

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H2/19/25 H3/10/25

A Bill

HOUSE BILL 1434

By: Representatives Hudson, K. Moore, McCullough

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING THE PRESUMPTION
THAT AN AWARD OF JOINT CUSTODY BETWEEN PARENTS IS IN
A CHILD'S BEST INTEREST WHEN THERE IS DOMESTIC ABUSE;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING THE
PRESUMPTION THAT AN AWARD OF JOINT
CUSTODY BETWEEN PARENTS IS IN A CHILD'S
BEST INTEREST WHEN THERE IS DOMESTIC
ABUSE.

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

SECTION 1. Arkansas Code § 9-13-101(c), concerning the award of custody in a case concerning child custody or visitation when a party has committed an act of domestic violence, is amended to read as follows:

(c)(1) If a party to an action concerning custody of or a right to visitation with a child has committed an act of domestic ~~violence~~ abuse as defined in the Domestic Abuse Act of 1991, § 9-15-101 et seq., against the party making the allegation or a family or household member of either party and such allegations are proven by a preponderance of *the evidence at a hearing on the merits*, *the circuit court must shall* consider the effect of such domestic ~~violence~~ abuse upon the best interests of the child, whether or not the child was physically injured or personally witnessed the abuse, together with such facts and circumstances as the circuit court deems relevant in making a directive pursuant to this section.



(2) With regard to an award of custody:

(A) There is a rebuttable presumption that it is not in the best interest of the child to be placed in the sole, primary, or joint custody of an abusive a parent in cases in which there is a finding by the preponderance of the evidence that the parent or other party has engaged in a pattern of domestic abuse, or other party who has been found at a hearing on the merits to have engaged in a pattern of domestic abuse as defined in the Domestic Abuse Act of 1991, § 9-15-101 et seq.

(B) The parent or other party that has been found to have committed domestic abuse has the burden of rebutting the presumption under subdivision (c)(2)(A) of this section by proving by a preponderance of the evidence that having custody of the child will not endanger the physical, mental, or emotional health of the child.

(3) With regard to an award of reasonable parenting time provided for in subdivision (b)(1)(A)(vii) of this section to a parent or other party who fails to rebut the presumption under subdivision (c)(2)(B) of this section, a court awarding unsupervised parenting time to that parent or other party:

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

(i) Whether the parent or other party poses an ongoing risk of harm to the child's physical, mental, or emotional health; and

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

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

/s/Hudson