

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

As Engrossed: H2/4/19 H2/11/19

A Bill

HOUSE BILL 1114

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE PARENT-CHILD INTRASTATE
9 RELOCATION 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.
16
17

Subtitle

18 TO CREATE THE PARENT-CHILD INTRASTATE
19 RELOCATION 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.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

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
32

33 9-13-501. Title.

34 This subchapter shall be known and may be cited as the "Parent-Child
35 Intrastate Relocation Act".
36



1 9-13-502. Definitions.

2 As used in this subchapter:

3 (1) "Change of principal place of residence of a child" means a
4 change of residence of a child whose custody has been determined by a prior
5 court order with the intent that the child will reside at the residence for
6 more than 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 where the child has
18 resided with a custodial parent for six (6) consecutive months; or

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

22
23 9-13-503. Limitations.

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

25
26 9-13-504. Petition to relocate.

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

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

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

34 (b) A petition to change the principal place of residence of a child
35 filed by the relocating custodial parent shall include the following
36 information, if known:

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

3 (2) The mailing address of the intended new principal place of
4 residence of the child, if not the same as the street address;

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

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 appropriate; and

15 (8) A warning notice to the nonrelocating parent that unless the
16 nonrelocating parent makes a formal written objection to the court concerning
17 the petition to change the principal place of residence of the child within
18 thirty (30) days of receipt of the notice the petition may be granted by the
19 court.

20 (c) Notice of the petition to change the principal place of residence
21 of the child shall be given by the relocating custodial parent to the
22 nonrelocating parent in accordance with the Arkansas Rules of Civil
23 Procedure.

24 (d) The relocating custodial parent has a continuing duty under this
25 section to provide the information required under subsection (b) of this
26 section to the court and the nonrelocating parent as that information becomes
27 known.

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

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

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

36

