visitation with the parent who is not granted sole custody or joint custody with the child.

(vi) 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.

(B) If a grandparent meets the requirements of subdivision (a)(1) and subdivision (a)(2)(B) of this section and is a party to the proceedings, the circuit court may consider the continuing contact between the child and a grandparent who is a party, and the circuit court may consider orders to assure the continuing contact between the grandparent and the child.

(2) To this effect, in making an order for custody, the court may consider, among other facts, which party is more likely to allow the child or children frequent and continuing contact with the noncustodial parent and the noncustodial grandparent who meets the requirements of subdivision (a)(1) and subdivision (a)(2)(B) of this section.

(3) If a deviation from joint custody is warranted, the court shall construct a parenting time schedule that:

(A) Is consistent with the best interest of the child; and

(B) Maximizes the amount of time that each parent has with the child.

(4) There is a rebuttable presumption that joint custody is in the best interest of the child if the court orders a modification of a child custody decree.

*/s/Lowery*