

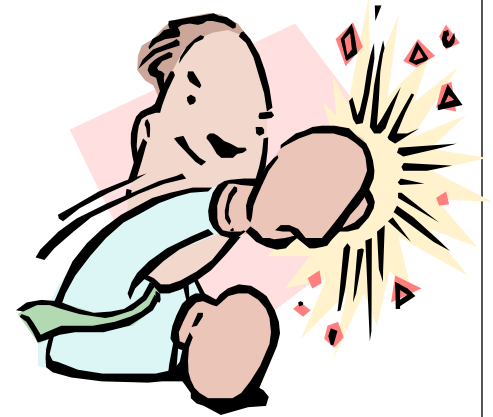
Arkansas Domestic Abuse Act

Arkansas Code Annotated

§9-15-103 *et al*

What is Domestic Abuse?

- Conduct between Family or Household Members that results in:
 - 1.) Physical harm;
 - 2.) Bodily injury;
 - 3.) Assault;
 - 4.) Infliction of fear of imminent physical harm, bodily injury, or assault; or
 - 5.) Sexual conduct b/n family or household members that constitutes a crime in Arkansas



Who can get a OOP?

Family or Household Members

- Spouses
- Former spouses
- Parents
- Children
- Persons related by blood w/in 4th degree
- Children residing in household
- Persons who are or have cohabitated
- Persons who have a child in common
- Persons who are or have been in a dating relationship





Dating relationship

- A romantic or intimate social relationship between two individuals which shall be determined by the following factors:
 - Length of relationship
 - Type of relationship
 - Frequency of interaction
- *shall not include a casual relationship or ordinary fraternization in a business or social context

Recent Legislative Changes

- **A.C.A. §9-15-201(c)**
 - **Allowing petitions to be filed in pilot district court (subject to limitations)**
- **A.C.A. §9-15-203**
 - **Provides for the omission of Petitioner's home or business address**
- **A.C.A. §9-15-204**
 - **A denial of an ex parte order of relief does not deny petitioner the right to a full hearing on the merits**
- **A.C.A. 9-15-205**
 - **Provides that if another court has continuing JX over children and has made a determination in past, this new order is in effect until the original JX court enters a subsequent order as to the children.**
- **A.C.A. § 9-15-206**
 - **Ex parte temporary order expires at date of next hearing as set out in §9-15-204.**
- **A.C.A. §9-15-207**

Dispositions Options by the Court

Upon a finding of domestic abuse the court may:

- Exclude the abusing party from the dwelling of the victim or petitioner
- Exclude the abusing party from the place of business, employment, school, or any other location of the victim or petitioner
- Award temporary custody or establish temporary visitation of minor children of the parties
- Order temporary child or spousal support
- Order reasonable attorney fees and costs to prevailing party
- Issue a no contact order
- Order other relief necessary to protect the family or household member

May NOT issue joint Order of Protection against both parties unless both parties have filed petition.

May NOT deal with distribution of property.

Time Limits

- Hearing shall be held not later than 30 days from the date the petition was filed or at next court date, whichever is later (unless no service)
- Respondent shall have 5 days notice of hearing
- Temporary Order – expires at next court hearing
- Permanent Order –
 - In place for a minimum of 90 days and maximum of 10 years.

New uniform orders

Fees

- **The clerk's office cannot require any initial filing fees**
- **Established filing fees may be assessed at the full hearing**
- **The abused shall not bear the cost associated with filing or other associated costs**
- **A judge can assess costs if the allegations of abuse are determined to be false**
 - **A.C.A. § 9-15-202.**

Goals of Court Procedure

- Prevent violence in the courtroom
- Maintain a serious and unbiased atmosphere
- Deal with the unrepresented party fairly, impartially, & effectively
- Determine if using OOP improperly
- Ensure that the Court controls the case (not the perpetrator)
- Ensure Court orders are obeyed and enforced
- Advise victims how to proceed if orders violated

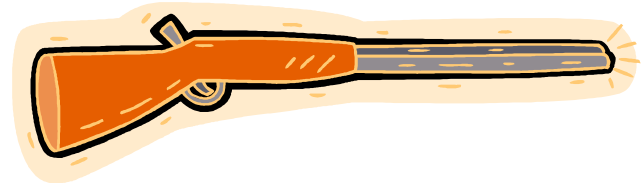
Goals of Judicial Intervention

- To stop the violence
- To protect the abused party
- To protect the children and other family members
- To hold the perpetrator accountable for the violent behavior, and for stopping the behavior
- To rehabilitate the perpetrator
- To provide restitution for the abused party (criminal cases)
- To convey to the public that domestic violence will not be tolerated.

Weapons

It is unlawful for any individual who is subject to an order of protection or convicted of a misdemeanor of domestic violence to ship, transport, or possess a firearm or ammunition.

18 U.S.C. § 922(g)(8-9).



Violations of Protective Order

- **Class A Misdemeanor**
 - Up to 1 year in county jail and/or
 - A fine of up to \$2,500.
- **Class D Felony**
 - **Second Offense**
 - Up to six (6) years in prison and/or
 - A fine up to \$10,000.

A.C.A. § 9-15-207



Violations of Protective Order

- Crossing state, territorial , or tribal boundaries to violate an Order of Protection may result in federal imprisonment.
 - 18 U.S.C. § 2262.

