

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

# A Bill

HOUSE BILL 1828

5 By: Representative Lowery  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE PARENT-CHILD INTRASTATE  
9 RELOCATION ACT; TO AMEND THE LAW CONCERNING WHETHER  
10 OR NOT A CHANGE OF PRINCIPAL PLACE OF RESIDENCE OF A  
11 CHILD IS IN THE BEST INTEREST OF THE CHILD; AND FOR  
12 OTHER PURPOSES.  
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## Subtitle

15 TO CREATE THE PARENT-CHILD INTRASTATE  
16 RELOCATION ACT; AND TO AMEND THE LAW  
17 CONCERNING WHETHER OR NOT A CHANGE OF  
18 PRINCIPAL PLACE OF RESIDENCE OF A CHILD  
19 IS IN THE BEST INTEREST OF THE CHILD.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an  
26 additional subchapter to read as follows:

27 Subchapter 5 – Parent-Child Intrastate Relocation Act  
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29 9-13-501. Title.

30 This subchapter shall be known and may be cited as the “Parent-Child  
31 Intrastate Relocation Act”.  
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33 9-13-502. Definitions.

34 As used in this subchapter:

35 (1) “Change of principal place of residence of a child” means a  
36 change of residence of a child whose custody has been determined by a prior



1 court order with the intent that the child will reside at the residence for  
 2 more than forty-five (45) days; and

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

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

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

9 (C) In the absence of a court order or an express  
 10 agreement in written form by the parents of the child determining the  
 11 principal place of residence of the child, the principal place of residence  
 12 of the child is as follows:

13 (i) The place of residence where the child has  
 14 resided with a custodial parent for six (6) consecutive months; or

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

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 19 9-13-503. Limitations.

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

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 22 9-13-504. Petition to relocate.

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

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

27 (2) The intended new principal place of residence of the child  
 28 is more than seventy-five (75) miles from the current principal place of  
 29 residence of the child.

30 (b)(1) A petition to change the principal place of residence of a  
 31 child filed by the relocating custodial parent shall include the following  
 32 information, if known:

33 (A) The intended new principal place of residence of the  
 34 child, including the specific street address;

35 (B) The mailing address of the intended new principal  
 36 place of residence of the child, if not the same as the street address;

1                   (C) The telephone number or numbers at the new principal  
2 place of residence of the child;

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

5                   (E) The date of the intended change of principal place of  
6 residence of the child;

7                   (F) A statement of the specific reasons for the proposed  
8 change of principal place of residence of the child;

9                   (G) A proposal for a revised schedule of custody of or  
10 visitation with the child, if appropriate; and

11                   (H) A warning notice to the nonrelocating parent that  
12 unless the nonrelocating parent makes a formal written objection to the court  
13 concerning the petition to change the principal place of residence of the  
14 child within thirty (30) calendar days of receipt of the notice the petition  
15 may be granted by the court.

16                   (2) A petitioner who petitions the court to change the principal  
17 place of residence of a child shall request within his or her petition that  
18 the information listed in subdivisions (b)(1)(A)-(H) of this section be  
19 sealed by order of the court, otherwise the information listed in  
20 subdivisions (b)(1)(A)-(H) of this section shall be redacted for purposes of  
21 maintaining confidentiality of sensitive information.

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

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

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

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

34                   (2)(A) Nonrelocating parent who is entitled to joint custody of  
35 or visitation with the child does not object to the petition within thirty  
36 (30) days of the date on which he or she receives notice of the petition and

1 proper service has been verified and entered into the record of the court.

2 (B) A nonrelocating parent who is incarcerated shall have  
3 sixty (60) days to object to the petition.

4 (f) This section applies only to a case in which the court has  
5 awarded:

6 (1) Joint custody of a child to both parents; or

7 (2) A noncustodial parent visitation with a child.

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9 9-13-505. Burden of proof and factors to consider – Change of  
10 principal place of residence.

11 (a)(1) The relocating custodial parent has the initial burden of  
12 proving by a preponderance of the evidence that the change of principal place  
13 of residence of the child is in the best interest of the child.

14 (2) If the relocating custodial parent meets his or her burden  
15 of proof, the nonrelocating parent has the burden of proving that the change  
16 of principal place of residence of the child is not in the best interest of  
17 the child.

18 (b) The court may consider all relevant factors when determining  
19 whether or not a change of principal place of residence of the child is in  
20 the best interest of the child.

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