

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Senator J. Taylor

A Bill

SENATE BILL 202

For An Act To Be Entitled

8 AN ACT TO PROTECT THE RIGHTS OF NONCUSTODIAL PARENTS;
9 TO REQUIRE NOTIFICATION BEFORE A CUSTODIAL PARENT
10 RELOCATES; AND FOR OTHER PURPOSES.

Subtitle

14 TO PROTECT THE RIGHTS OF NONCUSTODIAL
15 PARENTS; TO REQUIRE NOTIFICATION BEFORE A
16 CUSTODIAL PARENT RELOCATES.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. Arkansas Code Title 9, Chapter 13, Subchapter 1 is amended
22 to add an additional section to read as follows:

23 9-13-111. Noncustodial parent rights -- Custodial parent relocation.

24 (a) As used in this section:

25 (1) "Custodial parent" means the parent granted primary custody
26 of a minor child by an order of a court of competent jurisdiction; and

27 (2) "Noncustodial parent" means a parent granted visitation
28 rights to a minor child by an order of a court of competent jurisdiction.

29 (b) A noncustodial parent is entitled to frequent and continuing
30 contact parenting time with his or her minor child in order to maintain a
31 quality parent-child relationship unless the court finds, after a hearing,
32 that continued contact with the noncustodial parent will endanger the child's
33 physical, mental, moral, or emotional health.

34 (c)(1) If the custodial parent wishes to relocate outside the state he
35 or she shall notify the noncustodial parent in writing by certified mail, at
36 least sixty (60) days before relocating with the child.



1 (2) The court may sanction a custodial parent who, without good
2 cause, fails to comply with notification requirements under this section.

3 (3) The noncustodial parent may petition the court to prevent
4 relocation of the child within thirty (30) days of receiving notice, unless a
5 provision for relocation of the child is made by court order.

6 (d)(1) If a petition to prevent relocation is filed by the
7 noncustodial parent, the court shall determine whether it is in the child's
8 best interest to allow the custodial parent to relocate with the child.

9 (2) The burden of proving what is in the child's best interests
10 is on the custodial parent who wishes to relocate.

11 (3) In determining what is in the child's best interest, the
12 court shall consider all relevant factors, including without limitation:

13 (A) Whether the relocation is being made in good faith and
14 not to interfere with the noncustodial parent's relationship with the child;

15 (B) The possibility of an improved quality of life for
16 the child as a result of the relocation;

17 (C) The likelihood that the custodial parent will comply
18 with parenting time orders;

19 (D) The effect of moving on the emotional, physical, or
20 developmental needs of the child; and

21 (E) The ability of the noncustodial parent to maintain
22 frequent and continuing contact with the child.

23 (4) The custodial parent may petition the court for a hearing to
24 determine the appropriateness of a relocation that may adversely affect the
25 noncustodial parent's parenting time.

26 (5) The court may assess attorney fees and court costs against
27 either parent if the court finds that the parent has unreasonably denied,
28 restricted, or interfered with court-ordered parenting time or petitioned the
29 court to prevent relocation in bad faith.

30 (e) A custodial parent who relocates with a minor child outside the
31 state may be responsible for the cost to transport the minor child to and
32 from court ordered visitation with the noncustodial parent, not to exceed
33 five-hundred dollars (\$500) per year, as determined appropriate by the court.

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