1	State of Arkansas	As Engrossed: S2/24/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		SENATE BILL 202
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5	By: Senator J. Taylor		
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7		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.		
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13		Subtitle	
14	TO PI	ROTECT THE RIGHTS OF NONCUSTODI	AL
15	PARENTS; TO REQUIRE NOTIFICATION BEFORE A		
16	CUSTO	ODIAL PARENT RELOCATES.	
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19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:		
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21	SECTION 1. Arka	ansas 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	<u>(1) "Cust</u>	codial parent" means the parent	granted primary custody
26	of a minor child by an	order of a court of competent	jurisdiction; and
27	(2) "Nonc	custodial parent" means a parent	t granted visitation
28	rights to a minor child by an order of a court of competent jurisdiction.		
29	(b) A noncustod	lial parent is entitled to frequ	uent and continuing
30	contact parenting time	e with his or her minor child in	n 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 th	ne noncustodial parent in writin	ng by certified mail, at
36	least sixty (60) days	before relocating with the chil	ld.

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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		
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	$\underline{\text{noncustodial parent, the court shall determine whether it is in the child's}$		
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 as determined		
33	appropriate by the court.		
34	/s/J. Taylor		
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