

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H2/4/19

A Bill

HOUSE BILL 1114

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE PARENT-CHILD RELATIONSHIP
9 PROTECTION ACT; TO PROVIDE FACTORS FOR A COURT TO
10 CONSIDER WHEN DETERMINING WHETHER OR NOT A CHANGE OF
11 A CHILD'S PRINCIPAL PLACE OF RESIDENCE IS IN THE BEST
12 INTEREST OF THE CHILD; TO REQUIRE THE CUSTODIAL
13 PARENT TO PROVE THE CHANGE OF A CHILD'S PRINCIPAL
14 PLACE OF RESIDENCE IS IN THE BEST INTEREST OF THE
15 CHILD; AND FOR OTHER PURPOSES.
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Subtitle

18 TO CREATE THE PARENT-CHILD RELATIONSHIP
19 PROTECTION ACT; TO PROVIDE FACTORS FOR A
20 COURT TO CONSIDER WHEN DETERMINING
21 WHETHER OR NOT A CHANGE OF A CHILD'S
22 PRINCIPAL PLACE OF RESIDENCE IS IN THE
23 CHILD'S BEST INTEREST.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 *SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an*
30 *additional subchapter to read as follows:*

31 *Subchapter 5. Parent-Child Intrastate Relocation Act*

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33 *9-13-501. Title.*

34 *This subchapter shall be known as the "Parent-Child Intrastate*
35 *Relocation Act".*
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1 9-13-502. Definitions.

2 As used in this subchapter:

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

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

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

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

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

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

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

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23 9-13-503. Limitations.

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

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26 9-13-504. Petition to relocate.

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

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

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

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

36 (c) The petition to relocate filed by the custodial parent shall

1 include the following information, if known:

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

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

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

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

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

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

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

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

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

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

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

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32 9-13-505. Burden of proof and factors to consider – Relocation of
33 principal place of residence.

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

1 child.

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

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

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

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

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

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

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

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

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

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

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

- 1 (10) The feasibility of a relocation by the objecting parent;
- 2 (11) A history of substance abuse, harassment, or violence by
- 3 either parent, including a consideration of the severity of the conduct and
- 4 the failure or success of any attempts at rehabilitation; and
- 5 (12) Any other factors affecting the best interest of the child.

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