

ARKANSAS COURT OF APPEALS, DIVISION IV

Payton Porter v. Valencia Jackson

2025 Ark. App. 605 · No. CV-24-708 · Decided December 10, 2025

SUMMARY

The Arkansas Court of Appeals reversed and remanded a divorce-custody decree awarding sole custody to Valencia Jackson. The court held that the circuit court failed to include the factual findings required by Arkansas Code Annotated section 9-13-101 concerning the alleged pattern of domestic abuse and the rebuttal of the joint-custody presumption. The court also directed clarification of whether joint custody was found not to be in the child's best interest by clear and convincing evidence.

CASE DETAILS

COURT	Arkansas Court of Appeals, Division IV
WRITING FOR THE COURT	Cindy Grace Thyer; Abramson; Murphy
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	December 10, 2025
DOCKET	CV-24-708
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Payton Porter appealed a divorce decree awarding Valencia Jackson sole custody of their child. Porter challenged the circuit court's treatment of the statutory joint-custody presumption, its findings concerning domestic abuse, and the absence of clear-and-convincing-evidence findings.
STANDARD OF REVIEW	The court reviewed the sufficiency and adequacy of the circuit court's statutory findings in the custody decree; the opinion does not state a separately labeled standard of review.
PRECEDENTIAL VALUE	Published
PARTIES	Payton Porter v. Valencia Jackson

TOPICS

- child custody
- domestic violence
- family law procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court's custody decree was legally sufficient when it failed to include specific facts, findings, and conclusions supporting its determination that the statutory presumption favoring joint custody had been rebutted.
2. Whether the circuit court was required to make express findings concerning an act of domestic violence or a pattern of domestic abuse before applying the statutory custody presumptions.
3. Whether, if the circuit court relied on Arkansas Code Annotated section 9-13-101(a)(1)(A)(iv)(b)(1), it was required to find by clear and convincing evidence that joint custody was not in the child's best interest.

HOLDINGS

1. When Arkansas Code Annotated section 9-13-101 requires a court to state the basis for rebutting the joint-custody presumption, the written order must include the supporting facts, findings, and conclusions of law. A court of appeals may not presume those findings when the statute requires them to be stated in the written order.
2. The circuit court's decree was patently deficient because it contained no specific factual findings concerning Porter's alleged commission of an act of domestic violence or pattern of domestic abuse, as required for reliable application of the statutory custody provisions.
3. If the circuit court intended to rebut the joint-custody presumption under section 9-13-101(a)(1)(A)(iv)(b)(1), it was required to make an express finding, supported by facts, that clear and convincing evidence showed joint custody was not in the child's best interest.

KEY QUOTATIONS

“Here, the statute mandates that the court include in its written order the facts, findings, and conclusions of law that support its decision that the presumption of joint custody had been rebutted.” (at 5)

“Thus, the decree is patently deficient.” (at 6)

“The court here failed to include in its written order any facts or findings to support its conclusion that joint custody was not in MC’s best interest.” (at 7)

FACTUAL BACKGROUND

Porter and Jackson were married in 2014, separated in 2019, and have one child, MC. After Porter filed for divorce in 2023, the circuit court temporarily awarded him custody, but following a bench trial it awarded Jackson sole custody based on alleged domestic abuse by Porter and concerns about both parents. The decree stated that Porter had engaged in a pattern of domestic violence and had not overcome the presumption against custody with an abusive parent, but it did not identify the supporting facts or clarify the statutory basis and evidentiary standard for rebutting the joint-custody presumption.

PROCEDURAL HISTORY

Porter filed for divorce and sought custody in the Jackson County Circuit Court. Following a temporary custody hearing and a three-day bench trial, the circuit court granted the divorce and awarded Jackson sole custody, finding that Porter had engaged in a pattern of domestic violence and had not overcome the presumption against placing a child with an abusive parent. The Arkansas Court of Appeals reversed and remanded because the written decree lacked the factual findings and conclusions required by statute and did not clarify whether the court relied on the clear-and-convincing-evidence ground for rebutting the joint-custody presumption.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must make the necessary factual findings concerning whether the joint-custody presumption was rebutted and clarify whether it found by clear and convincing evidence that joint custody was not in MC's best interest under Arkansas Code Annotated section 9-13-101(a)(1)(A)(iv)(b)(1), including the facts supporting that finding if applicable.

CASES CITED

- Grayson v. Anderson, 2023 Ark. App. 428, 695 S.W.3d 900

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