

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S1/28/21

A Bill

SENATE BILL 18

5 By: Senators A. Clark, J. English, M. Johnson, Rapert, B. Ballinger, D. Sullivan
6 By: Representatives Gazaway, Lowery, Brown, Cloud, C. Cooper, Cozart, Crawford, M. Gray, Haak,
7 Hollowell, Magie, McNair, S. Berry
8

For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING CHILD CUSTODY AND
11 VISITATION; AND FOR OTHER PURPOSES.
12

Subtitle

15 TO AMEND THE LAW CONCERNING CHILD CUSTODY
16 AND VISITATION.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 9-13-101(a)(1)(A), concerning the award of
22 custody, is amended to add an additional subdivision to read as follows:

23 (iv)(a) In an action for divorce or an action to
24 modify a child custody order, there is a rebuttable presumption that joint
25 custody is in the best interest of the child.

26 (b) The presumption that joint custody is in
27 the best interest of the child may be rebutted:

28 (1) If the court finds by clear and
29 convincing evidence that joint custody is not in the best interest of the
30 child; or

31 (2) If the parties to the action for
32 divorce or petition to modify a child custody decree have reached an
33 agreement on all issues related to custody of the child.

34 (c) In determining whether a party has
35 rebutted the presumption in subdivision (a)(1)(A)(iv)(a) of this section by
36 clear and convincing evidence, a court may consider all relevant factors



1 concerning the best interest of the child, including without limitation the
2 factors and rebuttable presumptions listed in subdivision (b)(2) and
3 subsections (c) and (d) of this section.

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5 SECTION 2. Arkansas Code § 9-13-101(b)(1)(A), concerning the award of
6 custody, is amended to add additional subdivisions to read as follows:

7 (vi) A court shall consider the best interest of the
8 child when making a child custody determination.

9 (vii)(a) A parent who is not granted sole, primary,
10 or joint custody of his or her child is entitled to reasonable parenting time
11 with the child unless the court finds after a hearing that parenting time
12 between the parent and the child would seriously endanger the physical,
13 mental, or emotional health of the child.

14 (b) At the request of a party, a court shall
15 issue a written order that:

16 (1) Is specific as to the frequency,
17 timing, duration, condition, and method of scheduling parenting time with a
18 parent who is not granted sole, primary, or joint custody of his or her
19 child; and

20 (2) Takes into consideration the
21 developmental age of the child.

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23 SECTION 3. Arkansas Code § 9-13-101(b), concerning the award of
24 custody, is amended to add an additional subdivision to read as follows:

25 (3) After a hearing on the merits of a child custody action, if
26 a court determines that the presumption in subdivision (a)(1)(A)(iv)(a) of
27 this section is rebutted by clear and convincing evidence, the court shall
28 enter a written order that includes the following:

29 (A) Facts, findings, and conclusions of law concerning the
30 basis for the court's determination; and

31 (B) A parenting time schedule that:

32 (i) Maximizes the amount of time that each parent
33 has with the child; and

34 (ii) Is consistent with the best interest of the
35 child.

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/s/A. Clark