

ARKANSAS COURT OF APPEALS, DIVISION I

Jose Miguel Quiroz Mata v. Yudith Cicard Reyes

Quiroz Mata, 2026 Ark. App. 229 (Ark. Ct. App. 2026) · No. CV-25-541 · Decided April 15, 2026

SUMMARY

The Arkansas Court of Appeals reversed and remanded a Saline County Circuit Court custody order awarding primary custody to Yudith Cicard Reyes. The court held that the circuit court failed to make the written findings required to rebut the statutory presumption favoring joint custody, including findings based on clear and convincing evidence regarding the child’s best interest.

CASE DETAILS

COURT	Arkansas Court of Appeals, Division I
WRITING FOR THE COURT	N. Mark Klappenbach, Chief Judge; Gladwin, J.; Hixson, J.
JURISDICTION	Arkansas Court of Appeals, Division I
DECIDED	April 15, 2026
DOCKET	CV-25-541
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Saline County Circuit Court awarding Yudith Cicard Reyes primary custody of the parties' minor child in a divorce proceeding.
STANDARD OF REVIEW	Child-custody matters are reviewed de novo, but the circuit court's findings will not be reversed unless clearly erroneous. Special deference is given to the circuit court's superior position to evaluate witnesses, testimony, and the child's best interest.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Jose Miguel Quiroz Mata v. Yudith Cicard Reyes

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly rebutted the statutory presumption that joint custody is in the child's best interest.
2. Whether the circuit court was required to make specific written findings, including findings based on clear and convincing evidence, before awarding primary custody rather than joint custody.

HOLDINGS

1. The circuit court did not adequately rebut the statutory presumption favoring joint custody because its order neither referenced the presumption nor found by clear and convincing evidence that joint custody was not in the child's best interest.
2. The custody order was legally insufficient because it did not contain the specific written facts, findings, and conclusions of law required by Arkansas Code Annotated section 9-13-101(b)(3)(A).

KEY QUOTATIONS

“Without the required written findings, we have no way to reliably determine whether the court properly analyzed the facts under the statute.” (at 2)

“Due to the statute’s requirement for specific written findings, we cannot presume that the circuit court made such findings as were necessary to support its decision.” (at 2)

FACTUAL BACKGROUND

The parties married in 2008 and have a minor child, MC, born in 2012. In 2024, Mata filed for divorce and requested joint custody; Reyes sought primary custody. After a January 28, 2025 hearing, the circuit court awarded Reyes primary custody and granted Mata visitation, citing his lack of a stable place to live, his not having seen the child for six months, his living with his sister, and his not working full time.

PROCEDURAL HISTORY

Jose Miguel Quiroz Mata filed for divorce and requested joint custody of the parties' minor child; Yudith Cicard Reyes counterclaimed for primary custody. After a final hearing, the circuit court awarded Reyes primary custody and Mata specified visitation. Mata moved for reconsideration, which was deemed denied, and appealed. The Arkansas Court of Appeals reversed and remanded for specific written findings concerning the statutory presumption favoring joint custody.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Saline County Circuit Court must make the necessary specific written findings concerning whether the statutory presumption favoring joint custody has been rebutted.

CASES CITED

- McCandlis v. McCandlis, 2024 Ark. App. 339
- Porter v. Jackson, 2025 Ark. App. 605

OPINION

PER CURIAM.

Cite as 2026 Ark. App. 229 ARKANSAS COURT OF APPEALS DIVISION I No. CV-25-541 Opinion Delivered April 15, 2026 JOSE MIGUEL QUIROZ MATA APPELLANT APPEAL FROM THE SALINE COUNTY CIRCUIT COURT V. [NO. 63DR-24-465] YUDITH CICARD REYES HONORABLE KEN CASADY, APPELLEE JUDGE REVERSED AND REMANDED N. MARK KLAPPENBACH, Chief Judge Jose Miguel Quiroz Mata (“Miguel”) appeals from the order of the Saline County Circuit Court awarding appellee Yudith Reyes custody of the parties’ minor child.

We reverse and remand for specific written findings. The parties married in 2008, and in 2024, Miguel filed for divorce. He requested joint custody of the parties’ minor child, MC, born in 2012. Yudith counterclaimed for primary custody. A final hearing was held on January 28, 2025.

After hearing testimony from the parties and other witnesses, the court ruled from the bench that it was awarding Yudith primary custody and awarding Miguel visitation every other weekend, every other holiday, and alternating weeks in the summer.

The divorce decree provided as follows regarding custody: Taking into consideration the recommendation of the Attorney Ad Litem [and] testimony of the parties, [Yudith] shall be the primary custodian of the minor child namely [MC], subject to reasonable visitation by [Miguel] as at this moment [Miguel] does not have a stable place, has not seen the child for six (6) months, [and] he is living with his sister and is not working full time.

The decree further outlined Miguel’s weekend, summer, and holiday visitation. Miguel moved for reconsideration, arguing in part that there was no clear and convincing evidence that joint custody was not in MC’s best interest and that the factors cited by the court were the direct result of Yudith’s actions.

The motion was deemed denied. On appeal, Miguel argues that there was insufficient evidence to rebut the presumption for joint custody, that primary custody with Yudith was not in MC’s best interest, and that the court should have considered his allegations that Yudith was abusive toward him and that Yudith was alienating MC from him.

We perform a de novo review of child-custody matters, but we will not reverse the circuit court’s findings unless they are clearly erroneous. *McCandlis v. McCandlis*, 2024 Ark. App. 339. We recognize and give special deference to the superior position of the circuit court to evaluate the

witnesses, their testimony, and the child's best interest. *Id.* In an action concerning an original child-custody determination in a divorce, there is a rebuttable presumption that joint custody is in the best interest of the child.

Ark. Code Ann. § 9-13-101(a)(1)(A)(iv)(a) (Supp. 2023). This presumption may be rebutted if the court finds by clear and convincing evidence that joint custody is not in the child's best interest. Ark. Code Ann. § 9-13-101(a)(1)(A)(iv)(b)(1). Clear and convincing evidence is that degree of proof that will produce in the fact-finder a firm conviction as to the allegation sought to be established.

McCandlis, *supra*. If the court finds that the presumption in favor of joint custody has been rebutted, the court shall enter a written order that includes facts, findings, and conclusions of law concerning the basis for the court's determination. Ark. Code Ann. § 9-13-101(b)(3)(A).

Here, the circuit court's order does not reference the presumption in favor of joint custody; does not find by clear and convincing evidence that joint custody is not in MC's best interest; and does not contain facts, findings, and conclusions of law concerning the basis for such a determination.

The child-custody statute is clear. *Porter v. Jackson*, 2025 Ark. App. 605. Without the required written findings, we have no way to reliably determine whether the court properly analyzed the facts under the statute. *Id.* Due to the statute's requirement for specific written findings, we cannot presume that the circuit court made such findings as were necessary to support its decision.

Id. Accordingly, we reverse and remand for the circuit court to make the necessary findings concerning whether the joint-custody presumption has been rebutted. *Id.* Reversed and remanded. GLADWIN and HIXSON, JJ., agree. Galvis Law, PLLC, by: Angela Galvis Schnuerle, for appellant. One brief only. 3