

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1006

5 By: Representative Lowery  
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## For An Act To Be Entitled

8 AN ACT TO CREATE THE PARENT-CHILD INTRASTATE  
9 RELOCATION ACT; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO CREATE THE PARENT-CHILD INTRASTATE  
12 RELOCATION ACT.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an  
20 additional subchapter to read as follows:

21 Subchapter 5 – Parent-Child Intrastate Relocation Act  
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23 9-13-501. Title.

24 This subchapter shall be known and may be cited as the “Parent-Child  
25 Intrastate Relocation Act”.  
26

27 9-13-502. Definitions.

28 As used in this subchapter:

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

33 (2) “Principal place of residence of a child” means:

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

36 (B) In the absence of a court order, the place of



1 residence of the child to which the parents have expressly agreed in writing  
 2 to be the principal place of residence of the child; or

3 (C) In the absence of a court order or an express  
 4 agreement in written form by the parents of the child determining the  
 5 principal place of residence of the child, either:

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

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

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 12 9-13-503. Limitations.

13 This subchapter applies only to the intrastate relocation of a child.

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 15 9-13-504. Petition to relocate.

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

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

20 (2) The intended new principal place of residence of the child  
 21 is more than seventy-five (75) miles from the current principal place of  
 22 residence of the child.

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

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

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

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

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

34 (E) The date of the intended change of principal place of  
 35 residence of the child;

36 (F) A statement of the specific reasons for the proposed

1 change of principal place of residence of the child;

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

4 (H) A warning order to the nonrelocating parent that  
5 unless the nonrelocating parent makes a formal written objection to the court  
6 concerning the petition to change the principal place of residence of the  
7 child within thirty (30) calendar days of receipt of the notice the petition  
8 may be granted by the court.

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

15 (c) Notice of the petition to change the principal place of residence  
16 of the child shall be given by the relocating custodial parent to the  
17 nonrelocating parent in accordance with the Arkansas Rules of Civil  
18 Procedure.

19 (d) The relocating custodial parent has a continuing duty under this  
20 section to provide the information required under subsection (b) of this  
21 section to the court and the nonrelocating parent as that information becomes  
22 known.

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

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

27 (2)(A) Nonrelocating parent who is entitled to joint custody of  
28 or visitation with the child does not object to the petition within thirty  
29 (30) days of the date on which he or she receives notice of the petition and  
30 proper service has been verified and entered into the record of the court.

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

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

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

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

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2 9-13-505. Burden of proof and factors to consider – Change of  
3 principal place of residence.

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

7 (2) If the relocating custodial parent meets his or her burden  
8 of proof, the nonrelocating parent has the burden of proving that the change  
9 of principal place of residence of the child is not in the best interest of  
10 the child.

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