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1	INTERIM STUDY PROPOSAL 2019-064
2	State of Arkansas As Engrossed: H3/18/19
3	92nd General Assembly A Bill
4	Regular Session, 2019HOUSE BILL 1828
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6	By: Representative Lowery
7	Filed with: House Committee on Judiciary
8	pursuant to A.C.A. §10-3-217.
9	For An Act To Be Entitled
10	AN ACT TO CREATE THE PARENT-CHILD INTRASTATE
11	RELOCATION ACT; TO AMEND THE LAW CONCERNING WHETHER
12	OR NOT A CHANGE OF PRINCIPAL PLACE OF RESIDENCE OF A
13	CHILD IS IN THE BEST INTEREST OF THE CHILD; AND FOR
14	OTHER PURPOSES.
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17	Subtitle
18	TO CREATE THE PARENT-CHILD INTRASTATE
19	RELOCATION ACT; AND TO AMEND THE LAW
20	CONCERNING WHETHER OR NOT A CHANGE OF
21	PRINCIPAL PLACE OF RESIDENCE OF A CHILD
22	IS IN THE BEST INTEREST OF THE CHILD.
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25	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27	SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an
28	additional subchapter to read as follows:
29	<u>Subchapter 5 — Parent-Child Intrastate Relocation Act</u>
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31	<u>9-13-501. Title.</u>
32	This subchapter shall be known and may be cited as the "Parent-Child
33	Intrastate Relocation Act".
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35	9-13-502. Definitions.
36	As used in this subchapter:

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1	(1) "Change of principal place of residence of a child" means a
2	change of residence of a child whose custody has been determined by a prior
3	court order with the intent that the child will reside at the residence for
4	more than forty-five (45) days; and
5	(2) "Principal place of residence of a child" means:
6	(A) The residence designated by a court order to be the
7	principal place of residence of the child;
8	(B) In the absence of a court order, the place of
9	residence of the child to which the parents have expressly agreed in writing
10	to be the principal place of residence of the child; or
11	(C) In the absence of a court order or an express
12	agreement in written form by the parents of the child determining the
13	principal place of residence of the child, the principal place of residence
14	of the child is as follows:
15	(i) The place of residence where the child has
16	resided with a custodial parent for six (6) consecutive months; or
17	(ii) The place of residence where the child has
18	resided from birth with a custodial parent, if the child is under six (6)
19	months of age.
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21	<u>9-13-503. Limitations.</u>
22	This act only applies to the intrastate relocation of a child.
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24	9-13-504. Petition to relocate.
25	(a) The relocating custodial parent shall file a petition to change
26	the principal place of residence of a child if:
27	(1) A court has awarded custody of the child to the relocating
28	custodial parent or joint custody of the child to both parents; and
29	(2) The intended new principal place of residence of the child
30	is more than seventy-five (75) miles from the current principal place of
31	residence of the child.
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	(b)(l) A petition to change the principal place of residence of a
33	(b)(l) A petition to change the principal place of residence of a child filed by the relocating custodial parent shall include the following
33 34	
	child filed by the relocating custodial parent shall include the following

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1	(B) The mailing address of the intended new principal
2	place of residence of the child, if not the same as the street address;
3	(C) The telephone number or numbers at the new principal
4	place of residence of the child;
5	(D) If applicable, the name, address, and telephone number
6	of the school to be attended by the child;
7	(E) The date of the intended change of principal place of
8	residence of the child;
9	(F) A statement of the specific reasons for the proposed
10	change of principal place of residence of the child;
11	(G) A proposal for a revised schedule of custody of or
12	visitation with the child, if appropriate; and
13	(H) A warning notice to the nonrelocating parent that
14	unless the nonrelocating parent makes a formal written objection to the court
15	concerning the petition to change the principal place of residence of the
16	child within thirty (30) calendar days of receipt of the notice the petition
17	may be granted by the court.
18	(2) A petitioner who petitions the court to change the principal
19	place of residence of a child shall request within his or her petition that
20	the information listed in subdivisions (b)(l)(A)-(H) of this section be
21	sealed by order of the court, otherwise the information listed in
22	subdivisions (b)(1)(A)-(H) of this section shall be redacted for purposes of
23	maintaining confidentiality of sensitive information.
24	(c) Notice of the petition to change the principal place of residence
25	of the child shall be given by the relocating custodial parent to the
26	nonrelocating parent in accordance with the Arkansas Rules of Civil
27	Procedure.
28	(d) The relocating custodial parent has a continuing duty under this
29	section to provide the information required under subsection (b) of this
30	section to the court and the nonrelocating parent as that information becomes
31	known.
32	(e) The relocating custodial parent's petition to change the principal
33	place of residence of the child may be granted by the court if the:
34	(1) Relocating custodial parent provides notice of the petition
35	in accordance with this section; and

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1	(2)(A) Nonrelocating parent who is entitled to joint custody of
2	or visitation with the child does not object to the petition within thirty
3	(30) days of the date on which he or she receives notice of the petition and
4	proper service has been verified and entered into the record of the court.
5	(B) A nonrelocating parent who is incarcerated shall have
6	sixty (60) days to object to the petition.
7	(f) This section applies only to a case in which the court has
8	awarded:
9	(1) Joint custody of a child to both parents; or
10	(2) A noncustodial parent visitation with a child.
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12	9-13-505. Burden of proof and factors to consider — Change of
13	principal place of residence.
14	(a)(l) The relocating custodial parent has the initial burden of
15	proving by a preponderance of the evidence that the change of principal place
16	of residence of the child is in the best interest of the child.
17	(2) If the relocating custodial parent meets his or her burden
18	of proof, the nonrelocating parent has the burden of proving that the change
19	of principal place of residence of the child is not in the best interest of
20	the child.
21	(b) The court may consider all relevant factors when determining
22	whether or not a change of principal place of residence of the child is in
23	the best interest of the child.
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25	/s/Lowery
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28	Referred requested by the Arkansas House of Representatives
29	Prepared by: JNL/VJF
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