

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/18/19

A Bill

HOUSE BILL 1828

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE PARENT-CHILD INTRASTATE
9 RELOCATION ACT; TO AMEND THE LAW CONCERNING WHETHER
10 OR NOT A CHANGE OF PRINCIPAL PLACE OF RESIDENCE OF A
11 CHILD IS IN THE BEST INTEREST OF THE CHILD; AND FOR
12 OTHER PURPOSES.
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Subtitle

15 TO CREATE THE PARENT-CHILD INTRASTATE
16 RELOCATION ACT; AND TO AMEND THE LAW
17 CONCERNING WHETHER OR NOT A CHANGE OF
18 PRINCIPAL PLACE OF RESIDENCE OF A CHILD
19 IS IN THE BEST INTEREST OF THE CHILD.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an
26 additional subchapter to read as follows:

27 Subchapter 5 – Parent-Child Intrastate Relocation Act
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29 9-13-501. Title.

30 This subchapter shall be known and may be cited as the “Parent-Child
31 Intrastate Relocation Act”.
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33 9-13-502. Definitions.

34 As used in this subchapter:

35 (1) “Change of principal place of residence of a child” means a
36 change of residence of a child whose custody has been determined by a prior



1 court order with the intent that the child will reside at the residence for
2 more than forty-five (45) days; and

3 (2) "Principal place of residence of a child" means:

4 (A) The residence designated by a court order to be the
5 principal place of residence of the child;

6 (B) In the absence of a court order, the place of
7 residence of the child to which the parents have expressly agreed in writing
8 to be the principal place of residence of the child; or

9 (C) In the absence of a court order or an express
10 agreement in written form by the parents of the child determining the
11 principal place of residence of the child, the principal place of residence
12 of the child is as follows:

13 (i) The place of residence where the child has
14 resided with a custodial parent for six (6) consecutive months; or

15 (ii) The place of residence where the child has
16 resided from birth with a custodial parent, if the child is under six (6)
17 months of age.

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19 9-13-503. Limitations.

20 This act only applies to the intrastate relocation of a child.

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22 9-13-504. Petition to relocate.

23 (a) The relocating custodial parent shall file a petition to change
24 the principal place of residence of a child if:

25 (1) A court has awarded custody of the child to the relocating
26 custodial parent or joint custody of the child to both parents; and

27 (2) The intended new principal place of residence of the child
28 is more than seventy-five (75) miles from the current principal place of
29 residence of the child.

30 (b)(1) A petition to change the principal place of residence of a
31 child filed by the relocating custodial parent shall include the following
32 information, if known:

33 (A) The intended new principal place of residence of the
34 child, including the specific street address;

35 (B) The mailing address of the intended new principal
36 place of residence of the child, if not the same as the street address;

1 (C) The telephone number or numbers at the new principal
2 place of residence of the child;

3 (D) If applicable, the name, address, and telephone number
4 of the school to be attended by the child;

5 (E) The date of the intended change of principal place of
6 residence of the child;

7 (F) A statement of the specific reasons for the proposed
8 change of principal place of residence of the child;

9 (G) A proposal for a revised schedule of custody of or
10 visitation with the child, if appropriate; and

11 (H) A warning notice to the nonrelocating parent that
12 unless the nonrelocating parent makes a formal written objection to the court
13 concerning the petition to change the principal place of residence of the
14 child within thirty (30) calendar days of receipt of the notice the petition
15 may be granted by the court.

16 (2) A petitioner who petitions the court to change the principal
17 place of residence of a child shall request within his or her petition that
18 the information listed in subdivisions (b)(1)(A)-(H) of this section be
19 sealed by order of the court, otherwise the information listed in
20 subdivisions (b)(1)(A)-(H) of this section shall be redacted for purposes of
21 maintaining confidentiality of sensitive information.

22 (c) Notice of the petition to change the principal place of residence
23 of the child shall be given by the relocating custodial parent to the
24 nonrelocating parent in accordance with the Arkansas Rules of Civil
25 Procedure.

26 (d) The relocating custodial parent has a continuing duty under this
27 section to provide the information required under subsection (b) of this
28 section to the court and the nonrelocating parent as that information becomes
29 known.

30 (e) The relocating custodial parent's petition to change the principal
31 place of residence of the child may be granted by the court if the:

32 (1) Relocating custodial parent provides notice of the petition
33 in accordance with this section; and

34 (2)(A) Nonrelocating parent who is entitled to joint custody of
35 or visitation with the child does not object to the petition within thirty
36 (30) days of the date on which he or she receives notice of the petition and

1 proper service has been verified and entered into the record of the court.

2 (B) A nonrelocating parent who is incarcerated shall have
3 sixty (60) days to object to the petition.

4 (f) This section applies only to a case in which the court has
5 awarded:

6 (1) Joint custody of a child to both parents; or

7 (2) A noncustodial parent visitation with a child.

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9 9-13-505. Burden of proof and factors to consider – Change of
10 principal place of residence.

11 (a)(1) The relocating custodial parent has the initial burden of
12 proving by a preponderance of the evidence that the change of principal place
13 of residence of the child is in the best interest of the child.

14 (2) If the relocating custodial parent meets his or her burden
15 of proof, the nonrelocating parent has the burden of proving that the change
16 of principal place of residence of the child is not in the best interest of
17 the child.

18 (b) The court may consider all relevant factors when determining
19 whether or not a change of principal place of residence of the child is in
20 the best interest of the child.

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