

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1114

TO CREATE THE PARENT-CHILD RELATIONSHIP PROTECTION ACT; TO PROVIDE FACTORS FOR A COURT TO CONSIDER WHEN DETERMINING WHETHER OR NOT A CHANGE OF A CHILD'S PRINCIPAL PLACE OF RESIDENCE IS IN THE CHILD'S BEST INTEREST.

Amendment No. 1 to House Bill 1114

Amend House Bill No. 1114 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an additional subchapter to read as follows:

Subchapter 5. Parent-Child Intrastate Relocation Act

9-13-501. Title.

This subchapter shall be known as the "Parent-Child Intrastate Relocation Act".

9-13-502. Definitions.

As used in this subchapter:

(1) "Change of principal place of residence" means a change of residence of a child whose custody has been determined by a prior court order and with the intent that the child will reside at the residence more than forty-five (45) days; and

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

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

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

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

(i) The place of residence at which the child resided with a custodial parent for six (6) consecutive months; or



(ii) The place of residence at which the child resided from birth with a custodial parent, if the child is younger than six (6) months of age.

9-13-503. Limitations.

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

9-13-504. Petition to relocate.

(a) The relocating parent shall file a petition to relocate if:

(1) A court has awarded custody of a child to a parent or joint custody of a child to both parents; and

(2) The intended new principal place of residence of the child is more than sixty (60) miles from the primary place of residence of the child.

(b) A relocating custodial parent shall file a petition to relocate if the intended new principal place of residence of the child is more than sixty (60) miles from the primary place of residence of the child.

(c) The petition to relocate filed by the custodial parent shall include the following information, if known:

(1) The intended new principal place of residence, including the specific street address;

(2) The mailing address, if not the same as the street address;

(3) The telephone number or numbers at the new principal place of residence;

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

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

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

(7) A proposal for a revised schedule of custody of or visitation with the child, if any; and

(8) A warning to the nonrelocating parent that an objection to the relocation must be made within thirty (30) days of receipt of the notice or relocation shall be permitted.

(d) Notice of the petition to change the principal place of residence of the child shall be given in accordance with the Arkansas Rules of Civil Procedure.

(e) The relocating custodial parent has a continuing duty under this section to provide the information required under subsection (b) of this section as that information becomes known.

(f) The relocating custodial parent of the child may change the principal place of residence of the child after providing the notice of the petition to change the principal place of residence of the child in accordance with this section if the nonrelocating parent who is entitled to joint custody of or visitation with the child does not object to the petition within thirty (30) days' notice of the intent to change the principal place of residence.

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

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

(2) If the burden of proof set forth in this subsection is met, the burden of proof shifts to the nonrelocating parent that the relocation of the principal place of residence is not in the best interest of the child.

(b) The court may consider all relevant factors when determining whether or not relocation of the principal place of residence of the child is in the best interest of the child, including without limitation the following:

(1) The nature, quality, extent of involvement, and duration of the relationship of the child with the relocating custodial parent and with the nonrelocating parent, siblings, and other significant persons in the child's life;

(2) The age, developmental stage, needs of the child, and the likely impact the relocation of the principal place of residence will have on the child's physical, educational, and emotional development;

(3) The feasibility of preserving a good relationship between the nonrelocating parent and the child through suitable physical custody or visitation arrangements, considering the logistics and financial circumstances of the parents;

(4) The child's views about the proposed relocation, taking into consideration the age and maturity of the child;

(5) Whether or not there is an established pattern of conduct by either parent, either to promote or thwart the relationship of the child and the other parent;

(6) How the relocation of the principal place of residence of the child will affect the general quality of life for the child, including but not limited to financial or emotional benefit and educational opportunity;

(7) The reasons of each parent for seeking or opposing the relocation of the principal residence of the child;

(8) The current employment and economic circumstances of each parent and how the proposed relocation of the principal residence of the child may affect the circumstances of the child;

(9) The extent to which the nonrelocating parent has fulfilled his or her financial obligations to the relocating custodial parent, including child support, spousal support, and other support obligations;

(10) The feasibility of a relocation by the objecting parent;

(11) A history of substance abuse, harassment, or violence by either parent, including a consideration of the severity of the conduct and the failure or success of any attempts at rehabilitation; and

(12) Any other factors affecting the best interest of the child."

The Amendment was read _____
By: Representative Lowery
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Chief Clerk