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## Arkansas Supreme Court Overturns Blanket Use of Cohabitation Restrictions in Child Custody Cases

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LITTLE ROCK, Ark. – The Arkansas Supreme Court today reversed a lower court child custody order that prohibited a parent from having overnight visitation with his child in the presence of his long-term domestic partner. The ruling ends a widespread practice in Arkansas custody cases of courts automatically barring parents from living with an unmarried partner regardless of the circumstances.

A Pulaski County judge had ordered that it was in the child's best interest to have overnight visitation with his father, John Moix. However, Moix's partner was barred from being present in their home during any overnight visitation. The judge imposed this restriction despite determining that the father and his partner have lived together in a committed relationship for at least five years and that the partner "poses no threat to the health, safety, or welfare" of Moix's son.

In today's decision, the Arkansas Supreme Court said that there is no "blanket ban" against cohabitation and that whether such a restriction should be imposed on a parent must be based on the circumstances of each particular case and in light of the best interest of the children. The case was sent back to the trial court to make this assessment.

Moix is represented by the American Civil Liberties Union, the ACLU of Arkansas and the Wagoner Law Firm.

"The ruling reaffirms the basic principle that custody decisions should be based on an individual family's circumstances and the needs of a child, not a blanket, one-size-fits-all rule," said Holly Dickson, legal director of the ACLU of Arkansas.

"The automatic use of these kinds of restrictions in child custody cases has nothing to do with protecting children and imposes an unnecessary burden on families," said Jack Wagoner of the Wagoner Law Firm. "This decision makes clear for circuit courts across the state that they cannot interfere with parents' living arrangements unless the facts of the case show a need for such a restriction."

The decision comes two years after the Arkansas Supreme Court struck down a state law that barred individuals cohabiting with an unmarried partner from becoming foster or adoptive parents.

